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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY DEBATES

(HANSARD)

Monday 30 January 2023

HIS MAJESTY'S GOVERNMENT

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THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE SECOND SESSION OF THE FIFTY-EIGHTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 19 DECEMBER 2019]

FIRST YEAR OF THE REIGN OF
HIS MAJESTY KING CHARLES III

SIXTH SERIES **VOLUME 727**

FOURTEENTH VOLUME OF SESSION 2022-2023

House of Commons

Monday 30 January 2023

The House met at half-past Two o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

AUKUS Submarines

2. **Steve McCabe** (Birmingham, Selly Oak) (Lab): Whether he is taking steps to ensure that AUKUS submarines are built in the UK. [903329]

The Secretary of State for Defence (Mr Ben Wallace): I am meeting my Australian counterpart this week to discuss a range of defence issues. The UK is one of the few countries in the world that can design and build nuclear-powered submarines. Developing that capability represents a major undertaking for Australia, and experience suggests that collaboration is often necessary to develop complex platforms. I am optimistic that UK industry will benefit from such collaboration.

Steve McCabe: I am grateful to the Secretary of State for that answer. He will be aware that when the former Prime Minister made his statement on the AUKUS deal back on 15 September 2021, he was emphatic that the deal would lead to hundreds of highly skilled jobs in Scotland, the north of England and the midlands. When does the Secretary of State think that those jobs will be created, and can he give me any idea about the specific locations?

Mr Wallace: We also said at the time that there would be an 18-month study programme where we work out both design and work share for this submarine. That is drawing to a close. We are waiting for the Australian Government to make their decision on what AUKUS looks like. Given the amounts of money that Australia will be spending on this enterprise, the need for international collaboration and the fact that both Barrow-in-Furness and Faslane are global centres of excellence that will help to deliver on that deal, I am confident that all those statements will turn out to be exactly as they were made. Let me give the hon. Gentleman some indication of this: we are already increasing the number of jobs in Barrow, from 10,000 people to 17,000, in order to fulfil both the Dreadnought programme—the nuclear deterrent—and the next generation of Britain's attack submarines.

Simon Fell (Barrow and Furness) (Con): I thank my right hon. Friend for the considerable effort that his Department, the Government and the Navy have put into securing this important agreement. It was heartening to see the presence of representatives from the Royal Australian Navy and also the Australian Government at the commissioning of HMS Anson, and to hear the announcement that Australian submariners will be training on that vessel, too. With that in mind, does my right hon. Friend agree that this agreement is crucial to securing a new geo-political and strategic agreement with Australia, the UK and the UK on areas such as subsea and cyber to keep us safe?

Mr Wallace: Barrow-in-Furness, Devonport and Faslane are key components in delivering our nuclear submarine capability and can almost not be replicated around the world. It is very important that we recognise our speciality and skills. When Australia chose to go for nuclear submarines as an option, it did so because it recognised

that there were about five countries on earth that could do this, and that it was important if it wanted to retain a strategic edge in the Pacific and its part of the world against any future adversaries. We know that: that is what we did for the past 70 years in the Atlantic alongside our American friends. I am delighted that Australia is joining that programme.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): The AUKUS deal was supposed to be the defining agreement of the Indo-Pacific tilt, which this Government said in the Integrated Review—I am sure that the Secretary of State remembers this—would make the UK the European partner with the broadest and most integrated presence in the Indo-Pacific. Given today's news and the fact that the combination of historic defence cuts and inflation will make the high hopes of the Integrated Review harder to fulfil this time, will the Secretary of State inform the House whether it will still be the UK's aim to be the European partner with the broadest and most integrated presence in the Indo-Pacific?

Mr Wallace: The hon. Gentleman is right to ask those questions. It is still our ambition. So far, two of the planks of AUKUS are already in place, and we will be seeing the full details of that. It is no mean undertaking to commit to helping another country build that capability and be engaged in its training and deployment. That is a very deep and enduring deal. The investment of the United States in joining with us all those decades ago has lasted 70 years—that is a tilt on any basis—but we also had a carrier strike group on a visit only two years ago. That has continued, and we plan for another one in 2025.

Andrew Bridgen (North West Leicestershire) (Ind): More broadly, what steps is my right hon. Friend's Department taking to further strengthen and broaden the AUKUS alliance?

Mr Wallace: The second pillar of AUKUS includes things such as artificial intelligence, hypersonics, cyber and all sorts of other technologies that are critical not only to complement the deployment of submarines, but to further engage our collective security. Those are technologies that are rarely shared between nations, but the United States recognises that, in order to face up to the challenges till the end of this decade, we need to make sure that we both share our industries and that we have protection from each other's markets to make sure that we not only share, but get to sell into them as well, which is quite important.

Mr Speaker: I call the shadow Secretary of State.

John Healey (Wentworth and Dearne) (Lab): This week, like the Secretary of State, I will be meeting the Australian Defence Minister and discussing AUKUS with him. I want him to know that, while there may be a change of UK Government at the next election, there will be no change in Britain's commitment to AUKUS. If done well, this pact could deepen our closest alliances, strengthen security in the Indo-Pacific and bring game-changing investment to Britain. What priority has the Defence Secretary given to building the first subs here, and when will the build plan be announced?

Mr Wallace: I welcome the right hon. Gentleman's support for AUKUS and I note his point on a Government, though of course there will be no complacency from the Labour party; I hope they will not repeat what happened once in the 1990s. The reality is that AUKUS makes good security sense, and those on this Labour Front Bench recognise good global security, even if those on the last one did not. His questions are a matter for the Australians, who ultimately will make the decisions and are the customer in the sense of where they spend the Australian taxpayer's money. We have of course contributed to the discussion and offer, but Australia will have to make a decision about time and how quickly it wants the capability, how much it wants to build in Australia and what is the right fit for its ambition: Britain or the United States' existing fleet. I suspect that will come some time in March, if not in February, and I am happy to keep him up to date. We have put in a good proposition, and I am delighted he is meeting his counterpart, because our relationships matter.

Memorandum of Understanding: MOD and League Against Cruel Sports

3. **Daniel Zeichner** (Cambridge) (Lab): For what reasons he ended the memorandum of understanding between his Department and the League Against Cruel Sports. [903330]

The Secretary of State for Defence (Mr Ben Wallace): The Ministry of Defence, as the UK's biggest landowner, is delighted to welcome a range of people to use the land, including walkers, mountain bikers and riders; as long as they use the land responsibly, they are welcome on it. No one, however, should receive special treatment.

Daniel Zeichner: There was a memorandum of understanding that facilitated the monitoring of trail hunting on the Department's land. Sadly, trail hunting is sometimes used as a smokescreen for illegal hunting, and the Defence Infrastructure Organisation has recorded incidents of foxes killed on Ministry of Defence land and the threatening conduct of some hunt staff. Can the Secretary of State tell us whether he was aware of the serious concerns in the DIO over the behaviour of hunts licensed in his name, and what advice was given by officials?

Mr Wallace: I am glad the hon. Gentleman has raised the MOU, which was put in place without any announcement to Parliament or any informing of Members of this House. It was not even put in the Library, as would normally happen for a change of policy by any Government. It was obviously disturbing to discover that the policy existed and gave special treatment to one group of users. I am sure he does not want people to have special treatment; I think everyone has a right to use that land that way. The policy also coincided with a large donation to the Labour party at the turn of the century from a whole group of those animal rights people. It is corrupt, Mr Speaker, that is what it is: a policy unannounced to this House after a funding donation to one political party, and now they are asking for special treatment. Everyone should respect each other in how they use that land. Having now investigated even further, I am aware that there are plenty of complaints from other sides, although this is not about sides; it is about whether one group gets special treatment.

MOD Expenditure: Official Development Assistance

4. **Patrick Grady** (Glasgow North) (SNP): What proportion of his Department's expenditure in (a) Ukraine and (b) other countries he plans to classify as Official Development Assistance in (i) this and (ii) the next financial year. [903331]

The Minister for Armed Forces (James Heappey): None.

Patrick Grady: In that case, I do not expect that the MOD will be taking any credit for the work that the conflict, stability and security fund does. The reality is that over the years, the Government have made a habit of double-counting spending to both the ODA target and the NATO 2% defence target—and of course the Home Office is busy raiding the ODA budget every chance it gets. Does that not do a disservice to what both the NATO 2% target and the ODA target are supposed to achieve?

James Heappey: The connection to the NATO target is somewhat tenuous, but there is a pattern to the hon. Gentleman's questions. I think this is the fourth time he has asked this in oral questions, and he ask asked it in a number of written questions as well. I also think his point is principally aimed at colleagues in the Foreign Office and Treasury, but if he would like to meet MOD officials to discuss once and for all the MOD's plans for the use of ODA, I would be very happy to facilitate such a meeting.

Mr Speaker: I call the Chair of the Defence Committee.

Mr Tobias Ellwood (Bournemouth East) (Con): Speaking of budgets and Ukraine, may I invite the Minister to respond to comments from the United States—our closest security ally—which tally with the Defence Committee's findings that the conflict in Ukraine has exposed serious shortfalls in the war-fighting capability of the British Army? This is not about the professionalism of individuals, units or formations; it is about overall combat strength and the equipment they use, as well as the ability to meet increasing demands caused by the deteriorating threat picture.

James Heappey: I am not sure that the United States has said anything about the official development assistance budget recently, but if you will indulge me, Mr Speaker, that is a wider point of news—*[Interruption.]* Thank you. Everybody is clear, and the Secretary of State has said many times—as have I and other ministerial colleagues—that serial underinvestment in the Army over decades has led to the point where the Army is in urgent need of recapitalisation. The Chancellor and the Prime Minister get that, and there is a Budget coming.

British Shipbuilding

5. **Stephen Hammond** (Wimbledon) (Con): What steps his Department is taking to support British shipbuilding. [903332]

8. **Bob Blackman** (Harrow East) (Con): What steps his Department is taking to support British shipbuilding. [903337]

The Secretary of State for Defence (Mr Ben Wallace): The national shipbuilding strategy and the National Shipbuilding Office are supporting our ambition to grow the UK shipbuilding enterprise and support UK jobs. Five new Type 31 frigates being built in Rosyth will support more than 1,000 UK jobs. The fleet solid support contract will deliver £77 million of investment, and create more than 1,200 jobs in UK shipyards and many more across the UK supply chain.

Stephen Hammond: I thank my right hon. Friend for that encouraging answer. He will know that offshore support vessels will be required for the Crown Estate offshore wind arrangements, for which licences are due to be tendered. Can he do anything to ensure that those vessels are made in the UK?

Mr Wallace: First, it is predominantly a matter for private companies or indeed non-Government departments to choose how and why to buy those vessels. But of course, to encourage more UK shipbuilding, we announced in the shipbuilding strategy last year the home shipbuilding credit guarantee scheme, which is there to help counter what seems to be a perverse incentive whereby other countries' export credits encourage British companies to build abroad. We have been working closely on this with the Department for Business, Energy and Industrial Strategy, and I hope that we will be able to announce more details soon.

Bob Blackman: I thank my right hon. Friend for his answer thus far. Clearly, as we replace ageing ships and increase the size of the Navy, it is important that we ensure that those ships are built in Britain rather than abroad. What measures will he take to ensure that there is a long-term plan so that our shipbuilders can plan for the future?

Mr Wallace: I point my hon. Friend to the national shipbuilding strategy, which puts in place lots of measures, such as the home shipbuilding guarantee scheme and export credits for foreign buyers, as well as a skills plan, a "yards for the future" plan, which is about what a modern yard should look like and whether we can compete with European yards that have already beaten us to too many contracts, and a shipbuilding pipeline. That is an incredibly important indicator to the industry that there is a long-term pipeline to come through. It is also important to recognise that if we are going to be as successful as we are in the aerospace industry, we will need export, and if we are to export to other markets, we have to recognise that international collaboration is also part of the process. Do I think that Australia and Canada would have bought our Type 26s if we had said, "No way, you are only having 'British' on it"? No, and all our supply chain would have suffered as a result.

Mr Toby Perkins (Chesterfield) (Lab): Notwithstanding what the Secretary of State has said, we know that many aspects of the shipbuilding industry feel that our Government have been less supportive of them than some of our competitor nations around the world. If the Government continue to award contracts under which large proportions of the work are completed abroad, will that not undermine the British shipbuilding industry? Will the Secretary of State say something more about how we can ensure that more of these ships are built by UK shipbuilding firms?

Mr Wallace: I really urge the hon. Gentleman not to listen to the propaganda and claptrap of the union leadership. I recently went to Belfast and to Appledore and met the local unions and do you know what? They do not agree with their leadership's statements and rather bizarre propaganda. Fundamentally, the fleet solid support ships will be entirely put together, and nearly two thirds built or supplied, through the UK. At the same time, we are getting £77 million of investment into the yards to modernise them so that they can compete. For too long, our yards have not won contracts, whether Government or private, because we have found that the big prime contractors have not invested in modernising the skills in the yards. When I meet the workforce, whether in Govan or elsewhere, they say that they want to be invested in.

Mr Speaker: Secretary of State, we have got to get through all the questions, not just the first ones.

Feryal Clark (Enfield North) (Lab): I refer the House to my declaration in the Register of Members' Financial Interests. As a proud member of the NATO Parliamentary Assembly, I have been lucky enough to visit some of our fellow NATO Parliamentary Assembly members, such as the US and Spain, which take huge pride in their buoyant shipbuilding sectors. The Secretary of State talks about the ships being put together in this country. With contracts being awarded outside the UK, or a large portion of them being completed abroad, how does he expect to keep investment in the UK—

Mr Speaker: Order. I am sorry, it is not fair to everybody else. I am bringing you in on a supplementary; it does not mean you can take all day. Try to answer it, Secretary of State.

Mr Wallace: I can guess the memo that was sent from the union to the hon. Lady about what to ask. The reality is that unless we invest in our shipbuilding industry and unless we collaborate internationally, we will not have a shipbuilding industry. We tried it the other way, and it did not work. We have to build collaboratively. In the aerospace industry, including in Lancashire, where you and I are from, Mr Speaker, we have the Typhoon aircraft, which is an international collaboration and a world-beating success, employing tens of thousands British people.

Mr Speaker: I call the Opposition spokesperson.

Chris Evans (Islwyn) (Lab/Co-op): In an answer to my written parliamentary question on 26 January 2023, the Minister for Defence Procurement, the hon. and learned Member for Cheltenham (Alex Chalk) said that the Type 32 frigates are

"a key part of the future fleet".

In the National Audit Office report on the equipment plan, it reported that

"Navy Command withdrew its plans for Type 32 frigates…because of concerns about unaffordability."

How can Type 32 frigates be a key part of the future fleet if there are question marks around their affordability?

Mr Wallace: That is because the Type 32 frigate will not come in until after 2030 or 2031, because it will come after the Type 31s, which are being constructed in Rosyth as we speak. What the Type 32s are going to be, how they will be designed and who will build them is obviously a matter for between now and towards the centre of the decade. Even if the hon. Gentleman gets into government, no Treasury will give a budget for seven years forward, so it is important to make sure that we do not sign on the dotted line before we have the budget in line. It is absolutely the intention of the Royal Navy to have more frigates and destroyers, including the Type 32.

Military Procurement Standards

6. **Mr David Davis** (Haltemprice and Howden) (Con): What steps his Department is taking to improve military procurement standards. [903335]

The Secretary of State for Defence (Mr Ben Wallace): Defence procurement is some of the most complex in government, but our defence and security industrial strategy represents a step change that will see industry, Government and academia working closer together, while fundamentally reforming regulations to improve the speed of acquisition and to incentivise innovation and productivity. Our acquisition reforms will drive pace and agility into procurement to improve delivery.

Mr Davis: I very much agree with the Secretary of State on the need for increased defence expenditure if we are to remain a tier 1 power. Nevertheless, in every one of the past 21 years, the National Audit Office and the Public Accounts Committee have criticised the MOD's procurement of equipment, poor identification of military needs, poor quality of equipment, slow delivery of projects, an inability to control costs and a corporate culture too traditional and resistant to change. Those are just some of the criticisms. Does he agree that we need to put those issues right if we are to be a tier 1 power?

Mr Wallace: I absolutely agree. First, that is why for the second year in a row, and nearly for a third, under my stewardship the Ministry of Defence will come in on budget or under budget—the first time in decades—to make sure that we live within our means. Secondly, it is also important to point out that it is always a challenge for any Secretary of State for Defence that the Treasury likes to deal in one, two, three or four years. Some of the programmes we are talking about, such as the Type 31 or the future solid support ship, are decades-long, and in that long process of complexity, threat changes, technology changes and inflation changes, and indeed there are all the challenges around. If we are going to have Governments investing in long-term infrastructure, whether civil or military, it is important to understand that long-term investment has a different risk profile. If we do everything year by year, we will always end up in a similar position.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): The Secretary of State will be aware of growing concerns about the impact of delays and the management of defence programmes on our defence readiness. What specifically is he doing to ensure that the UK will meet our UK NATO obligations in full?

Mr Wallace: We are still on track to maintain above 2% of GDP on defence spending, if that is the obligation to which the hon. Lady is referring. It is important, as

colleagues have pointed out, to make sure we get good value for money. It is also important that we try to deliver on time. Some programmes are on time, and 85% of defence programmes do come on time—the major collaborative ones and the major complex ones over long terms are often the ones that cause us problems. We need to improve that and make sure we do not over-spec. We also need to make sure that, where possible, we collaborate and improve internal mechanisms that often hold things up.

Mark Pritchard (The Wrekin) (Con): The UK has some of the highest defence procurement standards in the world, and I am glad that the Government are seeking to drive them up still further under my right hon. Friend's leadership. When co-operating with our international friends, allies and partners—particularly Ukraine—does he agree that it is vital that they have similar levels of transparency in their defence procurement to maintain public confidence and support for Ukraine?

Mr Wallace: It is important, across the international community, that the public get a sense of where all our donations are going and how they are being used. On a recent visit, I met Ukrainians and other international partners to ensure that we put in place some form of assurance, so that we know where what we are sending is going, because soon the public will rightly say, "What is happening to it?" It is also important to recognise, as Ukraine has shown, that supply chains, whether domestic or multinational, have to be supported to ensure that we can surge them at times of need, rather than having to blow the dust off them and it taking months or years to reopen them.

John Spellar (Warley) (Lab): As the Secretary of State has indicated, Ukraine has made it graphically clear that long-term ordering is vital to the defence industry and to maintaining capacity in machinery and manpower. Does he therefore accept that the failure to place orders for new nuclear submarines between 2010 and 2016, even though there was a clear majority in the House for doing that, was a major strategic error?

Mr Wallace: I am grateful to the right hon. Gentleman. I will do a deal with him if he admits that that is not the only example: we have all made strategic errors in our defence policies in the last two decades, because the Treasury has worked in the short term, so we have hollowed out the company. Government after Government have wanted more but have not wanted to fund it—his Government were no different, as I know, because I was serving in the Army under them.

Mr Mark Francois (Rayleigh and Wickford) (Con): The Ajax programme has been so controversial that the Secretary of State personally commissioned an independent review by Clive Sheldon KC into the flow of information surrounding it. Has he yet received that report? When does he intend to publish it? Can he promise the House that he will do so in full and unredacted?

Mr Wallace: I am informed by the Minister for Defence Procurement that the report is coming imminently, which I hope means in a few weeks, not months. I will read it and then, of course, I will make sure that, at the very least, the findings are shared with the House. I am happy to have a discussion with the Defence Committee about how much we can share with it, subject to any security concerns.

The good news is that Ajax is now starting the next phase of trials. As I have always said, I am determined to fix that troubled programme. We are now on the way to getting it through the next most important trials, after its having passed its user viability trials up to Christmas. I am trying to fix that programme and get it delivered. At the same time, I am delighted to learn the lessons.

Dan Jarvis (Barnsley Central) (Lab): The MOD procured services to administer defence housing and accommodation. It is now more than a month since my urgent question, when the Minister for Defence Procurement said:

"VIVO, Amey and Pinnacle are, I know, in no doubt about Ministers' profound dissatisfaction at their performance."—[*Official Report*, 20 December 2022; Vol. 725, c. 144.]

Since then, there have been more cases of poor repair and poor service. Can the Secretary of State say, specifically with regard to defence accommodation, whether the procurement process is fit for purpose and whether he has confidence in the current providers?

Mr Wallace: It is a timely question from the hon. Gentleman. This weekend, I looked at the different options for finding compensation or recompense from the providers in the first place. I get a weekly update on individual cases and how many cases are in the queues. In some areas, they have made progress and their progress is comparable or better than the private sector, but there is still work to be done. I am most concerned about mould and dampness; we have seen some success around heating. We expect a better service, however, and the Minister for Defence Procurement meets the providers regularly. It is important to note that we will keep their contracts under review and, if we do not get a better standard, I will take other steps.

Mr Speaker: I call the shadow Minister.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): The question asked by my hon. Friend the Member for Barnsley Central (Dan Jarvis) is a good one, because the Government's failure on defence procurement is not limited to weapons and ammunition. We need only to speak to people in defence housing with leaky roofs, black mould and broken boilers to realise that defence procurement is failing the people who serve in our military and their families. Last year the MOD paid £144 million to private contractors to maintain service families' accommodation, yet many homes are still awaiting repairs and not getting the service that they deserve. One of the Secretary of State's Ministers has admitted that these contracts do not represent value for taxpayer money, so why did the MOD sign them in the first place, and when will he be able to tell all our troops that they have a home fit for heroes?

Mr Wallace: We always want our homes to be fit for the men and women of our armed forces. I distinctly remember my time in Germany, and indeed in the UK, when the service was in-house, and I can assure the hon. Gentleman that there were issues with living under a standard of home then, which in some cases were worse. We have been monitoring to make sure that we get these reports answered. It was interesting that the start point

of some of the problems was a lack of manning of the helpline at the very beginning—people were ringing up at Christmas and almost no one was there—and then having to work through the whole process. We are trying to do more. We will hold the providers to account and take financial action or whatever against them if we have to do so; I am not shy about doing that. We will try to seek compensation for the people suffering and to improve what is happening. However, in some areas, waits over five days are getting better. That is the first point; we are getting closer.

Mr Speaker: I call the Scottish National party spokesperson.

Dave Doogan (Angus) (SNP): Multiple major procurement projects for which the Submarine Delivery Agency is responsible are late or over budget, or often both. Taxpayers are used to the concept of bonuses, but in the real world these bonuses are linked to performance. Those same taxpayers are haemorrhaging billions of their hard-earned taxes on the demonstrable failures of the MOD, not least those of the SDA. How can the Secretary of State justify giving six-figure bonuses to executives of failing MOD agencies? On the eminently reasonable supposition that he cannot defend the indefensible, what will he do to rectify those incoherent remuneration packages going forward?

Mr Wallace: The payments represent a number of new appointments that we have made and that we are turning around the Submarine Delivery Agency to improve availability. One area of deep concern has been the consequences of the hollowing out over the decades of maintenance and the availability of dry docks and other things in places such as Devonport which allow us to make sure that submarines are maintained in time to achieve better availability. The work is going well. It is important sometimes to change the workforce and ensure that we get the best, capable people possible to turn things around. I am confident that the new team are able to do that, and I am looking forward to seeing the results.

Veterans UK and Veterans Welfare Service

7. **Robin Millar** (Aberconwy) (Con): What steps (a) Veterans UK and (b) the Veterans Welfare Service are taking to support veterans. [903336]

17. **Ms Marie Rimmer** (St Helens South and Whiston) (Lab): What steps (a) Veterans UK and (b) the Veterans Welfare Service are taking to support veterans and their families. [903346]

The Minister for Defence People, Veterans and Service Families (Dr Andrew Murrison): On Thursday I had the great pleasure of visiting Lancashire and in particular Veterans UK at Norcross. I met some really great people who provide a range of support to our veterans. One of the biggest impediments to progress is around data. Consequently, we are putting £40 million into a transformation programme that will digitise our existing processes, enabling our staff to provide more effective and efficient support to our personnel and veterans and substantially improve their experience.

Robin Millar: Our veterans and their families have made an invaluable contribution to securing our freedoms and our nation, but broadly only about a quarter are in receipt of a pension that entitles them to support from the veterans advisory and pensions committees across the UK. First, will the Minister join me in paying tribute to the work of VAPCs in supporting veterans? Secondly, will he support my private Member's Bill on 24 February, which seeks to extend their remit and expand the cohort of veterans to whom they can offer assistance?

Dr Murrison: I am very grateful to my hon. Friend. VAPCs provide a wonderful and unsung service, as did the war pension committees before them. Of course I look forward to 24 February, and I will give his Bill my wholehearted support.

Ms Rimmer: Those prepared to make the ultimate sacrifice to keep our country safe should not have to rely on benefits to get by. How does the Minister plan to help veterans reliant on universal credit to acquire the skills they need to access well-paid employment?

Dr Murrison: The hon. Lady will be aware of the career transition partnership. She will be aware too of the special arrangements for veterans who are unfortunately ill or injured to get them into civilian life in a seamless way and provide them with the skills they need for the rest of their lives. It is important to understand that all servicemen and servicewomen are civilians in waiting. They all return to the communities from which they are drawn, and throughout their careers they have preparation to enable them to do so in as seamless a fashion as possible with the skills that they need.

James Sunderland (Bracknell) (Con): The Minister will know that the all-party parliamentary group on veterans is currently running a survey of the experience of veterans across the UK when claiming compensation, war pensions and other fiscal support from Veterans UK. That survey closes tomorrow. Will he please agree to meet me to discuss its findings and, depending on what they are, will he also agree in principle to any measures that better assure the outputs of Veterans UK?

Dr Murrison: I am grateful to my hon. and gallant Friend for his chairmanship of the all-party parliamentary group on veterans and for the survey that he has undertaken. I am very much looking forward to the results of that survey. He will be aware that the MOD does a variety of surveys and canvassing, to ensure that we are giving our serving personnel and our veterans and their families what they need to pursue their careers and to ensure that their lived experience is positive. I am very much looking forward to what his group has to say, and of course I will meet him.

Andrew Gwynne (Denton and Reddish) (Lab): The Minister will know and appreciate that mental ill health disproportionately affects veterans and their families. The cost of living crisis is putting even more pressure on access to mental health services, according to veterans' charities. The Labour party has committed to a £35 million investment in veterans' mental health. I ask this sincerely of the Minister: will he match that?

Dr Murrison: First, I have to correct the hon. Gentleman. He is not right to say that veterans, or indeed defence personnel, are more likely than the general public to

suffer from mental health problems. The reverse is the case. However, it is absolutely essential that we do all in our power to promote the mental health of our men and women. That is absolutely right, and he will be aware of a number of projects, including Op Courage and throughout peoples' careers, to promote their mental health. We will continue to do that, but he needs to understand that defence is a positive experience for the vast majority of people who experience it.

Mr Speaker: I call the shadow Minister.

Rachel Hopkins (Luton South) (Lab): The initial headline findings of the independent review of the armed forces compensation scheme state that

"the process is overly burdensome and even distressing for the claimant due to unreasonable timeframes and a lack of transparency."

That is but one of a number of concerns raised about the compensation scheme, all of which veterans across the country have been telling us about for a long time. Veterans, who have made huge sacrifices to keep our country safe, deserve far better from this Government. Can the Minister tell the House when the full report will be published and what he is doing to ensure its findings will be acted upon swiftly?

Dr Murrison: The hon. Lady is referring to the quinquennial review, which has published its interim findings and will publish its definitive report in the spring. She is right to highlight some of the findings of that report in its interim form, and of course we will take into account all of those—*[Interruption.]* If the hon. Lady will allow me, we will take into account all of those in the spring, when the report is published. One of those things is to ensure that the system is less adversarial than it has previously been, but we have to understand that a lot of the delay is baked in because of the need to obtain proper, full, comprehensive medical reports.

Type 32 Class Frigate

10. **Sir Edward Leigh** (Gainsborough) (Con): What progress his Department has made on the development of the Type 32 class frigate. [903339]

The Minister for Defence Procurement (Alex Chalk): The Type 32 programme began the concept phase on 21 September 2022 and will seek to deliver an outline business case in spring 2024. The programme and procurement strategy will be decided following the concept phase, in the normal way.

Sir Edward Leigh: Further to the earlier exchange between the Secretary of State and the shadow Minister, the hon. Member for Islwyn (Chris Evans), can the Minister confirm that, although this Type 32, so called, will not, as I understand it, come on stream until 2030, the Government are fully committed to having an ongoing warship programme and that, whether we call it the 31A, the 32 or whatever, we remain committed to renewing the Royal Navy's capability after 2030?

Alex Chalk: Yes, and last week I had the pleasure of being in Rosyth, where steel was being cut in respect of the Type 31, which is an affordable frigate that can be configured for the mission, whether that is a humanitarian mission, a war-fighting mission or an anti-piracy mission. That flexibility is exactly what we want from our frigates, and we want them to ensure that there is a pipeline into the future.

Ukraine: International Response

11. **Aaron Bell** (Newcastle-under-Lyme) (Con): What steps his Department is taking to progress the international response to Russia's invasion of Ukraine. [903340]

The Minister for Armed Forces (James Heappey): The UK, our allies and partners are responding decisively to provide military and humanitarian assistance to Ukraine. The UK has led the world with the gifting of modern main battle tanks to Ukraine, and we are engaging international partners through a co-ordinated military and diplomatic effort. My right hon. Friend the Secretary of State for Defence should take some personal credit for that, because at every turn throughout the past year he has sought to understand what the Ukrainians would need next and rallied support across Europe and beyond in that gifting.

Aaron Bell: I concur with my right hon. Friend that we have shown the way on Ukraine. We have consistently been at the forefront. He mentioned battle tanks; it was our announcement that set the precedent that enabled our allies to make their announcements last week. In the same vein, will my right hon. Friend confirm that we will continue to lead the way on support for Ukraine by pushing our allies to match our commitment to send as much, or more, military aid to Ukraine this year as we sent last year?

James Heappey: The Government have already committed the same amount of money for this year as it did for last year, so in that sense the job is already done. Of course, how this year's money is used will depend very much on what is going on on the ground. That is the most important part of the gifting programme. The relationship between the UK and Ukraine is now so strong that we are able to discuss very candidly each other's plans and make sure that we support Ukraine every step of the way.

Dame Nia Griffith (Llanelli) (Lab): We heard before Christmas that the Government had finally signed a contract to replenish NLAWs—next-generation light anti-tank weapons—but, in order to ensure that we can continue to be a leader in the international effort in Ukraine, how many other contracts have been signed to replace the consumable military aid that has been sent to Ukraine?

James Heappey: High-velocity missiles have already been placed on contract. Many of the other systems that have been donated were already in the process of being updated and were gifted when they were coming to the end of their life within our current inventory, and thus would not be expected to be placed on contract because they are part of a routine procurement process.

Mr Speaker: I call the SNP spokesperson.

Dave Doogan (Angus) (SNP): Much of the international support that is going to Ukraine will be deployed to defend Ukrainians against the barbarity of the Wagner Group private militia. Will the Minister explain to the UK's allies why the UK Government made available the frozen assets of Wagner's leader, Yevgeny Prigozhin,

in order that he could take out a case against a British journalist? Given this inexplicable accommodation, will the Minister confirm whether this Tory Government roll out the red carpet exclusively for Russian warlords? Or is it an inclusive UK service, available to war criminals everywhere?

James Heappey: The presence of Wagner on the frontline in the Donbas is clearly a reflection of just how bad things have got for Putin and the Russian armed forces—so bad that a mercenary group that recruits from prisons is required. As for the substantive part of the hon. Gentleman's question, it sounds like that might be a question for my Treasury colleagues; I will make sure that they write to him with an answer.

Defence Technology

12. **Greg Smith** (Buckingham) (Con): What steps his Department is taking to develop innovative defence technology. [903341]

18. **Gareth Davies** (Grantham and Stamford) (Con): What steps his Department is taking to develop innovative defence technology. [903347]

20. **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): What steps his Department is taking to develop innovative defence technology. [903349]

The Minister for Defence Procurement (Alex Chalk): The Ministry of Defence works closely with British industry and academia, including small and medium-sized enterprises, to identify and invest in innovative technologies that address our most pressing capability challenges, as well as publishing our future priorities to incentivise investment. We are already testing and deploying these technologies.

Greg Smith: The best innovation is not necessarily the preserve of the giant players in the sector but can be found among smaller enterprises such as those at the Westcott Venture Park in my constituency, including Flare Bright's development of autonomous drones for flight in global navigation satellite system-denied areas. Will my hon. and learned Friend assure me that when it comes to the development of new defence innovations, such smaller, dynamic enterprises are as valued to his Department as the more traditional big beasts?

Alex Chalk: My hon. Friend is absolutely right: a lot of innovation does indeed come from agile SMEs, which is why the MOD's SME action plan is firmly aimed at improving access for SMEs to work right through the defence supply chain. Indeed, the MOD has a target that 25% of its procurement spend will go directly and indirectly to SMEs—that is up from around 16% in 2016. The latest figures I have seen show that we are at 23% already. We are on the right path but there is further to go.

Gareth Davies: The Tempest fighter jet and the Challenger 3 are examples of the Government's commitment to giving our forces good-quality equipment. Does my hon. and learned Friend agree that we must also prioritise the wellbeing of our personnel? One way to do that is to ensure that the quality of their food matches the calibre of their kit.

Alex Chalk: My hon. Friend is of course absolutely right. Ensuring that our service personnel receive good-quality meals is a vital contribution to defence capability, which is why the Ministry of Defence has established a team of subject-matter experts to overhaul and modernise the delivery of defence catering using the findings of the "Delivering Defence Dining Quality" review and the ongoing Army Eats trials to inform change to the total food offer. The trials began in 2020 and the results are expected imminently. They will inform the future of dining for defence.

Mr Speaker: That was served up well!

Stephen Metcalfe: If we want to keep our country safe we need to work with our allies to ensure that we remain at the forefront of the latest developments in defence technology. Will my hon. and learned Friend confirm that our new partnership with Japan and Italy will involve collaborating in areas such as weapons and unmanned aerial vehicles, and not just on fighter jets?

Alex Chalk: The ambition of this truly international programme is principally to deliver a cutting-edge fighter aircraft, providing a credible deterrent to future threats. As my hon. Friend knows, this is a system of systems, and it is likely to include uncrewed aircraft, new sensors, weapons, advanced data systems and secure networks. Those wider capabilities may be developed together with our wider partners, or with our existing partners in that endeavour. We will continue to explore system opportunities between both our core partnership and more widely.

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): Following the recent memorandum of understanding signed by the Royal Air Force and Imperial College London, how do Ministers expect that will impact on the RAF's technological capabilities, particularly around digital and artificial intelligence?

Alex Chalk: Digital and artificial intelligence are central to RAF capability. I was delighted recently to announce that significant investment has taken place in Lincolnshire to ensure that when those aircraft take to the skies, they have the weapons systems but also the battlefield management plans that they require to ensure that they can take the fight to the enemy.

Chinese Armed Forces Training

13. **Richard Foord** (Tiverton and Honiton) (LD): What steps he is taking to prevent former UK armed forces personnel from providing training to the Chinese armed forces. [903342]

The Secretary of State for Defence (Mr Ben Wallace): The National Security Bill contains provisions that will help in prosecuting those who use their knowledge and expertise to train foreign militaries prejudicial to the interests of the UK. In the meantime, while the Bill passes through this House and the other place, we have issued guidance to all defence personnel at risk, and reminded personnel of their obligations to protect sensitive information. That has led to improved reporting of suspicious activity.

Richard Foord: I thank the Secretary of State for that helpful response. Qualified RAF pilots are quitting for better paid jobs that involve training the air forces of other countries, and fixed-wing aircraft have dropped by nearly a quarter since 2017. We learned last week that all the RAF's Hawk jet trainer aircraft have been grounded because of an engine issue. Given that the Government will be in the High Court tomorrow in an effort to justify supplying arms for use in the war in Yemen, what does the Secretary of State have to say to MPs across the House who are concerned about the deployment of RAF personnel to Saudi Arabia in the last couple of months to train the Royal Saudi air force?

Mr Wallace: I have absolutely no problem with supporting our friend and ally in the region, Saudi Arabia. We have done it for decades, and will continue to do so.

Topical Questions

T1. [903353] **Mary Kelly Foy** (City of Durham) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Mr Ben Wallace): Colleagues may have read reports this weekend about activity conducted by the Army's counter-disinformation unit in 77th Brigade. Online disinformation from foreign state actors is a serious threat to the United Kingdom. That is why during the pandemic we brought together expertise from across Government to monitor disinformation about covid. The 77th Brigade is a hybrid unit of regular and reserve personnel that was established in 2015. It delivers information activities as part of broader military effects against hostile state actors and violent extremist organisations based outside the UK. It uses publicly available data, including material shared on social media platforms, to assess UK disinformation trends. It is not to be involved in regulating, policing or even reporting opinion that it may or may not agree with.

Mary Kelly Foy: My constituent, Daniel, was medically discharged from the Army in 2015, yet in September 2022 he was awarded only tariff-10 compensation. He is housebound and fully reliant on his mother, and psychiatrists agree that sadly his condition is permanent. Seven years on, Daniel is still without compensation that reflects the severity of his mental injury. Will the Secretary of State meet me to review that case, and ensure that veterans who suffer psychological injuries are compensated equally with those who suffer physical injuries?

Mr Wallace: I would be delighted to meet the hon. Lady to discuss the case.

T5. [903359] **Robert Courts** (Witney) (Con): I have recently been to see some of the RAF housing in Carterton. Given the mould in homes with children present and the fact that requested repairs are left uncompleted, it sems that the Pinnacle-VIVO partnership is failing military families. What are Ministers doing to hold those companies to account?

The Minister for Defence People, Veterans and Service Families (Dr Andrew Murrison): I am grateful to my hon. Friend for raising that. I know Brize quite well and the accommodation that he referred to. He may be aware that all top level budgets are meant to be assessing their accommodation against the Defence housing standard and will report by the end of the year. In the meantime, he should know that over the next 10 years £1.6 billion will be invested in barracks accommodation to improve some of the truly awful accommodation that, sadly, our men and women have to put up with.

Mr Speaker: I call the shadow Secretary of State.

John Healey (Wentworth and Dearne) (Lab): This month, the Government made important but, again, ad hoc announcements of more military help for Ukraine. We are still waiting for the 2023 action plan of support for Ukraine first promised by the Defence Secretary last August. Will he publish that ahead of the first anniversary of Russia's invasion next month?

Mr Wallace: I totally agree with the right hon. Gentleman that we need to set out a plan. But may I also tell him —I chased this in advance of today's questions following the previous questions—that our donations are not ad hoc? There is a view abroad that they are somehow ad hoc, with the Ukrainians just picking up the telephone. Fundamentally, the donations are set by what happens on the ground, the reaction to Ukrainian defence and how Ukraine needs to adapt. It is not an ad hoc thing; it is a deliberate process, mainly co-ordinated by the United Kingdom and her allies. It is really important to separate that from an overall strategy about announcing to Parliament the different lines of effort that we take to counter Russia.

John Healey: Last week, the Defence Secretary said that the armed forces had faced a

"consistent hollowing out…under Labour and the early Conservative governments".

However, when Labour left government in 2010, the British Army stood at more than 100,000 full-time troops and we were spending 2.5% of GDP on defence. The serious hollowing out has happened since. Who does he think has been in charge over the last 13 years?

Mr Wallace: Mr Speaker, you have only to listen to the veterans on the Government Benches to understand their experience under a Labour Government. Let us remember Snatch Land Rovers and all that awful mess as a result of the Labour Government's investment. The deal here is quite simple: if the right hon. Gentleman wants to be the next Defence Secretary, he should come here and get off his chest the shortcomings of his former Government. I am happy to say that we have hollowed out and underfunded. Will he do the same, or will he hide behind petty party politics?

T6. [903360] **Rob Butler** (Aylesbury) (Con): Last week, I visited His Majesty's naval base Clyde with the armed forces parliamentary scheme. I pay tribute to the remarkable men and women we met there who make up our nation's submarine service. Given that we live in ever more dangerous times, will my right hon. Friend confirm that the Conservative Government remain committed to delivery of the new Dreadnought class of

submarines to be based in Scotland to provide a continuous at-sea deterrent and so protect our United Kingdom for decades?

The Minister for Armed Forces (James Heappey): I am glad that my hon. Friend and many other colleagues went to Faslane last week and enjoyed their visit. We are of course committed to the replacement of Vanguard submarines with Dreadnought. More importantly, he mentioned the brilliant people based at Faslane who deliver day in, day out our nation's nuclear deterrent, unseen under the oceans of the world. They are incredible people doing amazing work.

T2. [903354] **Alex Norris** (Nottingham North) (Lab/Co-op): It is surely right that non-UK veterans who settle here after their service do not pay visa fees, but it is surely not right that that does not extend to their dependents. Will the Minister match Labour's commitment to change that?

Dr Murrison: I cannot give the hon. Gentleman the undertaking that he asks of me; he will understand that. Obviously, all things are kept under review, but we clearly do value the service of those from overseas who serve in His Majesty's armed forces, and I think that most of them have a very positive experience.

T8. [903362] **Duncan Baker** (North Norfolk) (Con): We ought to be extremely proud of the Government's impact. We are the second-largest supplier in the entire world of military equipment to the Ukrainians, second only to the United States of America. Today, we have our troops training Ukrainian troops on how to use Challenger 2 tanks. When will those be deployed on to the battlefield so that we can start to see them having a serious impact in bringing this heinous war to an end?

Mr Wallace: Obviously, for security reasons, I cannot tell my hon. Friend exactly the timings. It starts with training on the operation of the platforms and then there is training on joining together with formation units to fight as a formed unit—that is important. From then, the tanks will be put in. What I can say is that it will be this side of the summer—May, or probably towards Easter time.

T3. [903355] **Mike Amesbury** (Weaver Vale) (Lab): Some 45% of Cheshire military personnel—220 of them—are living in the lowest standard of single accommodation. That is pretty shameful, and something needs to happen about it quite urgently. How will the Minister ensure that they have homes that are genuinely fit for heroes?

Dr Murrison: Some 97% of Ministry of Defence service family accommodation meets or exceeds the Government housing standard. That is better than most local authorities and better than most registered social landlords. The hon. Gentleman may be interested to know—I looked this up earlier—that 105 homes owned by his Labour-controlled local authority are below the decent homes standard. I suggest that he takes that up with his council.

Ruth Edwards (Rushcliffe) (Con): I am sure that the Minister will join me in thanking the wonderful team at the Defence and National Rehabilitation Centre, based in Rushcliffe, for their amazing work treating injured members of our armed forces. What assessment has he made of how the expertise and cutting-edge technology at the centre could be shared with our Ukrainian allies to help to rehabilitate Ukrainian heroes who have been injured on the frontline?

Dr Murrison: As it happens, last Monday I visited the Defence Medical Rehabilitation Centre. I also heard about the NHS-led National Rehabilitation Centre, which will hopefully be stood up by the end of next year: together, they will be able to provide a truly trailblazing international centre for rehabilitation and research. Obviously, this country stands by to help Ukraine in its fight against Putin in any way possible, including in the rehabilitation of its brave men who have given so much not only in defence of Ukraine, but in defence of the rest of us.

T4. [903357] **Afzal Khan** (Manchester, Gorton) (Lab): Labour's dossier on waste in the MOD found that at least £15 billion of taxpayers' money has been wasted since 2010. Can the Secretary of State explain why the Government are failing to get a grip on the defence procurement process and secure value for money for the taxpayer?

Mr Wallace: It is a really wonderful dossier, as far as dodgy ones go, because half the waste in it was under a Labour Government.

Sir Julian Lewis (New Forest East) (Con): Will the Secretary of State join me in applauding Poland's historic announcement today that it is raising its defence budget to 4% of GDP? Can he imagine what conclusion I think our Government ought to draw from that example?

Mr Wallace: My right hon. Friend always tempts me. I think the Poles who are on the frontline have shown tremendous leadership in the face of Russia's growing aggression, not only to their country itself but to its neighbours and friends in Ukraine. I think the conclusion that they have drawn is that the world is a dangerous, unstable place and is not likely to get any less so any time soon.

T7. [903361] **Dan Carden** (Liverpool, Walton) (Lab): The call for evidence for the LGBT veterans independent review revealed that the police records of veterans convicted during the ban on homosexuality were destroyed. In answer to parliamentary questions, the Department says that that was

"in line with data protection".

However, in letters to veterans, it says:

"This decision was taken by the Defence Police Chiefs council, who directed that all investigations into…offences relating solely to sexuality…were to be removed from our systems and deleted from the records".

Will the Secretary of State or a Minister write to me to clarify the point? Will they consider making records of meetings of the defence police chiefs council public?

Dr Murrison: I am grateful to the hon. Gentleman for raising the matter. There is no question but that between 1967 and 2000, people in the LGBT community were badly dealt with by Defence. That is why we have set up

the Etherton review, which will report shortly. Having met Lord Etherton, I can tell the hon. Gentleman that he will be forensic in his examination of the data. I think I can assure the hon. Gentleman that the handling of records, as far as we can tell, was carried out in accordance with civilian practice, but of course we will stand by and wait for his lordship to opine on the matter. We will comment further when he has done so.

Amanda Milling (Cannock Chase) (Con): Will my right hon. Friend set out what preparations his Department has made for supporting overseas territories in the Caribbean during this year's hurricane season?

James Heappey: I enjoyed working with my right hon. Friend when she was Minister for the Overseas Territories. She is right to care about the matter. She will know that the Department has done a lot of work over the past few years to develop the resilience of the overseas territories, as well as maintaining naval assets in the region and more at-readiness to assist if required.

Mr Speaker: Maybe a permanent base in the overseas territories would help.

Judith Cummins (Bradford South) (Lab): During my recent visit to Ukraine with the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith), Ukrainian officials were clear about their need for increased military support. Given that the United States is reportedly discussing the creation of a fighter jet coalition with Ukraine, and given that the German Chancellor is currently ruling out sending fighter jets to Ukraine, what assessment have the Government made in respect of building such a coalition with our NATO allies?

Mr Wallace: Since we took on the battle over getting tanks to Ukraine, people are understandably asking what will be the next capability. What we know about all these demands is that the initial response is no, but the eventual response is yes. We will track the progress, but, as I have said, it is not ad hoc; it is based on need and on defining what is needed on the battlefield. We will of course keep our minds open all the time about what it is possible to do next.

Dame Caroline Dinenage (Gosport) (Con): I warmly welcome the announcement of £1.6 billion for the repair and refurbishment of on-site base accommodation. As the Minister has rightly said, the accommodation in both HMS Sultan and HMS Collingwood is truly awful. Meanwhile, we hear that in the Portsmouth area alone, the Royal Navy is spending millions of pounds a year on putting people up in hotels, while Fort Blockhouse, in my constituency—which the Minister knows very well—remains empty. When will the MOD address this?

Dr Murrison: I am aware that my hon. Friend knows Fort Blockhouse intimately, as indeed do I. It is aesthetically charming, but it is beyond reasonable repair when it comes to accommodating servicemen and women. We are spending money on HMS Collingwood, and I hope that it will be brought up to spec shortly.

Rachael Maskell (York Central) (Lab/Co-op): A week from today a constituent of mine, Samantha O'Neill—a veteran who served in Iraq and Afghanistan—is due to be made homeless from a hostel by City of York Council, which is a signatory to the armed forces covenant. What steps can the Minister take to ensure that she and her three children are not homeless a week from today?

Dr Murrison: Obviously I cannot comment on a specific case when I do not have the details, but if the hon. Lady will send them to me, I will certainly look into them. Every local authority that signed up to the armed forces covenant needs to be mindful of its duty to look after servicemen, servicewomen and their families.

Sarah Atherton (Wrexham) (Con): The charity Salute Her has reported that 133 women—a third of its caseload—presented themselves to it last year having suffered a sexual assault. They also presented themselves to defence community mental health services, but were subsequently discharged from the military owing to their having a personality disorder. I wrote to the Minister asking for further information, but none was available. Will the Minister look into the service to ensure that due clinical rigour is applied before people are discharged with a personality disorder?

Dr Murrison: I am grateful to my hon. Friend and predecessor. I see no evidence that people are being misdiagnosed or mismanaged. This is, of course, a matter for healthcare professionals and consultant psychiatrists in particular, and I cannot really interfere with their diagnoses, but I have noted my hon. Friend's concerns, and I will certainly look into the issue.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Does the Secretary of State agree that what we have learnt from Ukraine is that the future of good defence will lie in having the latest technology and innovation? Are there any new schemes we could have that would increase investment in that new technology, especially involving partnerships with other countries across NATO?

Mr Wallace: I am delighted that we share the European headquarters of the defence innovation accelerator for the north Atlantic, or DIANA—a unit within NATO—with Estonia. I felt that it was important to partner with a small, innovative country to ensure that we get the very best between us. Our research and development budget is £6.6 billion, and we are one of the leaders in Government in investing it. However, the real lesson—this has always been a problem—is that it is important not only to invest in the inventions, but to pull that into what is actually required. That is traditionally where defence has fallen down, but I am determined to fix it, which means focusing R&D where we know there is a need in our armed services.

Simon Jupp (East Devon) (Con): Many veterans in my constituency tell me that they sometimes struggle to adapt from frontline service to the jobs that are available locally. It is a huge change, and the scars of service can be challenging. Can my right hon. Friend provide an update on the work of the defence transition service, which helps veterans to get into good, well-paid jobs?

Dr Murrison: My hon. Friend may be referring to the career transition partnership, which is normally used for people making the transition to civilian life. The defence transition service is for those who have sustained an injury or illness. It is designed to ensure that people

have the support that they need in order to adapt to their particular circumstances, and that they have the best possible chance of getting a decent civilian job after they leave the services. It is very successful in what it does, as is the career transition partnership.

Anna Firth (Southend West) (Con): A recent news report detailing 14,500 urgent maintenance appointments in armed forces homes being missed is very concerning. Will my right hon. Friend reassure my constituents and me that he is taking every step to ensure that all our soldiers can live in good-quality homes?

Dr Murrison: Absolutely. It is the top priority for me, the Secretary of State and Minister for Defence Procurement. We must bear in mind that 97% of those houses are above the Government housing standards—better than most councils and registered social landlords. But we must do better, and we are bending ourselves to that task.

Selaine Saxby (North Devon) (Con): Can the Minister confirm that UK operational sovereignty will be a factor in increment 1A of the maritime electronic warfare programme? Will he meet me to discuss that?

The Minister for Defence Procurement (Alex Chalk): I will write to my hon. Friend on that important question.

Mr David Davis (Haltemprice and Howden) (Con): The Secretary of State referred to the allegations in the weekend press about 77th Brigade. I know him well enough to know that when he told us that he gave clear instructions and guidelines to the brigade, which operates only against foreign powers and extremists, he was telling the exact truth. However, will he review the issue and ensure that his guidelines have been followed in all cases?

Mr Wallace: I thank my right hon. Friend for the compliment. I have already instructed that we not only look into the story but check that the instructions that I issued after a visit were carried out.

Urgent and Emergency Care Recovery Plan

3.36 pm

The Secretary of State for Health and Social Care (Steve Barclay): Today we have published our new delivery plan for recovering urgent and emergency care services, which has been deposited in the Libraries of both Houses. Given the scale of the pandemic pressures that healthcare systems around the world and across the UK are collectively facing, we are building the NHS back to where we want it to be. That requires the widespread adoption of innovation, building on best practice already applied in specific trusts, together with significant investment in new ways of working, including a £14.1 billion funding boost for health and social care, as set out in the autumn statement.

Today's announcement is the second of three plans to cut waiting times in the NHS. Our elective recovery plan is already in action, virtually eliminating the backlog of two-year waits in England. Our primary care recovery plan will be published in the next few weeks, to support the vital front door to the NHS through primary care. Today, together with NHS England, we are setting out our plans to reduce waiting times in urgent and emergency care through an increased focus on demand management before patients get to hospital, and greater support to enable patients to leave hospital more quickly through care at home or in the community, supported by a clinical safety net. In addition, the plan sets out how we will adopt best practice in hospitals by learning from the trusts that have displayed the greatest resilience in meeting the heightened pressures this winter.

Today's announcement on urgent and emergency care does not sit in isolation, but is part of a longer-term improvements plan that builds on the legislative change enacted last year to better integrate health and social care through the 42 integrated care boards, which became operational in July. That was prioritised for additional funding through the £14.1 billion announced for health and social care in the autumn statement. Following the quick spike in flu cases over Christmas, with in-patient flu admissions 100 times that of the previous year and a sevenfold increase in December, we announced £250 million of immediate funding on 9 January for the pressures this winter, giving extra capacity to emergency departments to tackle the issue of patients who are fit to leave hospital but are delayed in doing so.

Today's plan, developed in partnership with NHS England and social care partners, builds on the actions and investment that I set out to the House earlier this month as we put in place the more substantive changes required to enable the NHS to have greater resilience this time next year. To do that, this plan involves embracing technology and new ways of working to transform how patients access care before and after being in hospital. That in turn will help to break the cycle of emergency departments in particular coming under significant strain in winter.

Our plan has a number of commitments that are both ambitious and credible. First, we are committing to year-on-year improvement in A&E waiting times. By next March, we want 76% of patients to be seen within four hours. In the year after that, we will bring waiting times towards pre-pandemic levels. Our second ambition is to improve ambulance response times, with a specific commitment to bring category 2 response times—those emergency calls for heart attacks and strokes—to an average of 30 minutes by next March. Again, in the following year we will work to bring ambulance response times towards pre-pandemic levels. I am pleased that the College of Paramedics has welcomed the plan, saying that it is

> "pleased to see a strong focus in the recovery of those people in the Category 2 cohort".

Of course, this will not be the limit of our ambition, but it is vital that we get these first steps right and that we are credible as well as ambitious. To put these targets in context, achieving both would represent one of the fastest and largest sustained improvements in the history of the NHS.

Underpinning these promises is one more essential commitment: a commitment to better data and greater transparency. On data, the best-performing hospitals have benefited from the introduction of patient flow control centres to quickly identify blockages in a patient's journey, and e-bed management systems to speed up the availability of beds when they become free. Through this plan, we will prioritise investment in improving system-wide data, both within the integrated care boards and on an individual trust and hospital site basis. This will allow quicker escalation when issues arise and a better system-wide response when individual sites face specific challenges.

On greater transparency, for some time voices across the NHS have called for the number of 12-hour waits from the time of arrival in A&E to be published. This is something I know the Royal College of Emergency Medicine has long campaigned for—I can see the hon. Member for St Albans (Daisy Cooper) nodding her head—and there has been criticism of the Government, including from Opposition Members, for refusing to provide this transparency. Instead, the data published to date has been a measure of 12 hours from the point of admission rather than from arrival in A&E. For the commitment to transparency to be meaningful, we must be prepared to publish data, even when that transparency will bring challenges, so today I can inform the House that from April we will publish the number of 12-hour waits from the time of arrival. Dr Adrian Boyle, the president of the Royal College of Emergency Medicine, has previously said:

> "The full publication of this data will be an immensely positive step that could be the catalyst for transformation of the urgent and emergency care pathway that should help to improve the quality of care for patients."

I hope this transparency will be welcomed across the House.

Our plan focuses on five areas, setting out steps to increase capacity in urgent and emergency care; grow the workforce; speed up discharge; expand and better join up new services in the community; and make it easier for people to access the right care. Action in each area is based on evidence and experience, learning lessons from the pandemic and building on what we know can work. More than that, we are backing our plan with the funds we need, and the Government are committing to additional targeted funding to boost capacity in acute services and the wider system. That is why this package includes £1 billion of dedicated funding to support

[Steve Barclay]

hospital capacity, building on the £500 million we have provided over this winter to support local areas to increase their overall health and social care capacity.

Taken together, this plan will cut urgent and emergency care waiting times by, first, increasing capacity with 800 new ambulances on the road, of which 100 are new specialised mental health ambulances. This comes together with funding to support 5,000 new hospital beds, as part of the permanent bed base for next winter.

Secondly, we are growing and supporting the workforce. We are on track to deliver on our manifesto commitment to recruit more than 50,000 nurses, with more than 30,000 recruited since 2019. The NHS will publish its long-term workforce plan this year. We are also boosting capacity and staff in social care, supported by investment of up to £2.8 billion next year and £4.7 billion in the year after.

Thirdly, we are speeding up the discharge of patients who are ready to leave hospital, including by freeing up more beds with the full roll-out of integrated care transfer hubs, such as the successful approach I saw this morning at the University Hospital of North Tees.

Fourthly, we are expanding and better connecting new services in the community, such as joined-up care for the frail elderly. This includes a new falls service, so that more elderly people can be treated without needing admission to hospital.

Virtual wards are also showing the way forward for hospital care at home, with a growing evidence base showing that virtual wards are a safe and efficient alternative to being in hospital. We aim to have up to 50,000 people a month being supported away from hospital, in high-tech virtual wards of the sort that Watford General Hospital has been pioneering, as I saw last month.

Finally, we are improving patient experience by making it easier to access the right care, including a better experience with NHS 111 and better advice at the front door of A&E, so that patients are triaged to the right point in the hospital without always needing to go through the emergency department—this new approach can currently be seen at Maidstone Hospital, as I saw earlier this month.

These are just some of the practical improvements already being delivered in a small number of trusts that, through this plan, we will adopt more widely across the NHS and, in doing so, deliver greater resilience ahead of next winter.

I am pleased that NHS Providers has welcomed today's plan, and that the Royal College of Emergency Medicine has called it

"a welcome and significant step on the road to recovery".

Taken together with all the other vital work happening across health and care, including our plan to cut elective and primary care waiting times, today's plan will enable better care in the community and at home, for that care to be more integrated with hospital services and for existing practice to be more widely adopted. I commend this statement to the House.

Mr Speaker: I call the shadow Secretary of State.

3.47 pm

Wes Streeting (Ilford North) (Lab): I thank the Secretary of State for advance sight of his statement.

After 13 years of Conservative mismanagement, patients are waiting longer than ever before. Heart attack and stroke victims are waiting more than an hour and a half for an ambulance. Mr Speaker, "24 Hours in A&E" is not just a TV programme; it is the grim reality for far too many patients. Some 7.2 million people are waiting for NHS treatment. Why? The front door is broken—people are finding it impossible to get a GP appointment—so they end up in A&E. At the same time, the exit door is broken because care in the community is not available. Patients are trapped in hospitals, sometimes for months. Between the two is a workforce who are overstretched, burnt out, ignored by Government Ministers and forced out on strike.

Does this plan even attempt to get patients a GP appointment sooner? No. Does this plan restore district nursing so that patients can be cared for in the comfort of their own home? No. Does this plan see Ministers swallowing their pride and entering negotiations with nurses and paramedics? No. And does this plan expand the number of doctors and nurses needed to treat patients on time again? No.

The Health Secretary said a lot of things, but he did not say when patients can expect to see a return to safe waiting times. His colleague the Minister for Social Care, the hon. Member for Faversham and Mid Kent (Helen Whately), rather let the cat out of the bag this morning. She was asked, "Is there any plan at all for when we will get back to 95% of patients in A&E being seen within four hours?" Her answer—and I am not joking—was, "I can't tell you that." How can the Secretary of State claim that his plan is ambitious and credible? What kind of emergency care plan does not even attempt to return waiting times to safe levels? It is a plan that is setting the NHS up to fail right from the start—a plan for managed decline.

These targets are not plucked out of thin air; patients waiting more than five hours in A&E are more likely to lose their lives, and so are heart attack and stroke victims waiting more than 18 minutes for an ambulance. Sadly, that is exactly what has happened this winter, it is what happened this summer and it has been going on since before the pandemic began. The four-hour A&E waiting time target has not been met since 2015. The only time the Conservatives have met the 18-minute target for ambulance response times was during lockdown. What is the Secretary of State's ambition now? It is 30 minutes —30 minutes waiting for a heart attack or stroke victim to receive an ambulance, when every second counts. Is not the truth that the Government missed the targets, so they are moving the goalposts? They are fiddling the figures, rather than fixing the crisis.

The Secretary of State boasts that he is pouring more money in—£14 billion, which is almost as much as his Department has wasted on dodgy, unusable personal protective equipment—yet standards are being watered down. So can he explain why patients are paying more in tax but waiting longer for care? Why is it that under the Conservatives we are always paying more but getting less? So what is their answer? It is:

"There are so many people in hospital who wouldn't need to be there if we could provide quality care at home… medical science

and technology…offers a world of possibility for the NHS to transform patient care… Virtual wards allow people to receive hospital care at home."

Those are not his words—that is my party conference speech! He did not have a plan for the NHS so he is nicking Labour's.

I am happy for the Secretary of State to adopt Labour's plans, but here is what he missed: you cannot provide good care in the community, in people's homes or in hospital without the staff to care for people. That is the supermassive blackhole in his plan published today: people. Virtual wards without any staff is not hospital at home; it is home alone. So where is his plan to restore care in the community? Labour will double the number of district nurses qualifying every year, so can he hurry up and nick that plan too?

Of course, good care in the community is not a substitute for good care in hospital—we need both, now. So why, in the middle of the biggest crisis in the history of the NHS, with hospitals so obviously short of staff, is the universities Minister writing to medical schools to tell them not to train any more doctors? This is ludicrous. Labour will double the number of medical school places and create 10,000 new nursing and midwifery clinical placements, all paid for by abolishing the non-dom tax status. I know that the Prime Minister might not like that last bit—*[Interruption.]* Government Members are all complaining, but they did not complain when they put up income tax. The Prime Minister does not like it, but perhaps this would be a good time for the Conservatives to act tough on tax dodgers. So when is the Secretary of State going to nick that plan?

And when is the Secretary of State finally going to get his act together and end the strikes in the NHS? Perhaps I am speaking to the monkey when the Chancellor is the organ grinder. If that is the case, when will we get a chance to question the real Health Secretary on the strikes that this one is causing in the NHS? Labour will create more front doors to the NHS and we will tackle the crisis in social care. The Secretary of State offers sticking plasters and by now it is very clear: only Labour can offer patients the fresh start the NHS needs.

Steve Barclay: The hon. Gentleman started by thanking me for advance sight of the statement, and then he made a series of remarks that simply ignored what was in it. Even his last point shows how riddled with contradictions the Opposition's approach is. He says in interviews that he supports the pay review body process—that is the official position, or at least it was—but then he says, "No, we should be negotiating individually with the trade unions and disregarding the pay review process." There is no consistency on that at all.

The shadow Secretary of State talks about operational performance—*[Interruption.]* He has just had his go; he should listen to the answers. He says that it is about operational performance, but in my remarks I tried to be fair and said that these are challenges that are shared across the United Kingdom and globally. He seems to think that they are unique to England alone. We need only look at Wales to see that more than 50,000 people—notwithstanding the fact that Wales has a smaller population—are waiting more than two years for their operations, when we cleared that figure in the summer in England, leaving fewer than 2,000 in that cohort.

The shadow Secretary of State talks about the workforce. Obviously, he did not bother to read or listen to what was said in the statement. We are on track to deliver our manifesto commitment of more than 50,000 nurses. We have more than 30,000 so far. We have 10,500 more nurses in the NHS this year compared with last year. The grown-up position is to recognise—*[Interruption.]* Well, in the first five years we were dealing with what that letter said, which was that there was no money left. *[Interruption.]* Labour Members just do not like the response, but the facts speak for themselves. We have 10,500 more nurses this year than last year. The grown-up position, as I was saying, is to recognise that we have an older population with more complex needs, and that the consequences of the pandemic are severe—they are severe not only in England, but across the United Kingdom, in Wales and Scotland, and indeed in countries around the globe.

The shadow Secretary of State says that the statement did not cover the plan for GPs. Well, again, I was clear that this was one of three plans. We had the elective plan in the summer, which hit its first milestone. We have the second component today on urgent and emergency care, and we will set out in the coming weeks our approach to primary care. That is the approach that we are taking. *[Interruption.]* The shadow Secretary of State keeps chuntering. We did not have the pandemic 13 years ago. *[Interruption.]* I can only surmise that he did not get his remarks quite right the first time, which is why he feels the need to keep chuntering now and having a second, third and fourth go—perhaps next time.

On ambition, the shadow Secretary of State ignores the fact that we need to balance being ambitious with being realistic. These metrics, in the view of NHS England, show the fastest sustained improvement in NHS history. Clearly, his remarks are at odds with NHS England.

On funding, we are putting an extra £14.1 billion of funding into health and social care over the next two years, which reflects the fact that the Chancellor, notwithstanding the many competing pressures he faced at the autumn statement, put health and social care, alongside education, as the key areas to be prioritised.

On virtual wards, I had not quite realised that the shadow Secretary of State was the clinician who had invented virtual wards. I think that the credit for virtual wards actually goes to the staff, such as those I met at Watford, who are driving forward that innovation. It is slightly strange that he sometimes wants to claim ownership of something that has been clinically led by those working on the frontline. We have recognised the value of virtual wards, which is why, at North Tees this morning, at Watford last month, or on various other visits, I have been discussing how to scale up those plans.

Mr Speaker: I call the Chair of the Health and Social Care Committee.

Steve Brine (Winchester) (Con): We look forward to going through the plan in detail with the Secretary of State when he speaks to the Select Committee tomorrow. May I just ask him about the ambition on the two-hour response to falls at home of the frail and elderly to prevent them from being admitted into the acute sector? Obviously, he will know that that was committed to in the long-term plan. What does he need to put that ambition into practice?

Steve Barclay: The funding to put that in place has been earmarked from the £2.8 billion next year. The key thing is less to do with the funding than the accuracy of the data, which will help us to see where there are gaps in coverage and how we get the right levels of community response. The integrated care boards have been set up to take an integrated approach on that. One of the best enablers will be the control centres that the ICBs will set up, which will allow us to get much greater visibility on where that has been delivered and how we escalate it when it has not.

Rachael Maskell (York Central) (Lab/Co-op): The 300,000 vacancies in health and social care mean that, whatever the Secretary of State puts on the table, his plans will never be delivered. What is he doing to retain the burned-out, traumatised staff who currently work in the NHS, to resolve their pay dispute and to put enough money on the table to pay social care staff enough to come and work in the service?

Steve Barclay: We recognise the huge pressure on social care; that is why, at the autumn statement, the Chancellor set out the biggest-ever increase in funding into social care of any Government, £7.5 billion over two years. We are putting more funding in. On the workforce more generally, the Prime Minister and Chancellor have committed themselves to bringing forward the workforce plan, which will set out the longer-term ambition on workforce and will be independently verified. In addition, we are recruiting more staff, as I updated the House, whether that is the 3% more doctors this year than last year, the 3% increase in nurses, or the 40% more paramedics and 50% more consultants compared with 2010. We are recruiting more staff, but the grown-up position is to recognise that there is also more demand.

Sajid Javid (Bromsgrove) (Con): I warmly welcome the plans set out by my right hon. Friend today, but he will know that one reason emergency care faces so much pressure is that successive Governments have not focused enough on the prevention agenda. Indeed, last week's news that the Government will not go ahead with individual focused plans on cancer, dementia and mental health has concerned many. Can he assure this House that the Government's new major conditions strategy will be published promptly and will be comprehensive and significant?

Steve Barclay: I am happy to give my right hon. Friend that assurance. I assure the House that our commitment to the cancer mission and the dementia mission through the Office for Life Sciences is absolutely there. He is right that we are bringing that together in one paper—I think we should take a holistic approach—but I share his ambition on prevention. In early January, I set out a three-phased approach: first, the £250 million immediate response to the pressures we saw from the flu spike over Christmas; secondly, as I announced today, building greater resilience into the system looking ahead to next winter; and thirdly, the major conditions paper on prevention, which is about bringing forward the innovative work that colleagues are doing through the Office for Life Sciences to impact the NHS frontline much sooner than might otherwise have been the case.

Barbara Keeley (Worsley and Eccles South) (Lab): I want to raise the case of a constituent who described to me the state of Salford Royal's A&E earlier in January, saying:

"My partner was taken by ambulance yesterday at about 11am. He has a severe chest infection and breathing problems. He was left sitting in a chair on oxygen until 10pm when a trolley was found for him to sleep on. There are no beds available."

My constituent said that patients and staff

"feel that no one cares".

After such a long wait, my constituent's partner was found to have pneumonia and he has been very poorly. Now the Secretary of State is talking about a target of 76% of A&E patients being seen within four hours by next March. Will he tell me and my constituent why he thinks it is acceptable for patients to wait longer than is safe?

Steve Barclay: We are bringing times down; I think the current mean response for C2s is much more in the region of 25 or 26 minutes than it was in late December-early January, because across the UK there was a massive spike in flu. The hon. Lady will have seen exactly the same in the Labour-run NHS in Wales. Over December there was a 20% increase in 999 calls, for example. That is why we need to put in place greater resilience, as the plan I have set out to the House does.

John Redwood (Wokingham) (Con): I strongly support the £1 billion for 5,000 additional beds and 800 more ambulances. I have long argued that, with a growing population and a growing elderly population, we need more capacity. Is it also possible to take some of the £14 billion of additional money to provide even more capacity? I think we are going to need it.

Steve Barclay: Within my right hon. Friend's question is, I think, how we get more flow into hospital: once bed occupancy goes above a certain threshold, lack of flow is the key interaction that drives inefficiency within hospitals. That is why we are putting in the extra capacity. It is also a question of reducing the numbers going to hospital in the first place and speeding up the discharge of those who are fit to leave. Whereas at the moment someone might sit on a ward for three days because they have to have antibiotics every day, if one continuous dose of antibiotics can be administered through new kit at home, not only is that a much better patient experience but it relieves pressure on the wards.

Daisy Cooper (St Albans) (LD): I welcome the additional transparency on data for 12-hour wait times, because it is only by shining a light on the problem that we can see just how bad it is, but the targets set out in the plan today are utterly woeful. The Royal College of Emergency Medicine says that we need 13,000 beds; the Government are offering 5,000. The percentage of patients who are seen within four hours should be 95%; the Government are aiming for 76%. Heart-attack and stroke victims should be seen within 18 minutes; the Government are aiming for only 30 minutes. Surely the truth is that this woeful lack of ambition means that our emergency care services are themselves on life support and that patients will continue to die needlessly for a very long time to come.

Steve Barclay: First, I thank the hon. Lady for recognising the steps that we have taken on transparency. That has been an area of challenge and it is part of my wider commitment to transparency.

The ambition of the targets has to be realistic, and targets are not a ceiling but a floor. It is about saying, "How do we set a target that is realistic?" Of course,

we will aim to do better than that, but it is about setting something that the system feels is achievable, because that in turn gets much more buy-in.

On beds, we are increasing capacity, as my right hon. Friend the Member for Wokingham (John Redwood) alluded to. What it is really about is freeing up patients who are fit for discharge from hospital, who should not be there and would actually prefer to be getting care at home. It is about looking at the end-to-end bed capacity, not simply at beds within the acute sites.

Dame Maria Miller (Basingstoke) (Con): I welcome my right hon. Friend's statement. In the pandemic, the use of local private hospitals by the NHS, particularly in places such as Basingstoke, kept services such as cancer care going uninterrupted. Could the NHS be using more private facilities more widely to relieve some of the pressures that he so eloquently outlined in his statement?

Steve Barclay: My right hon. Friend makes an important point. Again, within that is patient choice and how we empower more patient choice—providing services that are free at the point of use—to use what capacity there is within the system, including in the independent sector. I absolutely agree that we should be maximising capacity. At Downing Street with the Prime Minister, we had a very useful roundtable with the independent sector about how we can make more use of its capacity. That is certainly an area that we are exploring.

Derek Twigg (Halton) (Lab): I saw for myself only a few weeks ago the real crisis in our hospitals when I accompanied a close relative to Whiston Hospital, where I saw every single space in the corridors taken up by a bed, a trolley or a chair. Quite frankly, what the staff—doctors, nurses and support staff—were doing was amazing, and they deserve all our praise for the hard work that they are putting in. The Secretary of State's lauding of the fact that two-year waits have virtually been eliminated is bizarre: when Labour left office, waits were somewhat less, with an 18-week target and many people being seen within weeks, not months. The Secretary of State said that the Government are on track to recruit 15,000 new nurses, but how many have left the NHS in the last two years?

Steve Barclay: First, the hon. Gentleman is right to recognise the work that the staff have been doing. He mentioned a family member; when I made a statement earlier in January, I recognised that there has been huge pressure on the system. We saw the flu numbers and the spike in cases. On the two-year waits, the point is simply that there has been pressure on services—the pandemic impacts—across the United Kingdom, but the two-year wait is far worse in Wales, whereas we have cleared it in England. On recruitment and retention, we are bringing forward the workforce plan. The fact is that we are recruiting more nurses, but it is about meeting demand pressure as well.

Simon Jupp (East Devon) (Con): There is no doubt that the 5,000 extra beds will help the NHS to provide the best possible patient care. Community hospitals across East Devon and NHS Nightingale Hospital Exeter can play their part, too. Does my right hon. Friend agree that community hospitals can play a key role in helping to cut waiting lists?

Steve Barclay: Community hospitals are key to tackling the issue of delayed discharge. Community settings have been a bit of a Cinderella in the past. The data on community settings tends to be weaker than it is in other parts of the NHS. Alongside domiciliary care and making better use of residential care capacity, the third element for discharge is to look at how we use community step-down in a much more constructive way. One key issue there is to have wraparound services so that people do not simply get transferred to a community setting, but that it is a staging post before getting to the home, which is where most patients want to be.

Jeremy Corbyn (Islington North) (Ind): The social care sector is dominated by dedicated staff who are paid low wages. High profits are made from it and there is an insufficiency of spaces. Will the money that the Secretary of State has announced go to local authorities? Can it be spent on public provision? Does he not think it is time to recognise that the internal market and privatisation have sucked money out of health and social care—money that could have been spent on patient care and caring for people in the community and in special facilities?

Steve Barclay: One area of the right hon. Gentleman's question where I do agree with him is the importance of local authorities. One reason I am keen to see more clarity on data and transparency is that there can sometimes be a tendency for the local authorities to be blamed for discharge, when often it is factors within the NHS that contribute to some of those who are fit to leave hospital not doing so. On the money allocation, the £2.8 billion is targeted to local authorities—funding set out by the Chancellor—with £4.7 billion the following year. We are increasing the money for local authorities, but alongside that we are working with them to improve the data so that we can see where there are blockages due to local authorities. For example—Mr Speaker will be familiar with this—Blackpool often has visitors from out of the area, so the NHS there deals with a number of local authorities, not simply the nearest one. We are working intently on how we support local authorities as part of the wider discharge package.

Sir David Evennett (Bexleyheath and Crayford) (Con): I welcome my right hon. Friend's statement and commend his approach to this difficult problem that he faces and we as a nation face. Does he agree that while speeding up discharge from hospital and freeing up beds for patients needing urgent and emergency care is absolutely necessary, there is a real need for the expansion of new services in the community, which must be a top priority? In my area, one of the biggest reasons for bed blocking in hospitals is that there is no community service to pick up when people go home.

Steve Barclay: My right hon. Friend hits the nail on the head. He is right: it is about how we better manage demand in the community before people get to the emergency department. That is where, for example, action targeted at the frail elderly is so important. It is also about how we enable people to discharge sooner, where they are fit to do so, so that they can recover, whether in a community setting or, ideally, at home, with the right wraparound support.

Karin Smyth (Bristol South) (Lab): The people of Bristol South will be ever so grateful to have data that they are waiting 12 hours, rather than perhaps ringing me up to tell me they have been waiting 12 hours. The Secretary

[Karin Smyth]

of State is a Treasury man, so he must know we are now paying more for less. In the interest of transparency, can he be assured that in his own ICB, demand and capacity are matched, and will he know that? How will I know that demand and capacity are matched in my own ICB?

Steve Barclay: I think the hon. Lady was welcoming the transparency on 12 hours—I certainly hope so. The ICBs became operational in July, and we are working with them as to how, by taking a system-wide view, they can baseline the gaps in data, and one key area of that is on the community side. When she talks about matching capacity, part of that is about understanding virtual ward capacity, what conditions that applies to, what the physio wraparound services are, what is available within residential care versus community care and other domiciliary care packages, as the right hon. Member for Islington North (Jeremy Corbyn) touched on in terms of local authorities. We need to look at the data package across the piece on a system-wide basis. That is why we are setting up control centres. I am keen to make that much more transparent, because to be blunt, as a Secretary of State, I get the transparency anyway when things go wrong. Like the hon. Lady, I would rather have much more transparent data so that ICBs themselves can be better held to account, and indeed that is what the Hewitt review is looking at in terms of that wider transparency piece.

Theresa Villiers (Chipping Barnet) (Con): I welcome the fact that Barnet Hospital's emergency department will be expanding and improving its facilities and taking on new staff, and of course I welcome today's announcement, but I urge the Secretary of State to ensure that it is effective on the ground soon, because there is a real crisis out there. This is a good announcement, but it must be delivered so that patients and staff feel it on the frontline as soon as possible.

Steve Barclay: I could not agree more, which is why this morning the Prime Minister and I were at University Hospital of North Tees, where it is effective on the ground. It is about looking at hospitals where such measures have been effective and are having an effect on the ground, such as in North Tees and at Maidstone Hospital, and how we take best practice from them. We then have to do what has sometimes been more difficult in the NHS, which is to scale those innovations and get them adopted across the piece.

Valerie Vaz (Walsall South) (Lab): There are 165,000 vacancies in social care and there was nothing in the statement about how the Secretary of State will address them. Will he do that through better terms and conditions?

Steve Barclay: We are dealing with that through additional funding—the £500 million for this winter. That relates to the point made by my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) about the impact on the ground, which will be to give ICBs and local authorities discretion. Some of that £500 million is being spent on the workforce, including in social care, so there is discretion as to how they spend that. There is also the £2.8 billion of local authority and ICB funding that will be in place next year, and £4.7 billion the following year.

Kevin Foster (Torbay) (Con): The Secretary of State will be aware of Torbay's demographics, particularly the growth in the number of people aged over 85. They are living a good long time but, at that age, they need some level of support from the NHS, which obviously creates demand and puts pressure on our systems. On the resources announced today, what engagement is he planning to have with local ICBs, particularly those that cover areas where the demographics mean that they are at the leading edge and driving innovation, but need support to do so?

Steve Barclay: My hon. Friend makes an important and nuanced point about demographic pressure, which is not evenly spread and is more concentrated in certain parts of the country than others, so the pressure on ICBs is greater in those areas. That is why the ministerial team met almost all the ICBs in a series of meetings with chairs and chief execs in the run-up to Christmas, and it is why we want to bring greater transparency, so that we can right-size solutions for emergency departments and ensure that those facilities keep pace with the increased demand.

Janet Daby (Lewisham East) (Lab): Last night, my constituent's 11-month-old son had to wait in A&E for eight hours, which my constituent found extremely unacceptable. The waiting experience in our hospital is like being in a "disaster zone", in the words of my constituent, who went on to explain about parents having to sit on floors and wait for hours for their children to be seen by a doctor. I press the Secretary of State on whether there is a plan to return to the standard of 95% of patients who come to A&E being seen within four hours.

Steve Barclay: As I said, we are not setting out that ambition in this statement, because the impact of the pandemic has been so severe. We need to set a target that is ambitious but achievable, which is what we have done. The president of the Royal College of Emergency Medicine said:

> "This plan is a welcome and significant step on the road to recovery and we are pleased to see it released."

It is about taking best practice from the areas that are working and ensuring that they are socialised across the piece. It is obviously concerning to hear about individual cases, such as the specific one that the hon. Lady mentioned, which are very traumatic for the families. That is why we have set out this plan and why we are putting in the extra funding.

Sir Julian Lewis (New Forest East) (Con): From 2005 to 2006, there was a campaign within the NHS to close many in-patient beds in community hospitals. I was pleased by what the Secretary of State said earlier about beds in community hospitals having a role to play. In that connection, will he reconsider the future of the site of Fenwick Hospital in Lyndhurst in my constituency, where the in-patient beds were closed? The NHS is now proposing to sell it off, but I would have thought that, with a bit of imagination, such a site could increase capacity.

Steve Barclay: We are encouraging integrated care boards to take ownership of individual decisions, rather than trying to make all the decisions centrally from Westminster, so that those closer to the ground and to

the issues are in power to make the trade-offs. I am sure my right hon. Friend will want to have those discussions with the chair and chief executive of his ICB. There is a wider issue of how we make greater use of community sites, not least given the workforce pressures and different staffing ratios that they have, and that is absolutely the way we help to get more people out of hospital who are fit to leave.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Ten days ago, I shadowed one of the brilliant emergency department consultants at Derriford Hospital. They are working their socks off under some very difficult conditions. The additional capacity for beds is welcome, especially because of the structural under-funding and lack of beds in the south-west, but doctors and nurses were saying that they want to slow the flow of people getting to the emergency department in the first place.

Can the Minister look again at the mothballed Cavell Centre programme—the super health hub programme—which would have done so much to slow the flow and deal with collapsing primary care services? In particular, can he look again at the Government's decision to withdraw £41 million from the super health hub in Plymouth, which would have been the national pioneer, would have shown that this project works and could help our hospitals to deal with the crisis they are facing?

Steve Barclay: The hon. Gentleman asks how we slow the flow of people going to emergency departments and how we accelerate their discharge once they are fit. The substance of the point he raises is valid and absolutely right. It is why there are schemes such as the community response service and the falls service. We are looking at the likes of the North Tees model and getting more staff into community support, thereby integrating the health and social care side. As I said to my right hon. Friend the Member for New Forest East (Sir Julian Lewis) a moment ago, the trade-offs for individual sites are best determined by ICBs. I am very happy to look with ministerial colleagues at any specific proposals, but it is really for the ICBs to be looking at how to best use their estate.

Greg Smith (Buckingham) (Con): I warmly welcome my right hon. Friend's clear and credible plan, but on the uplift of 800 ambulances, which is good news, I urge him when it comes to their deployment to look at rural areas first. In these areas, ambulances by definition spend much longer per patient on the road going in between much more diversely spread out hospitals.

Steve Barclay: I recognise my hon. Friend's point, not least as a rural constituency MP myself. I have talked to paramedics, as I am sure he has, and the principal cause of frustration of late has not been the issue of pay—important though that is. It has been frustration over long handover times, which has had a particularly damaging impact. I am happy to look at any specific issues in his area but he is right on the wider point about the pressures in rural areas.

Mike Amesbury (Weaver Vale) (Lab): When can the people of Warrington, and indeed Halton, expect to hear about the new hospital campuses, which are much needed by both communities—with sufficient staff to resource them?

Steve Barclay: This statement is focused on urgent and emergency care. At Health oral questions and on other occasions, we often discuss the wider capital programme and the increased funding we are putting into that programme. Part of that is about outcomes and how we get more from that investment in capital. That is why through the NHS estate we are starting to standardise our builds, starting with the Hospital 2.0 programme. We will be rolling that out more widely through the estate. I am not familiar with the specific issues at the hon. Member's local site, but I am happy to look at them after the statement.

Maggie Throup (Erewash) (Con): I welcome this recovery plan and my right hon. Friend's comments on the role community hospitals have to play in future. The 16-bed Hopewell ward at Ilkeston Community Hospital was re-opened ahead of this season to ease pressures, but it is due to be decommissioned in the spring. To aid with more efficient planning, will he work with my local community health trust and ICB to ensure that these beds form part of the extra beds for next winter and, more importantly, become permanent—rather than this ad hoc approach we have had until now?

Steve Barclay: Again, decisions on the estate are principally for the ICBs, but I am happy to look at any individual proposals my hon. Friend has on how we get more flow into the system, and that is about putting more capacity into the community.

Kerry McCarthy (Bristol East) (Lab): I think I welcome what has been said about mental health ambulances and trying to divert people in mental health crisis from A&E, but I am a little concerned about whether those attending the scene in those ambulances will have access to the past records of people in that situation or be able to carry out a proper risk assessment for them. Will the Secretary of State reassure me on that, and also on whether there will be places other than A&E to take them to? It is one thing to say that we want to divert them, but we need to have other resources in place.

Steve Barclay: The hon. Lady raises a fair and important point about what is in the wider package, alongside the mental health ambulances, which I think are a positive step. Last week, I met Baroness Buscombe as part of the pre-legislative scrutiny of the proposed mental health legislation, which will pick up some of the points that the hon. Lady raises. Examples of innovation include empowering people before they have a mental health crisis to use one of the apps that have been developed to set out their statement of wishes and other information, which is very helpful for paramedic crews when they have a mental health crisis. We are looking at how we use innovation to better give voice to the patient, and often to do that before they have the mental health incident, rather than when the ambulance arrives.

Tom Hunt (Ipswich) (Con): I welcome the announcement today; I think the key thing is that it makes a difference in the short term. The Secretary of State will be aware of plans to build a new A&E department at Ipswich Hospital. The plan is for it to open in January 2024. What assessment has been made of the difference that that could make in the medium to long term by increasing capacity and improving waiting times? Will he also be

[Tom Hunt]

prepared to work with me and the hospital's trust to potentially expedite the plan, so that it might even happen slightly before January 2024?

Steve Barclay: In a former role, when I was Chief Secretary to the Treasury, I signed off a significant expansion of A&E facilities. I hope that reassures my hon. Friend of my commitment to putting more capacity into emergency departments, not least because they need a certain level of capacity to be able to ensure same-day access, triage and ways of getting flow into the system. As for the wider site proposal, clearly the ICB for his area will want to prioritise that.

Helen Morgan (North Shropshire) (LD): The urgent care and ambulance crisis has been brewing since autumn 2021 in Shropshire, and it has worsened since. Last week, a doctor went on the record to say that the emergency department was "like a war zone" and expressed her fear that, in a fire, not everyone would get out alive. In a six-week period to 12 January, the category 2 response time in the Oswestry area was two hours and 10 minutes. Will the Secretary of State acknowledge that in some areas the crisis is worse than in others? Will he agree to meet me and the other MPs representing Shropshire to discuss how we progress Shropshire further along this track to solve the urgent care crisis that is so serious there?

Steve Barclay: I am very happy to meet with the hon. Lady and colleagues to discuss this further. I think most people recognise that, since the huge pressures from flu over the Christmas period, the flu numbers have come down, but of course there is continued pressure in the system.

Sir Robert Buckland (South Swindon) (Con): I welcome my right hon. Friend's statement. In particular, I welcome the announcement today of over £26 million of funding to expand the emergency department at Great Western Hospital in Swindon. He knows from his previous incarnation that we have worked together on this issue. It is particularly important, not just for the integration of emergency services, but for the freeing up of other space in the hospital to allow for further beds or other clinical interventions. Does he agree that it is this sort of long-term measure that will guarantee progress in our much pressed national health service?

Steve Barclay: My right hon. and learned Friend has been key to securing the funding. He has assiduously lobbied me and ministerial colleagues to make a powerful case on behalf of his constituents, and I think he should be proud of the outcome, which reflects his and his parliamentary colleagues' work on this issue. He is right; indeed, the case he made was around how this frees up capacity in the system, which will result in much better care for patients in Swindon.

Tim Farron (Westmorland and Lonsdale) (LD): There is nothing in this plan to address the fact that thousands of people are now turning up at A&E as a direct result of being unable to get regular access to an NHS dentist. Last week, another Cumbrian dental practice, in Grange-over-Sands, wrote to all of its 5,800 patients, as it had been forced to quit the NHS too. There is now not a single NHS dental place available anywhere in Cumbria. What will the Secretary of State do to fix an NHS dentistry crisis that leaves a family of four having to cough up an extra £1,000 a year during a cost of living crisis to get access to dental care that they have already paid for through their taxes?

Steve Barclay: I have addressed that point, in that we are bringing forward the third component of our three plans. I spoke earlier about the elective recovery plan; today's announcement is on the urgent and emergency care recovery plan; and the third element will be the primary care recovery plan. Of course, alongside the work we are doing on dentistry it is also about access to services, both dentistry and A&E. That comes together in things such as the 111 service and how we review that, as well as the NHS app. It is about looking at how we better manage demand at the front door, and the demand for dentistry is not only through NHS dentistry but often manifests itself through a lot of patients coming forward for dentistry at A&E.

Anna Firth (Southend West) (Con): I warmly welcome my right hon. Friend's plan, particularly his focus on increasing capacity in urgent and emergency departments. I welcome the Government's recent investment of £8 million to reconfigure the A&E at my local hospital in Southend. Does my right hon. Friend agree that this will increase not just the capacity but the quality of the urgent and emergency care on offer in Southend?

Steve Barclay: I commend my hon. Friend for her assiduous campaigning on behalf of her constituents in Southend, through which she played a key role in securing the extra £8 million of funding. She is right that that will make a material difference not only to flow and capacity within the hospital but through that to the overall standard of patient care.

Jim Shannon (Strangford) (DUP): I thank the Secretary of State for his clear commitment to extra funding for the urgent and emergency care recovery plan. Will he outline whether he is prepared to make additional funding available to meet the needs on maternity wards, which midwives feel are teetering on the brink? In reality, that means it is an issue of life and death, due to staffing levels. Will the Secretary of State ensure that additional funding makes its way to each devolved nation under the Barnett consequentials, to be used before the scheduled new financial year ends?

Steve Barclay: As the hon. Gentleman will know, the additional funding that the Chancellor announced in the autumn statement will lead to an uplift in health funding for Northern Ireland through the Barnett consequentials. On the flexibility within that, the hon. Gentleman will know that I agreed flexibility when I was Chief Secretary; it will of course be for Treasury colleagues to look at the requirements for ongoing flexibility within Barnett consequentials.

Stephen Hammond (Wimbledon) (Con): I warmly welcome what my right hon. Friend has said. He is right to recognise that one of the long-term impediments to discharge is the disconnect between the NHS and social care and local authorities. Will he confirm that, to ensure that the additional money is well spent, the integrated

care boards will be not only responsible for the establishment of the hubs and extra care packages but properly monitored and held responsible for their performance and for generating value for the extra money that is being put in?

Steve Barclay: As a former Minister in the Department, my hon. Friend speaks with great experience on these matters. He is right that the crux of the plan is now in its delivery. As I alluded to in my statement, a key component of that is more transparency in the data so that he and colleagues throughout the House can hold to account not only the ICBs but the local authorities. We need to bring those two datasets more closely into alignment.

Selaine Saxby (North Devon) (Con): I warmly welcome today's announcement, but will my right hon. Friend explain how for remote rural hospitals, such as the fantastic North Devon District Hospital, the workforce challenges that were present pre-pandemic might be addressed post pandemic, when we are now also dealing with a housing crisis? Might there be an opportunity to expedite the next phase of the redevelopment programme, which includes key worker housing?

Steve Barclay: I am keen to explore with colleagues how we can put more key worker accommodation on to the NHS estate, particularly by making use of modern methods of construction to expedite that. On the workforce plan, Devon is an area that has seen particular growth, given its older population, and greater pressure as a consequence. Those pressures will be worked through in the workforce plan that we will bring forward shortly.

Several hon. Members *rose—*

Mr Deputy Speaker (Mr Nigel Evans): Order. We are under a lot of time pressure today, so may I ask the remaining Members and those who are going to take part in the next statement to please think of very short, focused, single questions?

Mr Tobias Ellwood (Bournemouth East) (Con): I welcome the statement and the extra investment in the NHS. It was a privilege to visit Bournemouth Hospital recently and meet the dedicated staff, and as the Secretary of State will know, it is expanding with a new A&E facility. Will he visit Bournemouth, meet the staff, and see the progress taking place?

Steve Barclay: I would be very keen to visit, subject to my diary. If it is not me, I am sure a ministerial colleague will do so.

Ruth Edwards (Rushcliffe) (Con): I welcome the £1 billion funding announced today, and it is good that hospitals have benefited from innovations such as patient flow control centres, care transfer hubs, and virtual wards. When will hospitals and ICBs such as Nottingham and Nottinghamshire ICB, which has not been part of the pilot, be able to access those innovations, so that my constituents can start to access the benefits?

Steve Barclay: They can start to access them now. We announced £250 million at the start of the month, as part of the £500 million that was announced in the autumn statement, and hospitals know that funding of up to £8 billion is coming in the new fiscal year, so this is an opportunity for them to move at pace.

Andrew Bridgen (North West Leicestershire) (Ind): The Secretary of State told the House that the NHS was put under pressure with a spike in influenza cases in December. Will he say where he thinks that influenza virus has been hiding for two and a half years?

Steve Barclay: I do not think it has been hiding. Flu seasons are not uncommon in the NHS and come round on a periodic basis, and that is why we anticipated it through the flu vaccine. On the hon. Gentleman's wider point, it is also recognised that as a consequence of covid some resistance to flu may have been lowered, but we have had flu pressures on the NHS in past years.

Mark Pawsey (Rugby) (Con): Would the Secretary of State consider more use of existing urgent care centres, such as that at St Cross in Rugby? Our nearest full A&E is 12 miles away at University Hospitals Coventry and Warwickshire NHS Trust, in Coventry, which means that 83% of my constituents are more than 15 minutes' drive from an A&E. The hospital at Coventry serves a population of 600,000, which is twice the national average. Does he agree that extending provision at St Cross would go a long way towards reducing pressure at the hospital in Coventry?

Steve Barclay: My hon. Friend is right that not every patient accessing an emergency department needs a tier 1 A&E facility. This is about right place, right treatment for the patient, and making better use of urgent care centres. How those centres can better triage patients who can be treated there is a key part of the plan we have set out.

Matt Vickers (Stockton South) (Con): In Stockton South we are incredibly grateful for the Government's commitment to build a new diagnostic hospital so that local people can get access to lifesaving scans, tests and checks. We are also grateful for the £3 million announced to establish a new mental health crisis hub, so that people can get support in their hour of need. What is my right hon. Friend doing to ensure that we have the right people with the right skills in the right place to deliver great service at those facilities?

Steve Barclay: I am delighted that, thanks to my hon. Friend's assiduous campaigning, he has secured his diagnostic centre, and that he assures me he will get it operational in one of the fastest times seen by any area. We are bringing forward our workforce plan, and as I set out, we have 2,500 more nurses this year compared with last year. We are on track for our manifesto commitment of an extra 50,000 nurses, with more than 30,000 recruited already.

Andy Carter (Warrington South) (Con): May I take my right hon. Friend back to the response he gave to the hon. Member for Weaver Vale (Mike Amesbury) about Warrington Hospital? That A&E unit is incredibly under pressure. Over the weekend nurses talked to me about the 120 patients currently waiting to be discharged, which is putting intolerable pressure on that unit. My right hon. Friend said that he was not particularly familiar with those issues, but perhaps I can invite him to Warrington to see the pressure. While he is there, perhaps he will also look at the Health and Social Care Academy, which was set up by the local college to try to

[Andy Carter]

address the shortage in social care. A great level of innovation seems to be happening there, and I am sure he would like to see Warrington for himself.

Steve Barclay: That last question gives me a beautiful opportunity to correct an earlier answer regarding the constituency of my hon. Friend. He knows I am familiar with this issue, because I remember calling him at about half past 10 one evening to discuss his A&E when some particular issues had come to the attention of the media. I am familiar with the pressures on his hospital—*[Interruption.]* I was just placing the constituency of the hon. Member for Weaver Vale (Mike Amesbury) vis-à-vis that of my hon. Friend. Now clarified on place, I am familiar with the fact that that hospital is under pressure. I know the Minister of State is due to visit, and I am sure she will look forward to meeting both the hon. Gentleman and my hon. Friend.

Mr Deputy Speaker (Mr Nigel Evans): I thank the Secretary of State for his statement and responding to questions for over an hour.

Building Safety

Several hon. Members *rose—*

Mr Deputy Speaker (Mr Nigel Evans): Members can see how many are standing to be called. As I said, we are likely to sit beyond midnight tonight, so I ask Members please to focus.

4.39 pm

The Secretary of State for Levelling Up, Housing and Communities (Michael Gove): With your permission, Mr Deputy Speaker, I should like to make a statement that allows me to update the House on the Government's progress in making buildings safe. It is a basic requirement of any civilised society that people should feel safe in their own homes, but for too many people for far too long, that has not been the case. As I have said before, so I say again: this has been a collective failure. Those in government who made the rules did not make them clear enough. Those who built our homes did not build them well enough. Those who made the materials that contributed to the construction of those homes often made them unsafe; at times, knowingly so. Those who were to check the work undertaken did not always check thoroughly enough. Of course, those who own the buildings have sometimes managed them so poorly that people have been left unsafe, and too many of those owners have still shirked their obligations to make people safe.

The only party to the crisis who do not share in the responsibility are the blameless leaseholders and the tenants who live in those buildings. That is why it is right that this Parliament protected those leaseholders through the Building Safety Act 2022 and apportioned financial responsibility more fairly. We continue to work to ensure that those who bear the blame for the crisis also shoulder the burden of putting the situation right.

We have made significant progress. Those who put unsafe material on people's homes must now pay, instead of the innocent residents living in them. Leaseholders need no longer fear financial ruin simply to make their homes safe, and the major mortgage lenders, thanks to their confidence in our new approach, will now lend on properties that are covered by the leaseholder protections in the Building Safety Act. Of course, they will also lend where the building is eligible for a Government or developer remediation scheme. Leaseholders are no longer hostages to their mortgage arrangements.

We have also reopened and turbocharged the building safety fund for new applications and are piloting our medium-rise fund, paid for from a levy on developers, to ensure that dangerous cladding will be removed. Leaseholders can rest assured that their buildings will be made safe. Where remediation is required and building owners are sitting on their hands—even when money is being provided by the Government—we will use powers under the Act to force the owners to fix their unsafe buildings. Members should be in no doubt that there will be significant consequences for those who fail to comply with their legal obligations.

Leaseholders should know that the law is on their side. Today, we make further progress on delivery. In April last year, I announced that the largest house builders had signed a pledge committing to fix all life-critical fire

safety issues, internal and external, in buildings over 11 metres that they had a role in developing or refurbishing in England. Developers also committed to reimbursing the taxpayer where that work has already been done and subsidised by the taxpayer. In the summer, my Department published the draft contract that will bind developers to honour that pledge. Since then, my officials have been working through that contract line by line to ensure that it codifies the pledge in a way that is fair and transparent, committing developers to fixing buildings for which they are responsible as swiftly as possible and therefore keeping residents and leaseholders informed about that work. I am grateful to all the developers who work with us and to the Home Builders Federation and its chairman, Stewart Baseley, who have worked so hard in order to ensure that this contract can deliver. Today, we are publishing the final contract that I expect housing developers to sign. A copy of the contract has been deposited in the Library of each House and it is available on gov.uk.

Let me be clear: if you are one of the developers we invited to submit comments on the contract, I now expect you to sign it within the next six weeks—by 13 March. That includes every company who signed the original pledge as well as several companies who have regrettably not done so. Now is the time for all of them to make a binding commitment that will not only see them doing right by those whose homes they have blighted, but help them to maintain their credibility with those who may seek to contract with them or who may consider buying their homes in future. Those who fail to step up and make this commitment will suffer the consequences that this Parliament has so clearly spelled out.

Using powers provided by the Building Safety Act, I will lay regulations this spring to create a new responsible actors scheme. Those regulations will set out which developers, by signing the contract, will be eligible to be members. We expect those who built unsafe buildings to sign the contract. To join the scheme, they will have to sign and comply with the terms of the contract published today. Of course, we will invite developers to join the scheme in order to ensure that we do right by leaseholders.

Anyone who fails to sign the contract will be prohibited from carrying out future development and from receiving building control sign-offs for buildings under construction. A developer who fails to sign this contract will have to find another line of work. I say to all developers who have built unsafe buildings over 11 metres, "I am putting you on notice. You will be asked to step up."

I will consult in due course on how we expand the responsible actors scheme to make sure that we capture all those who built unsafe buildings and should now fix them. Altogether, I expect developer remediation to be worth more than £2 billion of investment in safety and to protect people in hundreds of buildings. I am grateful to those in the development community who have got on with assessing and remediating their buildings without waiting for the final form of contract; I welcome their constructive engagement.

All developers should recognise that in signing the contract, they are taking a big step towards restoring confidence in the construction sector and providing much-needed certainty to all concerned. Those who sign will confirm that they are responsible companies. I know from the positive discussions that I have had that many are now keen to sign; I particularly thank all those developers who have today confirmed that they will sign. Accepting their new responsibilities will allow developers to plan ahead in the knowledge that they now understand the full extent of their legal obligations.

When these buildings are safe and a full reckoning has been made, we can then look to the future with a new clarity and confidence in our construction sector, but until that point, my determination will be to ensure that buildings are fixed, to do what we must all do to achieve that, and not to waver. My Department has a recovery strategy unit, which is relentlessly targeting those who have consistently failed to do the right thing. As well as targeting developers, it has also begun legal action against recalcitrant freeholders. It has active investigations under way into the conduct of various companies, including contractors and construction product manufacturers that bear responsibility for this crisis.

Let me again be clear to freeholders, from this Dispatch Box: if you are holding back work to make buildings safe, even where the Government have made sufficient money directly available to you through the building safety fund, you must fix your buildings or we will take action, including through the courts. To those freeholders who are trying to bully leaseholders into paying service charges that the Building Safety Act has already proscribed, let me spell out the law. Invoices issued before the Act came into force must be scrapped. New bills must comply with the law, including our new leaseholder protections.

While buildings await remediation, I know that many leaseholders continue to suffer spiralling insurance bills. Last year, I asked the Financial Conduct Authority to investigate the market. The serious issues that it uncovered concerned me greatly. It is simply unacceptable for managing agents, landlords and freeholders to profit from commissions secured out of the pockets of innocent leaseholders as bills spiral, so I can confirm today that I will take action to ban property managing agents, landlords and freeholders from receiving commissions and other such payments from insurers and brokers, replacing them with more transparent fees.

I will not permit people to hide charges in obscure invoices; I will require service charges to be issued to leaseholders transparently with clearly labelled statements. I will not allow building owners and landlords to charge their leaseholders to pay for their own legal bills, even to pay for settlements when leaseholders win their cases. Together, these steps will ensure that leaseholder insurance costs are fairer and more transparent, and they will empower leaseholders to challenge dodgy bills. I am also pleased to see that the FCA has committed to investigate broker practices and to consult on further regulatory changes to protect and empower leaseholders.

Leaseholders also now need insurance premiums to be reduced significantly—and urgently—so I expect the FCA to report on what further actions it will take to ensure that there is a fairer and more competitive market by the summer, and to continue its monitoring of this sector. I welcome work from within the insurance industry on launching a UK-wide scheme to reduce the most severe premiums for leaseholders and buildings with fire safety issues, but I must stress the urgency of this work: leaseholders need support now.

[Michael Gove]

As we right the wrongs of the past, we must ensure that we can say with confidence that the future will be better. We want a culture of high standards that will transform not only the attitudes of people working in the construction sector but, ultimately, our whole built environment. Working together, we can put standards and safety first, and that means listening to the tenants and leaseholders who have suffered so much. Their experience is what matters, and their views must be at the heart of our approach. When everyone's interest is aligned with the interests of tenants and leaseholders, everyone will benefit in the long run.

Government must play their part through clear regulation, but also through leadership that holds current wrongdoers to account. The new building safety regulator that we have established will oversee a culture of higher standards, and over the coming year my ministerial team and I will present an ambitious programme of secondary legislation to set the regulator on firmer foundations. Building owners and managers should already be preparing for the first requirement, due to come into force soon—the requirement to register higher-risk buildings with the regulator.

In the last year, we have made significant progress. When we were told that there was an impasse, we managed collectively in the House to break through. When we were told that leaseholders must pay, we ensured that they were protected; we were told that developers would never pay, but billions of pounds are now being pledged by developers to help those in their buildings. That demonstrates what can be achieved when people accept responsibility in a spirit of good will and collective endeavour. While there is much more to do, today is a major step forward, and I commend this statement to the House.

4:51 pm

Lisa Nandy (Wigan) (Lab): I welcome the statement and some of the measures announced in it, but the fact is that, five and a half years after the appalling Grenfell fire, millions of people are still trapped in buildings with dangerous cladding, in flats that are unsellable, and facing eye-watering bills. I believe that the Secretary of State is absolutely sincere in his desire to solve this problem, but he announced a year ago that he was putting developers on notice, saying that

"we are coming for you."—[*Official Report*, 10 January 2022; Vol. 706, c. 284.]

Well, that is a long notice period, and for all the zeal, the reality is that the developers did not stump up the cash that he demanded, and only 7% of flats at risk of fire have been fixed. He says that leaseholders are no longer hostages of their mortgages, but if he spent five minutes reading the contents of my inbox, he would gain a very different perspective on what is the reality on the ground.

This has been another year of lives on hold, huge anxiety and countless amounts of human misery, and people are losing hope. The Secretary of State is now giving those same developers another six-week deadline to sign a contract or face penalties, but the date that matters to leaseholders is not the date by which a new contract is signed; it is the date by which the cladding will be removed or replaced. Am I right in understanding that there is no deadline for that? Am I also right to understand that the Secretary of State is not today announcing any new action against product manufacturers and building owners? If we all acknowledge their role in this, and the fact that in many instances they continue to profit from homes that are unsafe, this is not just an unhelpful omission but an immoral one. The Secretary of State said today that his Department was pursuing them through the courts, and I welcome that, but can he tell us how many of those cases have been successful? Can he also tell us—given that other Members will have inboxes like mine, full of stories of people who are still struggling and still suffering—how we can refer cases to this unit within his Department, so that the onus of taking action does not rest on the victims of this appalling scandal, but we and the Government use our collective might to do the same?

While I am asking the Secretary of State about omissions from the scheme, can he tell us why foreign developers are off the hook? Within the last few hours it has been reported that two major house builders have indicated that they will sign the contract, but it is also reported that they are only doing so after he watered it down to limit their liability, restrict the work that is covered, and prevent the Government from revisiting the contract at a later date. A quick read of the contract on gov.uk appears to confirm that he has retreated from his previous position and returned to the provisions agreed with his predecessors last summer, which, he said on retaking office, simply were not good enough.

Inside Housing quotes a senior house building industry source as saying:

"Our view is the contract is now just committing us to things we're already doing."

Persimmon has since confirmed that it believes that the contract simply reflects its existing commitments. Did the Secretary of State receive legal advice on the implications of the changes? In the spirit of greater transparency, will he commit to publish that today? We welcome action to help leaseholders challenge dodgy bills, but has he stopped to consider for a moment why on earth they should have to do so? Why on earth do we continue to tolerate those sorts of industry practices? Most of all, why on earth do we continue to tolerate leasehold—an arcane, feudal form of tenure that has no place in a modern country? If the sorry saga that millions of people have been forced to live with over the last five and a half years has done anything, it has lifted the lid on the reality facing millions of leaseholders in this country. No ifs or buts—leasehold ought to be abolished.

I was encouraged to hear the Secretary of State agree with that sentiment yesterday, just as I was when the Government first committed to it in 2017. If he legislates to ban leaseholds on new builds and to phase out existing leasehold in favour of commonhold tenure, he will have the Opposition's full support. Will he commit to not just introducing that legislation in the final Session of this Parliament, but to passing it? The right to a decent, safe and secure home is non-negotiable. Too many people have been denied that for too long. No more excuses: it is time to get on with the job.

Michael Gove: I am grateful to the hon. Lady for her constructive approach today. She has consistently taken such an approach to resolving the building safety crisis. She recognises that responsibility for the crisis must,

as I have mentioned, be shouldered collectively by Government and actors—from developers through to freeholders, insurance companies and construction product manufacturers.

The contract that we are publishing is the result of detailed negotiations with developers. Developers made a number of points that seemed fair and to reflect their responsibilities. We also robustly rejected a number of points that they made during the contract negotiation, so as to ensure that we receive payment from them as quickly as possibly for the work required. There is now a clear six-week deadline to sign the contract. The fact that two major developers have already agreed to sign is welcome, as is the fact that some have already undertaken this work, as I mentioned in my statement. It was not necessary for every developer to sign the contract for that work to begin. I welcome that it has begun and that work has been completed or is being undertaken on the overwhelming majority of buildings over the height of 18 metres with aluminium composite material cladding.

The hon. Lady asked about the work to deal with freeholders and, in particular, construction product manufacturers. Again, work will be undertaken by the recovery strategy unit, which has already secured change from freeholders and is pursing construction product manufacturers. Colonel Graham Cundy is the leader of the RSU. He has a distinguished service career and a commitment to ensuring that there is no hiding place for those responsible for the building crisis. He and his team are united in how they operate. If any Member of this House would like Colonel Cundy and the recovery strategy unit to work with them and their constituents, they need only contact me and I will ensure that we have action this day.

Foreign developers and those who operate opaque structures that enable individuals to profit and to evade their responsibility, which the hon. Lady referred to, are precisely and squarely within the remit of the RSU. I would be delighted for Graham and his team to brief Opposition Front Benchers and others on our approach. Some of the work undertaken requires a degree of commercial confidentiality, but I would be delighted to share that work.

Finally, the hon. Lady asked if we will maintain our commitment to abolish the feudal system of leasehold. We absolutely will. We will bring forward legislation shortly. But I gently say that the urgency with which she makes the case for change was not an urgency exhibited by the last Labour Government. In 1995—[Hon. Members: "You can't blame us for this!"] I think we can, actually. In 1995, this brilliant document entitled "An end to feudalism" was published by the Labour party, then during all their years in power, the Labour Government did nothing to end feudalism. We need a Conservative Government to do that, and that is what we will do.

Sir Peter Bottomley (Worthing West) (Con): I am a leaseholder without any problems. In 2002, 20 years ago, Parliament and the Labour Government passed leasehold and commonhold reform, but the commonhold bit did not work.

I welcome what my right hon. Friend has said and I hope that the House will manage to pass the Law Commission's proposals on the reform of leasehold and commonhold and that we will be able to make progress. Incidentally, that would make the value of leasehold properties higher and the revenue would in part go to the Treasury, so his colleagues in government should be helping him to get this legislation brought to Parliament, not hindering it.

I also welcome what my right hon. Friend has announced on commissions. Can he find a way of ensuring that leaseholders who pay for buildings insurance become a party to the insurance policy, so that when things go wrong they can appeal to the insurance ombudsman and not be cut out because they are only paying and do not own the bricks?

Those responsible for the defects all had insurers, including the developers, architects, surveyors, component manufacturers, building control and, as my right hon. Friend has said, the Government in setting standards. I suggest that he re-engage with the insurance industry, because if people can take over the claims from those who have had losses—including the leaseholders and, for that matter, some of the landlords—and have a class action, the insurers will have to contribute significantly more than they are at the moment. There is much more progress to be made, so will he and his colleagues ensure that they carry on listening to the leaseholders and their representatives, and hopefully, in time, to the representatives of commonholders too?

Mr Deputy Speaker (Mr Nigel Evans): Order. Please can I ask everyone to focus on asking single questions? Otherwise, it will be well after 1 o'clock before we get on to the Adjournment debate tonight.

Michael Gove: Leaseholders have no better champion in this House than the Father of the House, and we absolutely will proceed along the lines that the Law Commission has outlined. I know that colleagues in His Majesty's Treasury will appreciate the benefits that will accrue to the whole national economy through reform. The points that my hon. Friend makes about the insurance sector are well made, totally understood and will be acted on.

Chris Stephens (Glasgow South West) (SNP): I thank the Secretary of State for giving me advance sight of his statement. He has rightly said the quiet part out loud—namely, that faulty and ambiguous Government guidance is to blame, alongside those who exploited a broken system. But his statement was light on the support that will be given to those who are carrying out remediation works. He knows that I have a constituency interest in this regard, with Bell Building Projects carrying out work. What help will be given to companies carrying out remediation works in relation to insurance? He rightly says that insurance companies are throttling the market, so can he say a bit more about what he is doing to assist those who are carrying out the remediation work? Will he give us an assurance that they will be paid on time by Homes England, for example, and that their issues will be timeously dealt with? Will he meet me to discuss some of the issues that this company has been faced in the recent past?

Michael Gove: I am grateful to the hon. Member. The statement refers specifically to action in England, but we have been working with the Scottish Government, the Welsh Government and the Northern Ireland Executive to see what can be done to make buildings safe in those jurisdictions. On his point about remediation work, a number of companies in the private sector across the

[Michael Gove]

United Kingdom are contributing to this work and I have already raised with the chairman and chief executive of Homes England the importance of ensuring that they are paid for their work in a timely fashion. I will investigate further to make sure that progress is being made, particularly in the areas of insurance that the hon. Member mentions.

John Redwood (Wokingham) (Con): What actions will the Government take to make it more likely that people will set up new construction companies and grow smaller companies, since we clearly need more capacity and more competition to get high-quality work done?

Michael Gove: My right hon. Friend is absolutely right, and many of the provisions in the Levelling-up and Regeneration Bill are designed explicitly to aid the entry of new small and medium-sized enterprises into the construction sector. Many of those provisions follow on from the excellent work of my hon. Friend the Member for South Norfolk (Mr Bacon), who as a champion of self and custom builders has done more than anyone else in this House to help to ensure diversification in housing supply.

Mr Clive Betts (Sheffield South East) (Lab): I welcome the progress made so far. In a couple of weeks' time, the Levelling Up, Housing and Communities Committee will be looking further at the omissions that probably still exist in the system, including how the Secretary of State will actually get the money out of the product providers, on which he has not given details.

Today's big omission is social housing. Help for leaseholders is very welcome, but social housing providers, housing associations and councils are challenged with disrepair problems and the need to make their homes more energy-efficient, on top of which they now have the building safety work. Apart from on ACM cladding, there is no help at all for social housing providers. Why can the Secretary of State not remedy this unfairness?

Michael Gove: The Chairman of the Select Committee makes an important point. I am grateful for his support for the progress we have made. I am well aware of the pressures on the social housing sector and of the need to work collectively to ensure it can discharge its obligations. I hope to say more about how we can do so in the weeks ahead.

Sir Julian Lewis (New Forest East) (Con): I declare an interest as a leaseholder.

I congratulate my right hon. Friend on the progress he has made. If he does reform the freehold and leasehold systems, what provision will he make so that people with short leases are able to take over their freehold without having to pay huge charges for extending their lease, which is the current situation?

Michael Gove: My right hon. Friend makes an important point, and we need to make sure there is a fair valuation so that, as the Father of the House rightly said, those on short-term leases do not have to pay over the odds to acquire freehold or commonhold status if the value of the property increases.

Ruth Cadbury (Brentford and Isleworth) (Lab): Flammable cladding and fire safety issues are not the only building safety concerns that affect the residents of blocks, particularly those built since the post-2010 bonfire of red tape. What is the Secretary of State doing to protect leaseholders and residents in blocks that have non-fire-related safety issues?

Michael Gove: The hon. Lady makes an important point. One of the things I announced last week was new support, initially for Greater Manchester and the west midlands, to make safe a variety of safety issues in social housing in particular. We all have the horrific death of Awaab Ishak in our mind and on our conscience. More work is required on building safety, and I gently say that I do not believe there is a material difference in our post-2010 approach to this important issue, but I do believe this Government should have acted earlier to learn the lessons of the past.

Dr Matthew Offord (Hendon) (Con): This issue has been a Kafkaesque nightmare for so many of our constituents. It has exposed the sharp practices of freeholders and management companies. Will the Secretary of State acknowledge the work done by many of us Conservative Back Benchers in voting against the Government on many occasions and, particularly, the work of my right hon. Friend the Member for Stevenage (Stephen McPartland), who unfortunately is not here today, and my hon. Friend the Member for Southampton, Itchen (Royston Smith), who has just walked into the Chamber?

Michael Gove: Although I never endorse voting against this Government under any circumstances, I nevertheless reflect on the heroism and principle of my right hon. Friend the Member for Stevenage (Stephen McPartland) and my hon. Friend the Member for Southampton, Itchen (Royston Smith), who have been genuine friends of those in need.

Stella Creasy (Walthamstow) (Lab/Co-op): Everybody agrees that leaseholders should not carry the can for these dangerous buildings, but the problem is in the delivery. I have been contacted by many constituents, including those on Planetree Path in Walthamstow, who cannot turn to their developer because it has gone bust, and whose freeholders claim to be too small to be liable. In the absence of anybody to hold to account, these residents have already had to scrape together £10,000 to pay for the surveys and reviews required before a single change can be contemplated to make safe the buildings in which they live. Can the Secretary of State confirm that those residents will be able to reclaim those costs from the building safety fund? How will that happen so the Government can make good on their pledge that leaseholders will not pay the costs?

Michael Gove: I very much doubt the freeholders' appeals to poverty in this case. If the hon. Lady lets me know precisely who the freeholders are, the RSU can make sure we find the truth.

Tom Hunt (Ipswich) (Con): It is vitally important that we make these buildings safe, and that leaseholders should be paid, but it is also vitally important that, when this remediation work is carried out, the mental health of

those still living in the buildings is taken into account. Twenty months ago, after the management of St Francis Tower gained access to the building safety fund, a giant shrink wrap was put on the building. A number of my constituents have been literally living in darkness. I would not allow animals to live in those conditions, and it should not be legal. Has any thought been given to a code of practice with teeth that sets benchmarks for what is acceptable and what is not acceptable when it comes to this sort of work? The block management of St Francis Tower have badly let down the residents, and I believe they have acted in an immoral way.

Michael Gove: My hon. Friend has been a very effective advocate for those residents and for people in the Cardinal Lofts building. He is absolutely right; sometimes it is necessary to decant people from buildings that are unsafe, and there should be an obligation on those who are doing that to ensure that people are in appropriate accommodation. More will follow in order to ensure that we give teeth to that provision.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Secretary of State is aware that thousands of residents in my constituency are affected and are in buildings with issues such as these. There is a great deal of frustration, and I met some of them again last week to hear their concerns. He spoke about tough action against those who have not signed up to the contract or the pledge. He will be aware that there is a similar developers' pledge in Wales, to which 11 companies have signed up. However, a number have not done so, including Laing O'Rourke. Has it signed up to the pledge in England? If it has not, what is his message to that company? Will he also take action against companies that fail to sign up to the pledges in other parts of the United Kingdom?

Michael Gove: I will work with all the devolved Administrations to ensure that we work together on this. I do not know whether Laing O'Rourke has yet signed, but if it does not, it will face consequences. I look forward to working with the hon. Gentleman and of course the Welsh Government.

Barry Gardiner (Brent North) (Lab): The Secretary of State said that those who built these buildings did not always build them safely, "at times knowingly". What sanctions will be faced by those who knowingly took shortcuts on safety, endangering and blighting residents' lives, and who will bring them? As for the companies that he says must either sign or get out and find another business, what happens when they simply go out of business and pop up under another name?

Michael Gove: The hon. Gentleman makes some very good points. We have found that one particular company—I will not name it at the Dispatch Box at this time but I am more than happy to name it in private conversation—has tried to do just that and shift responsibility, and it was directly involved in construction at Grenfell. As a result, we have said that it cannot have access to Government funds through Help to Buy or any other schemes. The whole question of what further action may be taken against companies that knowingly put people's lives at risk will be a matter for the police and the Crown Prosecution Service, following on from the conclusion of the Grenfell inquiry. I know that people have had to wait a long time for justice. I do sympathise with them, but, obviously, I cannot interfere with the independent operation of the justice system.

Jeremy Corbyn (Islington North) (Ind): The Secretary of State will know from my correspondence with him about buildings in Drayton Park and in other parts of my constituency the deep stress and concern that many leaseholders and tenants have had. They have had to pay increased insurance costs and they have had their lives put on hold, as many other colleagues' constituents have. I think they deserve compensation for the increased payments they have had to make. They also need to know exactly when this work will begin. They have been waiting years for it. I want to be able to go back to them and say that it is going to start—I would like to give them a date.

Michael Gove: That is entirely understandable, and once construction companies have signed this contract—and indeed this applies to social landlords too, once they commit to remediation—they should be in touch with the tenants and leaseholders to let them know when that work will be carried out. Again, I want to make sure that everyone is operating as they should. I would be grateful to the right hon. Gentleman if he could let me know, building by building, scheme by scheme, where people are still in doubt about this, and we will do everything possible to give them the information they deserve.

Hilary Benn (Leeds Central) (Lab): Far too many leaseholders are still living in properties that have not been remediated, including in my constituency at Cartier House, the Gateway, and the Drive, Saxton Gardens, which was turned down for building safety funding even though the cladding has recently failed a fire test. As a result, five and a half years after Grenfell, a waking watch has been put in place. This is not good enough, is it? When are they going to get sorted out?

Michael Gove: No, it is not. There are a number of other constituencies and local authorities where either a waking watch has been installed or people have had to be decanted from the building, as was the case in Ipswich and in South Yorkshire. We are seeking to move as quickly as possible in order to ensure that that work advances. As I mentioned, the overwhelming majority of the buildings over 18 metres that have ACM now have work in place or being carried out. However, I will follow up on the individual cases that the right hon. Gentleman was kind enough to mention.

Helen Morgan (North Shropshire) (LD): The statement today is a welcome, if belated, step in the right direction. We all agree across the House, I think, that leasehold is no longer a fit-for-purpose form of property ownership. Can the Secretary of State give us some timelines of when he might be bringing property ownership into the 21st century?

Michael Gove: The aim is to do this in the Queen's Speech.

Andy Slaughter (Hammersmith) (Lab): The Secretary of State said nothing about leaseholders in smaller buildings, nothing about leaseholders who have bought their freeholds, and, above all, nothing about social housing. This is a time when social landlords are selling their vacant stock and not developing new programmes.

[Andy Slaughter]

When will he make some announcement on this? At the moment, the only solution is for the Government to step into the shoes of social landlords. Why should social tenants have to pay for these mistakes?

Michael Gove: I do not doubt the hon. Gentleman's passion and commitment on this issue. I trespassed on the House's patience by speaking for more than 10 minutes, so there were a number of issues that I did not cover. I hope to be able to do so in greater detail at departmental questions and through correspondence. The nub of the matter is that this Government have acted, and are acting, to ensure that social housing tenants get a better deal. The announcement I made last week, while it is only £30 million, is earnest in its intent to ensure that tenants in social homes get money from central Government in order to ensure that they are safe.

Sir Stephen Timms (East Ham) (Lab): My constituents welcome the Secretary of State's grasp of their problems, but his changes have required some arrangements that were previously in place to be reworked. In the case of Barrier Point in my constituency, the insurers have responded to the delay by increasing the insurance charges for the coming financial year sixfold, as set out in my letter to him dated 13 January. Will the changes that he has announced offer any assistance and relief to them?

Michael Gove: They should do. Again, the right hon. Gentleman homes in on something that is very important, as have a number of other colleagues. Developers are stepping up to the plate and accepting their responsibilities, with one or two exceptions, and those developers have to alter their behaviour. It is also the case that lenders, for the most part, have changed their behaviour in order to help people who are trapped by their mortgages—but we have to monitor that behaviour. There are others—and the insurers as well as construction product manufacturers are squarely in our gun sights—who do need to do more. I believe that what we have announced today will help, but there does need to be additional Financial Conduct Authority and Government co-ordinated action. If the right hon. Gentleman has not yet received a response to his letter, I hope to lay out in my response exactly what we will do.

Fleur Anderson (Putney) (Lab): My constituents will welcome this statement, but they will not break out in celebrations just yet. We want to see some action. Two big developments in my constituency, which had unsafe cladding identified three years ago, applied to the building safety fund. Since then they have been given vague promises by the developer but no action from the building safety fund. Can the Secretary of State confirm that those developments will now be taken out of the building safety fund and given to their developers, who will be told to do the remediation by a certain date, so that this lack of clarity over who is responsible for getting on with it is ended, and people can at last sleep well at night?

Michael Gove: That is exactly what today's announcement is intended to achieve.

Florence Eshalomi (Vauxhall) (Lab/Co-op): I welcome the overdue progress on developer responsibility; that gives some hope to my constituents. I want to draw the Secretary of State's attention to an area that is often forgotten: safety for disabled residents. We know that the death rate for disabled residents in high-rise buildings is quite high. This delay has had a catastrophic effect. In December, a constituent emailed me to say that his young relative, who was in a wheelchair, had died when a fire broke out in her flat because she had no way to escape. Avoidable tragedies such as that will keep happening until we make the change. How can this be acceptable?

Michael Gove: The hon. Lady is completely correct. There are some inherited structural problems with high-rise buildings in this country, which make life more difficult for residents living with disabilities. For example, we tend to have one staircase only, whereas other countries tend to have two. Critically, one recommendation from the inquiry—the need for personal emergency evacuation plans—is one that the Government have not yet met. I have been working with my colleagues in the Home Office to make sure that we do, but I understand her exasperation. We need to move more quickly to give disabled people the certainty that they will be safe.

Justin Madders (Ellesmere Port and Neston) (Lab): May I point out to the Secretary of State, who chastised the previous Labour Government for not abolishing leasehold, that most of the industrial-scale scandals we are now familiar with developed over the past decade? I think we are all agreed, are we not, that leasehold's time is up, so can he give us a date by which all our constituents will be free of that feudal practice?

Michael Gove: That will depend on how quickly this House can agree the passage of the Bill. Given the generous words from the Opposition Front Bench, if we introduce it in the Queen's Speech, then I hope it will be law as quickly as possible. One thing we all recognise is that when a system of property ownership has grown up over centuries, unpicking it all requires delicate work, but that work has been done by the Law Commission and others. I hope that our friends in the Office of the Parliamentary Counsel, who are the unsung heroes and heroines of legislation, will hear the determined chorus of unity across the House asking for the legislation to be developed as quickly as possible.

Gavin Robinson (Belfast East) (DUP): I thank the Secretary of State for his ongoing commitment on these issues. He may be aware that in my constituency there is the ARC—the Abercorn residential complex—a building complex with 474 individual leaseholders. They know that their building has non-ACM cladding that needs to be remediated and that the Northern Ireland Executive received money through Barnett funds in March 2020, but the Northern Ireland Department for Communities has yet to develop a scheme that can advance those essential remediation works. There has been a request to Whitehall, so will he engage with my colleagues and me to ensure that the Northern Ireland Executive are given the support they need to deliver the remediation?

Michael Gove: Absolutely. I will ask Sue Gray, the second permanent secretary of my Department, to be in touch with the Northern Ireland Executive this week to do just that.

Mike Amesbury (Weaver Vale) (Lab): On what date can we expect a positive response on personal emergency evacuation plans and the next and final stage of leasehold reform, to put it in the history books?

Michael Gove: On PEEPs, I am reliant on the good offices of my friends in the Home Office. They are working hard and I hope to update the House shortly. On leasehold, the plan is for a Bill to be introduced in the Queen's Speech and then rapid progress through this House; I do not know whether in the other place there might be one or two people who are pro-feudalism, but I hope they will recognise that this House will be speaking with a united voice.

Ellie Reeves (Lewisham West and Penge) (Lab): Dane House in Sydenham is a four-storey block of 26 flats with cladding on the third floor. Due to fire safety concerns, the building insurance is more than £23,000. Given today's statement, will the original developers, Crest Nicholson, now be obliged to remove the cladding? The Secretary of State has talked about tackling insurance, but will he give a commitment that my constituents will no longer face such astronomical bills?

Michael Gove: We will do everything we can, and I hope Crest Nicholson will hear clearly exactly the eloquent plea the hon. Lady makes.

Rushanara Ali (Bethnal Green and Bow) (Lab): In my borough we have the largest number of cladded blocks and we have had numerous fires, which have terrified residents. Last March, more than 100 firefighters were at the scene of one fire on Whitechapel High Street, in Houblon Apartments in the Relay Building. The building is owned by a mixture of private companies and social housing providers, and residents could not make head or tail of where the owners of the private companies were. There is a major issue with freeholders who are registered offshore so that our constituents cannot track them down. After years of asking for this, I ask again: can the Secretary of State commit to providing the legal support, or to the Government's going directly after those who are not doing the work they are supposed to, rather than our constituents' having to fight legal battles on top of living in dangerous cladded properties?

Michael Gove: That is exactly what our establishment of the recovery strategy unit is designed to do. I hope the hon. Lady will be in touch directly with Colonel Cundy.

Paul Blomfield (Sheffield Central) (Lab): I thank the Secretary of State's ministerial and staff team for the support they have given to residents in Wicker Riverside. However, he will be aware of another case in my constituency, that of Mandale House, where the managing agency, Y&Y Management, which has directors in common with the landlords, is not only denying leaseholders their rights, but challenging the legal status of the legislation we have passed to protect them, presumably believing that the leaseholders will not have the resources to challenge them in court. Can the Secretary of State explain how today's announcement will help leaseholders in Mandale House, and will he assure me that his Department will provide all the support they need to make Y&Y Management fulfil its responsibilities?

Michael Gove: We absolutely will—it is with their concerns in mind that I made the statement today. I am grateful to the hon. Gentleman for his kind words about the Department's engagement. May I thank, in particular, the Under-Secretary of State, my hon. Friend the Member for North East Derbyshire (Lee Rowley), who has made personal visits to many of those who are most directly affected and is ensuring that, within the Department, every lever is being pulled to help them on an individual basis?

Matt Rodda (Reading East) (Lab): I thank the Secretary of State for his statement. Could he explain to the House how this action will help residents living in blocks that are just under the threshold for intervention? We have many such blocks in Reading and Woodley. In addition, could he update the House on what measures the Department will take to tackle wooden cladding, insufficient partitions walls, and weak or unsafe fire doors?

Michael Gove: The hon. Gentleman is absolutely right to stress that it is not just cladding and buildings over 18 metres; there are other fire safety issues. It will be the responsibility of developers or, where appropriate, freeholders, to address those under the waterfall system that we have put in place through the Building Safety Act 2022.

Jim Shannon (Strangford) (DUP): I thank the Secretary of State very much for his statement. Building safety is vital for all parts of the United Kingdom of Great Britain and Northern Ireland. Further to the point made by my hon. Friend the Member for Belfast East (Gavin Robinson), may I request a timescale for communications between the Department for Levelling Up, Housing and Communities and the Department for Communities in Northern Ireland, which has responsibility for this? One thing to consider in all this is that we in Northern Ireland deserve the same safety as residents here on the United Kingdom mainland.

Michael Gove: I could not agree more. I will ask Sue Gray, the second permanent secretary at my Department, to be in touch with the Department for Communities this week. I will write to the hon. Gentleman and the hon. Member for Belfast East (Gavin Robinson) with an update on the progress that we expect to make.

May I apologise to the House for referring to the Queen's Speech, when I should, of course, have referred to the King's Speech?

Mr Deputy Speaker (Mr Nigel Evans): Thank you very much. I thank the Secretary of State for his statement and for responding to multiple questions.

Strikes (Minimum Service Levels) Bill

Considered in Committee

MR NIGEL EVANS *in the Chair*

Clause 1

MINIMUM SERVICE LEVELS FOR CERTAIN STRIKES

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

The First Deputy Chairman of Ways and Means (Mr Nigel Evans): With this it will be convenient to discuss the following:

Clause 2 stand part.

Amendment 80, in clause 3, page 1, line 14, after "may", insert "not".

The purpose of this amendment is to ensure that any consequential provision is made only by an Act of Parliament.

Amendment 84, page 1, line 15, at end insert—

"(1A) No such regulations shall be made without the prior agreement of the Confederation of British Industry and the Trades Union Congress."

This amendment, together with Amendment 83, is intended to partially fulfil the conditions required by ILO Convention 87 by providing that minimum service levels are reached by negotiation.

Amendment 100, page 1, line 16, leave out subsections (2) and (3).

This amendment would remove the Secretary State's powers to amend, repeal or revoke primary legislation, through regulations.

Amendment 27, page 1, line 16, after "may" insert "not".

The purpose of this amendment is to ensure that any amendment, repeal or revocation of primary legislation is made only by an Act of Parliament.

Amendment 101, page 1, line 18, leave out from "Act" to end of line 19.

This amendment would remove the Secretary of State's powers to bring in regulations to amend, repeal or revoke primary legislation, later in the same session of Parliament as this Act.

Amendment 22, page 1, line 19, at end insert—

"(2A) No provision whatsoever having effect in Northern Ireland may be made under or by virtue of this Act unless and until the Northern Ireland Assembly has approved a joint decision by the First Minister and deputy First Minister that such provision should be made."

This amendment is intended to ensure that the Bill will not be extended to cover Northern Ireland without appropriate devolved consent.

Amendment 102, page 2, line 5, leave out from "section" to end of line 7 and insert—

"must be made under the affirmative resolution procedure".

This amendment would ensure that any regulations made under clause 3, must be made under the affirmative resolution procedure.

Amendment 28, page 2, line 8, leave out subsection (5) and insert—

"(5) In this section "primary legislation" means an Act of Parliament.

(6) For the avoidance of doubt, this section shall not apply to—

(a) an Act or Measure of Senedd Cymru, or

(b) an Act of the Scottish Parliament."

The purpose of this amendment is to provide that, if Clause 3(2) is retained, the power of United Kingdom Ministers to amend primary legislation should not apply to Acts of the Scottish Parliament or the Senedd Cymru.

Amendment 97, page 2, line 8, leave out subsection (5) and insert—

"(5A) For the avoidance of doubt, this section shall not apply to—

(i) an Act or Measure of Senedd Cymru, or

(ii) an Act of the Scottish Parliament."

The purpose of this amendment is to preclude the power of United Kingdom Ministers in clause 3(2) to amend primary legislation and extends that power to Acts of the Scottish Parliament or the Senedd Cymru.

Amendment 81, page 2, line 8, leave out from "means" to end of line 11 and insert "an Act of Parliament."

This amendment would remove Acts of the Scottish Parliament or Senedd Cymru from the power to amend or repeal primary legislation by regulations made by statutory instrument.

Amendment 76, page 2, line 10, leave out subsection (b).

This amendment would prevent the Secretary of State from being able to make consequential amendments to an Act or Measure of Senedd Cymru.

Clause 3 stand part.

Amendment 98, in clause 4, page 2, line 13, leave out from "England" to end of line 13 and insert—

"only.

(2) This Act does not apply to disputes which take place in—

(a) Scotland or Wales; or

(b) the United Kingdom if any of the workers who are parties to the dispute are employed by an employer to work in Scotland or Wales, as the case may be.

(3) For the avoidance of doubt, this Act shall apply only to disputes where all the workers who are parties to the dispute are employed by an employer to work in England."

The purpose of this amendment is to exclude the application of the Act to Scotland and Wales.

Amendment 77, page 2, line 13, leave out "and Wales".

The purpose of this amendment is to exclude the application of the Act to Wales.

Amendment 30, page 2, line 13, leave out "and Scotland".

This amendment is intended to prevent the Bill applying to Scotland. See also Amendments 36, 37 and 38.

Amendment 107, page 2, line 13, leave out "and Wales and Scotland."

This amendment would confine the extent of the Act to England.

Clause 4 stand part.

Amendment 31, in clause 5, page 2, line 15, at beginning insert "Subject to subsection (2),".

See explanatory statement for Amendment 32.

Amendment 67, page 2, line 15, leave out from "force" to end of line 15 and insert—

"in accordance with this section.

(1) Sections 4 to 6 of this Act come into force on the day on which this Act is passed.

(2) The remaining provisions of this Act come into force on a date specified by the Secretary of State, which may not be before one month after the day on which the Joint Committee on Human Rights, following the taking of written and oral evidence, has published a report as to whether in its opinion the Act's provisions are compatible with the right to freedom of assembly and association under Article 11 nof the European Convention, as well as the right to strike as recognised in other international instruments that the United Kingdom has ratified."

This amendment requires the publication of a report from Joint Committee on Human Rights before the Act can come into operation.

Amendment 20, page 2, line 15, leave out "on the day on which this Act is passed" and insert—

"in accordance with section [*Compliance condition for commencement*]".

Amendment 32, page 2, line 15, at end insert—

"(2) But no regulations may be made under this Act or the Schedule to this Act before the Secretary of State has laid before Parliament statements of consent to the Act from—

(a) the Scottish Parliament,

(b) Senedd Cymru, and

(c) the Greater London Assembly."

The intention of this Amendment is to prevent the Act coming into operation until after consent to the Act has been obtained from the Scottish Parliament, Senedd Cymru and the Greater London Assembly.

Clause 5 stand part.

Clause 6 stand part.

New clause 1—*Compliance condition for commencement*—

"(1) This section and sections 4 to 6 come into force on the day this Act is passed.

(2) The remainder of the Act comes into force on a day to be specified in regulations by the Secretary of State which may not be earlier than the day after the High Court has issued a certificate under this section.

(3) The Secretary of State may apply to a Judge of the High Court of Justice for a certificate that the law in this Act is compliant with—

(a) the obligations set out in Convention 87 of the International Labour Organisation;

(b) the obligations set out in the European Social Charter of 1961 which have been ratified by the United Kingdom;

(c) the obligations of the United Kingdom set out in Article 387 sub-paragraphs (2) and (4) of the UK/EU Trade and Cooperation Agreement 2021; and

(d) the obligations of the United Kingdom set out in Article 399 sub-paragraphs (2) and (5) of the UK/EU Trade and Cooperation Agreement 2021.

(4) On an application made by the Secretary of State for the certificate in subsection (3) above, after hearing the Secretary of State, the Trades Union Congress, the Confederation of British Industry and such other organisations or individuals whose applications the Judge may consider should be heard, the Judge shall grant the certificate only if the court is satisfied that the law of the United Kingdom is compliant with the obligations set out in paragraph (3)."

This new clause would prevent the Act from coming into operation until a court had certified that the Act complied with the UK's relevant international obligations.

New clause 2—*Extent (No. 2)*—

"(1) This Act extends and applies to England only.

(2) This Act does not apply to disputes which take place in—

(a) Scotland or Wales; or

(b) anywhere in Great Britain, if any of the workers who are parties to the dispute are employed by an employer to work in Scotland or Wales, as the case may be.

(3) For the avoidance of doubt, this Act shall apply only to disputes where all the workers who are parties to the dispute are employed by an employer to work in England."

The purpose of this new clause is to exclude the application of the Act to Scotland and Wales.

New clause 3—*Impact assessment: duties to work with trade unions in Wales*—

"The Secretary of State must, within one month of the day on which this Act is passed, lay before Parliament an assessment of the effect of this Act on industrial relations in Wales, with particular reference to the intended outcomes of the Social Partnership and Public Procurement (Wales) Bill currently before Senedd Cymru."

This new clause would require the Government to publish an assessment of the impact of this Act on social partnership.

New clause 4—*Requirement for consent from devolved institutions*—

"No regulations may be made under any provision of the 1992 Act inserted by this Act before the Secretary of State has laid before Parliament statements of consent to this Act from—

(a) the Scottish Parliament,

(b) Senedd Cymru,

(c) the Greater London Assembly, and

(d) Combined Authorities in England that have responsibility for delivering services that fall within any of the categories set out in s234B(4) of the 1992 Act."

Amendment 36, in the schedule, page 3, line 7, after "services" insert "in England and Wales".

This amendment is intended to prevent the Bill applying to Scotland.

Amendment 37, page 3, line 8, after "levels" insert "in England and Wales".

This amendment is intended to prevent the Bill applying to Scotland.

Amendment 38, page 3, line 11, after "levels" insert "in England and Wales".

This amendment is intended to prevent the Bill applying to Scotland.

Amendment 83, page 3, line 12, at end insert—

"(1A) No such regulations shall be made without the prior agreement of the Confederation of British Industry and the Trades Union Congress."

This amendment, together with Amendment 84, is intended to partially fulfil the conditions required by ILO Convention 87 by providing that minimum service levels are reached by negotiation.

Amendment 115, page 3, line 12, at end insert—

"(1A) Minimum service regulations—

(a) may be made only if the Secretary of State reasonably believes them to be necessary to protect the life, personal safety or health of the whole or part of the population; and

(b) may provide only for levels of service reasonably considered necessary to provide protection for the life, personal safety or health of the whole or part of the population."

This new subsection would limit the levels of service which the Secretary of State could set in regulations to levels of service that the Secretary of State reasonably believes to be necessary to protect life, personal safety or health.

Amendment 116, page 3, line 12, at end insert—

"(1B) Minimum service regulations must—

(a) not provide for levels of service which are greater than those necessary to satisfy the basic needs of the population or the minimum requirements of the service; and

(b) ensure that the scope of the minimum service does not render ineffective any strike it affects."

This new subsection would limit minimum service regulations to the levels indicated as appropriate in conclusions of the International Labour Organisation's Committee on Freedom of Association.

Amendment 15, page 3, line 15, leave out "even" and insert "except".

This amendment would stop the Secretary of State from being able to set minimum service levels for disputes that have already been balloted for.

Amendment 99, page 3, line 15, leave out "even if" and insert "unless".

The amendment seeks to stop regulations under this Bill from being applied to strikes which have already been balloted for.

Amendment 59, page 3, line 20, at end insert—

"(2A) A minimum service level must not be framed so that it would require more than 30% of a workforce to be served with a work notice."

This amendment would limit the proportion of a workforce which can be required by a minimum service level so as to ensure that a majority of workers will be able to withdraw labour.

Amendment 60, page 3, line 20, at end insert—

"(2A) A minimum service level must be framed to take account of the actual levels of service provided in the previous year.

(2B) After a minimum service level regulations have been issued, no work notices may be issued for any further strikes unless the employer has maintained the minimum service level on days not affected by strike for at least 3 months."

This amendment would prevent employers from requiring a minimum service level if the employer had not previously been able to maintain such a level on days not affected by strike action.

Amendment 61, page 3, line 20, at end insert—

"(2A) Minimum service levels must not exceed 20% of normal service levels achieved, except in so far as additions to the minimum service level is wholly determined for operational reasons related to health and safety requirements."

This amendment would stipulate 20% of normal service levels as an upper threshold for minimum service levels.

Amendment 16, page 3, line 21, leave out subsection (3).

See Amendment 17.

Amendment 21, page 3, line 22, at end insert—

"(2A) The Secretary of State may not add to the list of categories in subsection (4) below.

(2B) The Secretary of State may by regulations made by statutory instrument subject to annulment remove any categories from subsection (4) below.

(2C) After a category has been removed from subsection (4) below, it may not be added back in to that subsection except by primary legislation."

This amendment bars any addition to, or any reinstatement of, the 6 categories of service to which this Act applies, while facilitating the removal of any of those categories.

Amendment 17, page 3, line 23, leave out from "that" to end of line 31 and insert—

"have been approved for specification under this Act by resolution of each House of Parliament."

This amendment would ensure that minimum service level regulations apply only to services that have been approved by resolution in both Houses.

Amendment 9, page 3, line 25, leave out paragraph (a).

This amendment would remove "health services" from the Bill.

Amendment 75, page 3, line 25, at end insert—

"except nurses, doctors, paramedics, ambulance support workers, veterinary services, community health services, pharmacists, mental health services, sexual health services, speech and language therapy services, dental services and transportation of medical supplies services."

This amendment would various occupations and sub-sectors of the health sector from the regulations in the Bill.

Amendment 10, page 3, line 26, leave out paragraph (b).

This amendment would remove "fire and rescue services" from the Bill.

Amendment 11, page 3, line 27, leave out paragraph (c).

This amendment would remove "education services" from the Bill.

Amendment 74, page 3, line 27, at end insert—

"except primary schools, secondary schools, further education colleges, universities, contracted school transportation, private schools and academies."

This amendment would exempt various occupations and sub-sectors of the education sector from the regulations in the Bill.

Amendment 12, page 3, line 28, leave out paragraph (d).

This amendment would remove "transport services" from the Bill.

Amendment 73, page 3, line 28, at end insert ——

"except aviation services, airline services, airport services, airport fire services, car delivery services, road haulage services, parcel delivery services, bus services, tram services, rail infrastructure, rail engineering ferry and waterway services, seafarers, and dock services."

This amendment would exempt various occupations and sub-sectors of the transport sector from the regulations in the Bill.

Amendment 109, page 3, line 28, at end insert—

", except where the service is

(i) a rail service wholly or partly within Scotland,

(ii) a bus service registered with the Traffic Commissioner for Scotland,

(iii) a ferry service wholly or partly within Scotland,

(iv) any aviation service which uses a facility holding an aerodrome certificate issued the Civil Aviation Authority for all or part of its journey, or

(v) any aviation service which receives funding as part of a Public Service Obligation."

This amendment would exempt passenger transport services in, to, and from Scotland from being subject to a work notice.

Amendment 13, page 3, line 29, leave out paragraph (e).

This amendment would remove ""decommissioning of nuclear installations and management of radioactive waste and spent fuel" from the Bill.

Amendment 14, page 3, line 31, leave out paragraph (f).

This amendment would remove "border security" from the Bill.

Amendment 106, page 3, line 31, at end insert—

"(4A) No regulations made by statutory instrument under this section shall apply to any service which relates to the provisions of—

(a) the Transport (Scotland) Act 2019;

(b) the Transport (Scotland) Act 2001;

(c) section 8 of the Railways Act 2005;

(d) section 10 of the Civic Government (Scotland) Act 1982; or

(e) any passenger ferry operating within the portion of the UK Exclusive Economic Zone lying under the jurisdiction of Scotland, or to any service defined by Scottish ministers as relating to the provision of transport services in Scotland."

This amendment would exclude most passenger transport services in Scotland from being subject to minimum service regulations laid by the Secretary of State.

Amendment 2, page 3, line 31, at end insert—

"(5) Levels of service set by regulations under subsection (1) may not exceed the lowest actual level of service for the relevant service recorded on any day of the 12 months before the regulations are laid.

(6) Before making regulations under subsection (1) for the relevant service, the Secretary of State must lay before Parliament a report showing that the condition in subsection (5) is met."

This new subsection (5) would require the Secretary of State to specify any minimum service levels made in regulations under subsection (1) of the new inserted section 234B at a level no higher than the lowest actual level of service recorded on any day in the year before the new regulations are laid. Subsection (6) requires the Secretary of State to lay a report before Parliament to prove that the condition in subsection (5) has been met.

Amendment 4, page 3, line 31, at end insert—

"(5) The Secretary of State may not make any regulations under this section until after a Minister of the Crown has laid before Parliament assessments outlining the impacts of the Strikes (Minimum Service Levels) Act 2023 on—

(a) workforce numbers,

(b) Individual workers,

(c) employers,

(d) trade unions, and

(e) equalities."

This amendment would require the Government to publish assessments of how the proposed legislation would impact on workforce numbers, individual workers, equalities, employers and trade unions before the Bill comes into operation.

Amendment 23, page 3, line 31, at end insert—

"(5) Regulations made under this section in relation to strikes affecting services in an area for which an elected mayor is responsible may not be made without the consent of the elected mayor for that area."

This amendment would require the consent of the relevant elected mayor before minimum service levels could be set in relation to an area for which an elected mayor was responsible.

Amendment 39, page 3, line 31, at end insert—

"(5) Regulations under this Part may not—

(a) prohibit or enable the prohibition of participation in, or any activity in connection with, a strike or other industrial action;

(b) create an offence; or

(c) require levels of service on strike days which are higher than those ordinarily provided on non strike days.

(6) Regulations may not make provision which is contrary to the United Kingdom's international obligations, and in particular—

(a) International Labour Organisation Convention No 87;

(b) Social Charter of the Council of Europe, Article 6(4); and

(c) EU-UK Trade and Cooperation Agreement, Article 399.

(7) For the purposes of subsection 6(a), reference shall be made to the Observations of the ILO Committee of Experts, and the Conclusions of the ILO Committee on Freedom of Association to determine the United Kingdom's international obligations.

(8) For the purposes of subsection 6(b), reference shall be made to the Conclusions of the European Committee of Social Rights to determine the United Kingdom's international obligations."

This amendment is designed to restrict the power of the Secretary of State to make regulations, and in particular, to ensure that regulations should not authorise any steps which restrict the right to strike. Subsections (5)(a) and (b) are based on the restraints on the power to make regulations in the Civil Contingencies Act 2004. Subsection (5)(c) is new. The amendment is designed to ensure also that any regulations are compatible with international obligations.

Amendment 94, page 3, line 31, at end insert—

"(5) Regulations may not—

(a) prohibit or enable the prohibition of participation in, or any activity in connection with, a strike or other industrial action;

(b) create an offence; or

(c) require levels of service on strike days which are higher than those ordinarily provided on non-strike days.

(6) Regulations may not make provision which is contrary to the United Kingdom's international obligations, and in particular—

(a) International Labour Organisation Convention No 87;

(b) Social Charter of the Council of Europe, Article 6(4); and

(c) EU-UK Trade and Cooperation Agreement, Article 399.

(7) To determine the United Kingdom's international obligations for the purposes of subsection 6(a), reference shall be made to the Observations of the ILO Committee of Experts, and the Conclusions of the ILO Committee on Freedom of Association, and for the purposes of subsection 6(b), reference shall be made to the conclusions of the European Committee of Social Rights."

This amendment would prevent the Secretary of State from making regulations which unduly abridge the right to strike. Section 234(5)(a) and (b) are based on the Civil Contingencies Act 2004. Section 234(5)(c) is new. The amendment is intended to require any regulations to be compatible with the UK's international obligations.

Amendment 108, page 3, line 31, at end insert—

"(5) Any services deemed to fall within a category specified in subsection (4) which are subject to the competence of—

(a) the Scottish Parliament,

(b) the Senedd,

(c) the Northern Ireland Assembly,

(d) the Greater London Authority,

(e) a combined authority constituted under the Local Democracy, Economic Development and Construction Act 2009,

(f) any other elected body named by the Secretary of State,

shall not be subject to regulations made under subsection (3)."

This amendment would remove any service provided by a devolved government or authority from being subject to a regulation made by the Secretary of State under this Act.

Amendment 40, page 3, line 31, at end insert—

"**234BA Parliamentary Scrutiny**

(1) Where regulations are made under section 234B—

(a) a senior Minister of the Crown shall as soon as is reasonably practicable lay the regulations before Parliament, and

(b) the regulations shall lapse at the end of the period of seven days beginning with the date of laying unless during that period each House of Parliament passes a resolution approving them.

(2) If each House of Parliament passes a resolution that the regulations shall cease to have effect, the regulations shall cease to have effect—

(a) at such time, after the passing of the resolutions, as may be specified in them, or

(b) if no time is specified in the resolutions, at the beginning of the day after that on which the resolutions are passed (or, if they are passed on different days, at the beginning of the day after that on which the second resolution is passed).

(3) If each House of Parliament passes a resolution that regulations shall have effect with a specified amendment, the regulations shall have effect as amended, with effect from—

(a) such time, after the passing of the resolutions, as may be specified in them, or

(b) if no time is specified in the resolutions, the beginning of the day after that on which the resolutions are passed (or, if they are passed on different days, the beginning of the day after that on which the second resolution is passed).

(4) Nothing in this section—

(a) shall prevent the making of new regulations, or

(b) shall affect anything done by virtue of regulations before they lapse, cease to have effect or are amended under this section.

234BB Parliamentary Scrutiny: Prorogation and Adjournment

(1) If when regulations are made under section 234B Parliament stands prorogued, His Majesty shall by proclamation under the Meeting of Parliament Act 1797 (c. 127) require Parliament to meet on a specified day.

(2) If when emergency regulations are made under section 234B the House of Commons stands adjourned, the Speaker of the House of Commons shall arrange for the House to meet on a day during that period of adjournment.

(3) If when emergency regulations are made under section 234B the House of Lords stands adjourned, the Speaker of the House of Lords shall arrange for the House to meet on a day during that period of adjournment."

The inserted sections 234BA and 234BB are designed to enhance the power of Parliament to approve regulations. These provisions are based on the power to make regulations in the Civil Contingencies Act 2004.

Amendment 41, page 3, line 31, at end insert—

"**234BC Consultation with Devolved Administrations**

(1) Regulations which relate wholly or partly to Scotland may not be made unless a senior Minister of the Crown has consulted the Scottish Ministers.

(2) Regulations which relate wholly or partly to Wales may not be made unless a senior Minister of the Crown has consulted the National Assembly for Wales.

(3) For the purposes of (1) and (2) consultation means consultation with a view to reaching an agreement."

The inserted Section 234BC is designed to ensure that the Minister must consult the Scottish and Welsh ministers before regulations are made. Section 234BC(1) and (2) are based on similar provisions in the Civil Contingencies Act 2004.

Amendment 3, page 3, line 31, at end insert—

"**234BA Power to specify minimum service levels: health and safety**

(1) Minimum service regulations must take into account the levels of service provided in the relevant service in periods when that service is not affected by strikes.

(2) Before making any regulations under section 234B, the Secretary of State must lay before Parliament an assessment of the level of service provided within the relevant specified category over the most recent period of 12 months for which data is available.

(3) The assessment under subsection (2) must include an analysis of performance in relation to health and safety standards applicable to the relevant service.

(4) The Secretary of State must give priority in making regulations under section 234B to maintaining health and safety standards during a strike which are no lower than the relevant applicable standards in the specified service."

This amendment would require the Government to assess health and safety performance in the affected sector before making minimum service regulations.

Amendment 82, page 3, line 31, at end insert—

"**234BD Consultation with Social Partners**

(1) Before making regulations under section 234B the Secretary of State shall consult organisations representative of employers and trade unions.

(2) Consultation under subsection (1) shall take place with a view to reaching an agreement.

(3) Where consultation takes place without an agreement being reached, the Secretary of State shall refer the matter to arbitration for the resolution of any matters of disagreement between the Secretary of State and the organisations representative of employers and trade unions.

(4) The arbitrator appointed under subsection (3) shall be an independent person appointed by ACAS from a panel of arbitrators established by ACAS for this purpose.

(5) The decision of the arbitrator shall be binding.

(6) The Secretary of State shall not make regulations which are inconsistent with the decision of the arbitrator."

The proposed new section 234BD is intended to require the Secretary of State's to consult and agree minimum service levels with the social partners, failing which minimum service levels will be determined by an independent arbitrator.

Amendment 117, page 3, line 31, at end insert—

"**234BA Requirement for opportunity for negotiated settlement and involvement of independent body**

(1) The Secretary of State may not make minimum service regulations in respect of any strike of which a trade union gives notice to an employer under section 234A unless—

(a) the employer and the trade union have been given a reasonable opportunity to reach a negotiated agreement on minimum service levels in respect of the strike; and

(b) if the employer and the trade union have not been able to reach an agreement on minimum service levels—

(i) the employer and trade union have both been given a reasonable opportunity to make representations to a quasi-judicial body independent of the employer, trade union and Government; and

(ii) the independent body has been given a period that is reasonable in the circumstances to determine minimum service levels in respect of the strike.

(2) If the employer and trade union have reached a negotiated agreement on minimum service levels in respect of the strike referred to in subsection (1), the Secretary of State may not make minimum service regulations in respect of that strike.

(3) If the independent body referred to in subsection (1)(b)(i) and (ii) above has determined minimum service levels in respect of the strike within the reasonable period—

(a) The employer and trade union are bound by those minimum service levels;

(b) The Secretary of State may not make minimum service regulations in respect of the strike referred to in subsection (1)."

This amendment would prevent the Secretary of State making minimum service regulations in respect of a strike unless the trade union and employer have had an opportunity to reach a negotiated agreement on those levels, and where an independent body has had the opportunity to determine the levels in the absence of an agreement.

Amendment 119, page 3, line 34, after second "a" insert "recognised".

Amendment 42, page 4, line 1, at end insert—

"(1A) An employer shall also send a copy of a work notice to any person identified therein as someone required to work during the strike."

This amendment is designed to require the employer to send a copy of the notice to each of the individuals identified in the notice.

Amendment 111, page 4, line 18, at end insert—

"(c) not relate to a service which does not relate to a competence listed in Schedule 5 of the Scotland Act 1998."

This amendment this would exclude any devolved services in Scotland from being subject to a work notice.

Amendment 70, page 4, leave out lines 19 to 21 and insert—

"(5) A work notice must not identify any more than the minimum number of persons necessary for the purpose of providing the levels of service under the minimum service regulation."

This amendment, with Amendments 71 and 72, is intended to require employers to take reasonable steps to ensure the serving of work notices does not prevent lawful industrial action from taking place.

Amendment 69, page 4, line 21, at end insert—

"and no person shall be identified in one or more work notices where the effect would be that they would be prevented from taking part in industrial action on fifty per cent or more of the days included in the notice referred to in section 234C(1)(a)"

This amendment is intended to ensure that specific workers cannot be prevented from striking by this Bill.

Amendment 120, page 4, line 21, at end, insert—

"or have the effect of preventing any one person taking part in protected industrial action"

Amendment 93, page 4, line 21, at end insert—

"(5A) A work notice must not include a person who is an official of the trade union (within the meaning of section 119) at the time a work notice is issued."

This amendment would exempt trade union officials from a work notice under the Act.

Amendment 64, page 4, line 24, at end insert—

"; or whether the person took part in the activities of an independent trade union at an appropriate time; or made use of trade union services at an appropriate time."

This amendment would ensure that the selection of persons for work notices cannot be targeted at trade union activists.

Amendment 68, page 4, line 24, at end insert—

"; or whether the person took part in the activities of an independent trade union at an appropriate time; or made use of trade union services at an appropriate time.

(6A) An employer having regard to one or more of the matters referred to in subsection (6) in deciding whether to identify a person in a work notice shall be deemed to subject that person to a detriment for the purpose of section 146 of this Act.

(6B) Subjecting a person to a detriment in contravention of section 146 of this Act by reason of subsections (6) and (6A) shall be actionable as a breach of statutory duty.

(6C) A person deemed to have been subjected to a detriment for the purpose of section 146 by reason of reason of subsections (6) and (6A) may, as an alternative to pursuing an action for breach of statutory duty in accordance with subsection 6B, present a claim to an Employment Tribunal in accordance with that section.

(6D) If there facts from which a court or tribunal could conclude, in the absence of any other explanation, that the employer has contravened, or is likely to contravene, subsections (6) and (6A), it must find that such a contravention occurred, or is likely to occur, unless the employer shows that it did not, or is not likely, to occur."

This amendment is intended to gives legal recourse in cases where employers may choose to target trade union members with work notices.

Amendment 85, page 4, line 25, leave out from "must" to end of line 28 and insert—

"reach agreement with the union about the number of persons to be identified and the work to be specified in the notice."

This amendment is intended to partially fulfil the conditions required by ILO Convention 87 by providing that minimum service levels are reached by negotiation between the social partners

Amendment 103, page 4, line 25, leave out from "must" to end of line 28 and insert—

"take reasonable steps to reach agreement".

This amendment aims to ensure that minimum service levels are reached by negotiation between employers and trade unions.

Amendment 43, page 4, line 25, leave out subsection (7) and insert —

"(7A) A work notice shall not be valid unless the employer has consulted the recognised trade union, or in the absence of a recognised trade union, a representative trade union.

(7B) Consultation under subsection (7A) shall take place with a view to reaching an agreement.

(7C) Where consultation takes place without an agreement being reached, the employer shall refer the matter to arbitration for the resolution of any matters of disagreement between the employer and the trade union.

(7D) The arbitrator appointed under subsection (7C) shall be an independent person appointed by ACAS from a panel of arbitrators established by ACAS for this purpose."

This amendment is designed to enhance the employer's duty to consult about work notices.

Amendment 86, page 4, leave out lines 25 to 28 and insert—

"(7A) A work notice shall not be valid unless the employer has consulted the recognised trade union, in the absence of which a representative trade union.

(7B) Consultation under subsection (7A) shall take place with a view to reaching an agreement.

(7C) In the event of a failure to agree the matters in (7A) the employer or the union may refer any or all disputed issues to an arbitrator who shall be an independent person appointed by ACAS from a panel of arbitrators established by ACAS for this purpose and the decision of the arbitrator shall be binding."

This alternative amendment turns on a duty to consult rather than to reach agreement.

Amendment 71, page 4, line 27, leave out "and".

This amendment, with Amendments 70 and 72, is intended to require employers to take reasonable steps to ensure the serving of work notices does not prevent lawful industrial action from taking place.

Amendment 65, page 4, line 28, leave out "have regard to any views expressed by the union in response" and insert—

"take into account the views expressed by the trade union with a view to reaching agreement with the union."

This amendment is intended to promote good faith engagement between the employer and trade union when consulting over work notices.

Amendment 72, page 4, line 28, after "response" insert—

"and (c) be satisfied that the requirement in subsection (5) is satisfied."

This amendment, with Amendments 70 and 71, is intended to require employers to take reasonable steps to ensure the serving of work notices does not prevent lawful industrial action from taking place.

Amendment 87, page 4, line 28, at end insert —

"(7A) In the event of a failure to agree the matters in subsection (7), the employer or the union may refer any or all disputed issues to an arbitrator who shall be an independent person appointed by ACAS from a panel of arbitrators established by ACAS for this purpose and the decision of the arbitrator shall be binding."

This amendment is intended to partially fulfil the conditions required by ILO Convention 87 by providing that minimum service levels are reached by negotiation between the social partners.

Amendment 112, page 4, line 28, at end insert—

"(7A) No employee of any organisation listed in Schedule 1 of the Civil Contingencies Act 2004 shall be subject to any work notice."

This amendment would exempt any occupation or employee subject to the above Act from any regulations allowing a work notice to be issued.

Amendment 44, page 4, line 30, after "union" insert—

"and to each individual person identified in the notice".

See Amendment 42.

Amendment 95, page 4, line 30, after "varied" insert—

"to any person identified therein as someone required to work during the strike and,".

This amendment is intended to require the employer to send a copy of the notice to each of the individuals identified in the notice.

Amendment 88, page 4, line 33, at end insert —

"(8A) A variation shall not be valid unless the employer has consulted the recognised trade union, in the absence of which a representative trade union.

(8B) Consultation under subsection (8A) shall take place with a view to reaching an agreement.

(8C) In the event of a failure to agree the matters in subsection (8B) the employer or the union may refer any or all disputed issues to an arbitrator who shall be an independent person appointed by ACAS from a panel of arbitrators established by ACAS for this purpose and the decision of the arbitrator shall be binding."

This alternative amendment turns on a duty to consult rather than to reach agreement.

Amendment 89, page 4, line 34, leave out paragraph (9) and insert—

"(9A) In the event of a failure to agree the matters in subsection (7A) the employer or the union may refer any or all disputed issues to an arbitrator who shall be an independent person appointed by ACAS from a panel of arbitrators established by ACAS for this purpose and the decision of the arbitrator shall be binding."

This amendment is intended to partially fulfil the conditions required by ILO Convention 87 by providing that minimum service levels are reached by negotiation between the social partners.

Amendment 90, page 4, line 34, leave out paragraph (9) and insert—

"(9A) An employer may vary a work notice.

(9B) A variation shall not be valid unless the employer has consulted the recognised trade union, in the absence of which a representative trade union.

(9C) Consultation under subsection (9A) shall take place with a view to reaching an agreement.

(9D) In the event of a failure to agree the matters in (9A) the employer or the union may refer any or all disputed issues to an arbitrator who shall be an independent person appointed by ACAS from a panel of arbitrators established by ACAS for this purpose and the decision of the arbitrator shall be binding."

This alternative amendment turns on a duty to consult rather than to reach agreement.

Amendment 104, page 4, line 34, leave out from "must" to end of line 37 and insert—

"take reasonable steps to reach agreement".

This amendment aims to ensure that minimum service levels are reached by negotiation between employers and trade unions.

Amendment 96, page 4, line 34, at end insert—

"(za) send a copy of a work notice to any person identified therein as someone required to work during the strike,".

This amendment is intended to require the employer to send a copy of the notice to each of the individuals identified in the notice.

Amendment 46, page 4, line 35, after "union" insert—

"and each individual person identified in the notice".

See Amendment 42.

Amendment 66, page 4, line 37, leave out "have regard to any views expressed by the union in response" and insert—

"take into account the views expressed by the trade union with a view to reaching agreement with the union."

This amendment is intended to promote good faith engagement between the employer and trade union when consulting over work notices.

Amendment 47, page 4, line 37, after "union" insert—

"and by each individual person identified in the notice".

See Amendment 42.

Amendment 110, page 4, line 40, at end insert—

"(a) A work notice must be submitted to the Presiding Officer of the Scottish Parliament, the Llywydd of the Senedd, and the Speaker of the Northern Ireland Assembly for consideration by a sitting of each body.

(b) Where less than four-fifths of those elected representatives constituting each body vote in favour of a motion supporting the granting of a work notice, the notice shall be deemed invalid."

This amendment would ensure that a work notice would be valid only if its provisions were submitted by an employer to the three devolved institutions and received the support of over 80% of elected members in each chamber.

Amendment 48, page 4, line 40, at end insert—

"**234CA Protection of Employees**

(1) A person shall not be subject to a work notice if the person in question has not been given or received the work notice.

(2) The onus will be on the employer to prove that an individual received a work notice.

(3) Failure to comply with a work notice shall not—

(a) be regarded as a breach of the contract of employment of any person identified in the work notice; or

(b) constitute grounds for dismissal or any other detrimental action.

(4) Having regard to subsection (3), failure to comply with a work notice shall be deemed to be—

(a) a trade union activity undertaken at an appropriate time for the purposes of section 146 above; and

(b) participation in industrial action for the purposes of sections 238 and 238A below."

This inserted Section 234CA is designed to ensure that compliance with a work notice should be voluntary on the part of the employee in question. Provision is also made to protect the individual who decides not to comply from any sanction imposed by the employer.

Amendment 113, page 5, line 6, at end insert—

"(2A) No disclosure of information authorised by section 234C shall apply to any individual habitually residents or ordinarily employed in Scotland."

This amendment would protect the personal data of people living and working in Scotland.

Amendment 49, page 5, leave out lines 9 to 22.

The purpose of this amendment is to delete inserted section 234E in order to exclude the operation of the duty of the union to take reasonable steps to ensure that all workers identified in the work notice comply with the notice.

Amendment 79, page 5, line 14, leave out from "234C" to end of line 17.

This would remove the requirement for trade unions to take reasonable steps for employees to comply with work notices, as these are not a matter between trade union and member, but between employer and employee.

Amendment 63, page 5, line 17, leave out "comply with" and insert "are aware of".

This amendment would ensure that the trade union's legal duty is restricted to making its members aware of the content of the work notice.

Amendment 92, page 5, line 17, at end insert—

"(1A) In paragraph (1)(b), if it is alleged that a union failed to take "reasonable steps", a failure to take any of the following steps shall not be taken to constitute a failure to take reasonable steps—

(a) to discipline or impose any detriment for non-compliance or threatened non-compliance, or for inducing or seeking to induce non-compliance by another member with a work notice, or

(b) to threaten to discipline or impose any detriment for non-compliance or threatened non-compliance, or for inducing or seeking to induce non-compliance by another member with a work notice, or

(c) to instruct a member not to comply with a work notice, or to revoke any instruction or encouragement to take part in the strike."

This amendment is intended to limit the requirement that a union should police its own members.

Amendment 52, page 5, line 22, at end insert—

"(3) A trade union shall be deemed fully to have complied with its obligation under subsection (1) if it informs any members identified in a work notice that they have been so identified.

(4) For the purpose of subsection (3) a trade union is required to do only whatever is reasonably practicable by whatever means it deems appropriate.

(5) For the purposes of subsection (3) a trade union will not be deemed to have failed to comply with its duty in paragraph (b) on the ground only that one or more members has or have not been informed that they are the subject of a work notice.

(6) For the avoidance of doubt, a trade union will not be required to discipline or expel a member who—

(a) refuses to comply with a requirement to work under a work notice, or

(b) encourages others not to comply with a work notice."

This amendment is intended to restrict the trade union's compliance duty under the Act.

Amendment 118, page 5, line 22, at end insert—

"(3) Peaceful picketing within the meaning of section 220 of the 1992 Act shall not be regarded as an act done by the union to induce a person to take part, or continue to take part, in the strike, for the purposes of subsection (1)."

The intention of this amendment is avoid picketing alone being a cause for a claim against the union under the Act on the basis that this was inducing an identified person to take part in the strike.

Amendment 91, page 5, line 22, at end insert —

"(2A) A trade union shall be deemed fully to have complied with its obligation under section (1) if it informs any of its members identified in a work notice that they have been so identified.

(2B) For the purpose of subsection (2A) a trade union is required to do only whatever is reasonably practicable by whatever means it deems appropriate.

(2C) For the purposes of subsection (2A) a trade union will not be deemed to have failed to comply with its duty in paragraph (b) on the ground only that one or more members has or have not been informed that they are the subject of a work notice."

This amendment is intended to limit the requirement that a union should police its own members.

Amendment 50, page 5, line 23, after "consultation" insert "with Social Partners".

This amendment is linked to Amendment 51.

Amendment 8, page 5, line 23, at end insert—

"(A1) Before making regulations under section 234B the Secretary of State must receive a report into minimum services in the affected sector from the relevant House of Commons select committee.

(A2) For the purpose of subsection (A1), "relevant House of Commons select committee" means—

(a) House of Commons Home Affairs Committee for regulations affecting fire and rescue services, and border security as set out in 234B(4),

(b) House of Commons Education Committee for regulations affecting education services as set out in 234B(4),

(c) House of Commons Transport Committee for regulations affecting transport services as set out in 234B(4),

(d) House of Commons Health and Social Care Committee for regulations affecting health services as set out in 234B(4),

(e) House of Commons Business, Energy and Industrial Strategy Committee for regulations affecting decommissioning of nuclear installations and management of radioactive waste and spent fuel as set out in 234B(4).

(A3) The Speaker of the House of Commons may determine in case of any doubt the relevant successor of any committee mentioned in subsection (A2)."

This amendment would require that each relevant Select Committee conducts and publishes inquiries on how the Act will impact on each named sector, before the Act can be brought into operation.

Amendment 51, page 5, line 24, leave out subsection (1) and insert—

"(1A) Before making regulations under section 234B the Secretary of State shall consult organisations representative of employers and trade unions.

(1B) Consultation under subsection (1) shall take place with a view to reaching an agreement.

(1C) Where consultation takes place without an agreement being reached, the Secretary of State shall refer the matter to arbitration for the resolution of any matters of disagreement between the Secretary of State and the organisations representative of employers and trade unions.

(1D) The arbitrator appointed under subsection (3) shall be an independent person appointed by ACAS from a panel of arbitrators established by ACAS for this purpose.

(1E) The decision of the arbitrator shall be binding.

(1F) The Secretary of State shall not make regulations which are inconsistent with the decision of the arbitrator."

Consistently with the practice in other countries, the purpose of this amendment is to remove the Secretary of State's unilateral power to determine what minimum service levels should be. The Secretary of State would l be required to consult and agree minimum service levels with the social partners, failing which minimum service levels will be determined by an independent arbitrator.

Amendment 62, page 5, line 25, leave out lines 23 to 40 and insert—

"**234F Consultation**

(1) If a Minister of the Crown proposes to make regulations under this Act the Minister must—

(a) consult such organisations as appear to the Minister to be representative of interests substantially affected by the proposals;

(b) where the proposals relate to the functions of one or more statutory bodies, consult those bodies, or persons appearing to the Minister to be representative of those bodies;

(c) consult the Scottish Ministers and the Welsh Ministers, and

(d) consult such other persons as the Minister considers appropriate.

(2) If, as a result of any consultation required by subsection (1), it appears to the Minister that it is appropriate to change the whole or any part of the proposals, the Minister must undertake such further consultation with respect to the changes as the Minister considers appropriate.

(3) If, before the day on which this section comes into force, any consultation was undertaken which, had it been undertaken after that day, would to any extent have satisfied the requirements of this section, those requirements shall to that extent be taken to have been satisfied.

(4) In subsection (1)(b) 'statutory body' means—

(a) a body established by or under any enactment; or

(b) the holder of any office so established.

234FA Draft regulations and explanatory document laid before Parliament

(1) If, after the conclusion of the consultation required by section 234F, the Minister considers it appropriate to proceed with the making of regulations, the Minister must lay before Parliament for a period of at least 60 days —

(a) a draft of the regulation, together with

(b) an explanatory document.

(2) The explanatory document must—

(a) introduce and give reasons for the regulations;

(b) give details of—

(i) any consultation undertaken under section 234F;

(ii) any representations received as a result of the consultation;

(iii) the changes (if any) made as a result of those representations;

(c) explain why the draft regulations are consistent with the United Kingdom's international legal obligations.

234FB Super-affirmative resolution procedure

(1) In determining whether to make regulations, the Minister must have regard to—

(a) any representations made,

(b) any resolution of either House of Parliament, and

(c) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations,

any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations,

(2) If, after the expiry of the 60-day period, the Minister wishes to make regulations in the terms of the draft, the Minister must lay before Parliament a statement—

(a) stating whether any representations were made under subsection (1)(a); and;

(b) if any representations were so made, giving details of them.

(3) The Minister may after the laying of such a statement make regulations in the terms of the draft if it is approved by a resolution of each House of Parliament.

(4) However, a committee of either House charged with reporting on the draft regulations may, at any time after the laying of a statement under subsection (3) and before the draft regulations are approved by that House under subsection (3), recommend under this subsection that no further proceedings be taken in relation to the draft regulations.

(5) Where a recommendation is made by a committee of either House under subsection(4) in relation to a draft regulations, no proceedings may be taken in relation to the draft regulations in that House under subsection (3) unless the recommendation is, in the same Session, rejected by resolution of that House.

(6) If, after the expiry of the 60-day period, the Minister wishes to make regulations consisting of a version of the draft regulations with material changes, the Minister must lay before Parliament—

(a) a revised draft of the regulations; and

(b) a statement giving details of—

(i) any representations made under subsection (1)(a); and

(ii) the revisions proposed.

(7) The Minister may after laying revised draft regulations and statement under subsection (6) make regulations in the terms of the revised draft if they are approved by a resolution of each House of Parliament.

(8) However, a committee of either House charged with reporting on the revised draft regulations may, at any time after the revised draft regulations are laid under subsection (6) and before they are approved by that House under subsection (7), recommend under this subsection that no further proceedings be taken in relation to the revised draft regulations.

(9) Where a recommendation is made by a committee of either House under subsection (8) in relation to a revised draft regulations, no proceedings may be taken in relation to the revised draft regulations in that House under subsection (7) unless the recommendation is, in the same Session, rejected by resolution of that House.

(10) In this section the "60-day period" means the period of 60 days beginning with the day on which the draft regulations were laid before Parliament under section 234FA."

This amendment would provide a super-affirmative procedure for Regulations under the Act.

Amendment 5, page 5, line 25, leave out

"such persons as the Secretary of State considers appropriate"

and, at end insert —

"(a) trade unions in each affected sector,

(b) employers in each affected sector,

(c) relevant Government Departments for each affected sector, and

(d) relevant Parliamentary Select Committees for each affected sector."

The intention of this amendment is to require that the Government consults with a range of stakeholders for each affected sector before making regulations, including relevant trade unions, employers, Government Departments and Select Committees.

Amendment 114, page 5, line 25, leave out

"such persons as the Secretary of State considers appropriate"

and insert—

"(a) the Scottish Trade Union Congress,

(b) the Trade Union Congress,

(c) the Irish Congress of Trade Unions,

(d) all trade unions entered on the list maintained by the Certification Officer under Section 3 of the Trade Union and Labour Relations (Consolidation) Act 1992,

(e) the Scottish Parliament,

(f) Scottish Ministers,

(g) Senedd Cymru,

(h) Welsh Ministers,

(i) the Northern Ireland Assembly,

(j) the Northern Ireland Executive, and

(k) such persons as the Secretary of State considers appropriate."

This amendment would mandate consultation with all relevant trade union bodies, individual trade unions, the Scottish Parliament, Senedd Cymru, Northern Ireland Assembly, and allow the Secretary of State to consult others.

Amendment 53, page 5, line 26, at end insert—

"(1A) For the avoidance of doubt subsection (1) is without prejudice to the obligations of the Secretary of State in section 234BC (duty to consult Devolved Administrations) and section 234BD (duty to consult Social Partners)."

This amendment is linked to Amendment 41.

Amendment 24, page 5, line 26, at end insert—

"(1A) In particular, the Secretary of State must consult elected mayors of Greater London and of Combined Authorities in respect of minimum service levels for services for which they have responsibility."

The intention of this amendment is to ensure that elected mayors with strategic responsibilities for transport, for example, are included in the consultations before minimum service levels are set.

Amendment 7, page 5, line 39, leave out

"(as well as by consultation after that time)".

The intention of this amendment is to require that the consultation may be satisfied only by consultation completed before the passing of the Act.

Amendment 6, page 5, line 40, at end insert —

"(6) Any consultation carried out by the Government under this section must be published within six weeks of the day on which this Act is passed."

The intention of this amendment is to require that the Government makes public any and all consultations.

Amendment 18, page 5, line 40, at end insert—

"**234FA Impact assessment of this Part**

(1) The Secretary of State must conduct a review into the impact of this Act on each the categories listed in section 234B(4), with regard to—

(a) recruitment of new staff,

(b) retention of existing staff, and

(c) the provision of adequate staffing levels in the long-term.

(2) The Secretary of State must a lay a copy of the report under subsection (1) before both Houses of Parliament no later than six months after the day on which this Act is passed."

This amendment would require the Secretary of State to conduct a report into the impact of the Bill on recruiting staff, retaining staff and the provision of adequate staffing levels in the long-term.

Amendment 19, page 5, line 40, at end insert—

"**234FB Impact assessment of this Part (No. 2)**

(1) The Secretary of State must conduct a review into the impact of this Act on—

(a) numbers of working hours lost attributable to the operation of this Act, and

(b) the total cost to the Exchequer of litigation arising from legal challenges to this Act over the first 12 months after the day on which this Act is passed.

(2) The Secretary of State must a lay a copy of the report under subsection (1) before both Houses of Parliament no later than 18 months after the day on which this Act is passed."

This amendment would require the Secretary of State to conduct an impact assessment on the working hours lost, and costs to government of legal challenges, incurred as a result of the Act.

Amendment 54, page 6, line 2, at end insert—

"'senior Minister of the Crown' means—

(a) the First Lord of the Treasury (the Prime Minister),

(b) any of Her Majesty's Principal Secretaries of State, and

(c) the Commissioners of Her Majesty's Treasury."

This provision is based on the Civil Contingencies Act 2004: see Amendment 41.

Amendment 55, page 6, line 9, leave out paragraphs 3 to 5.

The purpose of this amendment is to ensure that trade unions do not incur delictual or tortious liability where there is a failure to take reasonable steps to ensure workers fail to comply with work notices.

Amendment 1, page 6, line 29, leave out paragraphs 6 to 10.

This amendment would preserve existing protections from unfair dismissal, including for an employee who participates in a strike contrary to a work notice under this Bill.

Amendment 78, page 6, line 33, leave out paragraph 8.

This amendment would remove the Bill's intention to remove protection against unfair dismissal for workers who refuse to work on strike days.

Amendment 58, page 7, line 4, at end insert—

"(ab) however, where the industrial action is a strike relating to the provision of a particular service, an employee who takes part shall be treated as having taken part in protected action if the only reason why the action is not protected in accordance with subsection (1) is that the union has failed to comply with section 234E above."

This amendment would ensure that unfair dismissal protection for participating in industrial action is retained where the union has failed to take reasonable steps in accordance with section 234E.

That the schedule be the Schedule to the Bill.

Amendment 57, in the title, line 1, leave out

"about minimum service levels in connection with the taking by trade unions of strike action relating to certain services"

and insert—

"to make provision for workers in specified services to be subject to compulsory work notices contrary to their decision to withdraw their labour in an industrial dispute".

The intention of this Amendment is to re-phrase the long title of the Act.

5.27 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kevin Hollinrake): It is a pleasure to serve under your chairmanship, Mr Evans.

It is well known that the first and foremost job of any Government is to keep the public safe. Every one of us in this Chamber will know of people who have been impacted by industrial action. Every one of us will know constituents who work hard and expect access to essential and life-saving services when they need them. It is clear that that is not happening in all cases. That is why this Government are taking proportionate and sensible steps through the Bill. Our position, which has the support of the majority of our constituents—in a recent YouGov poll, 56% of those polled said that they support the legislation—is that we need to maintain a reasonable balance between the ability of workers to strike and the ability to keep the lives and livelihoods of the British public safe.

Alan Brown (Kilmarnock and Loudoun) (SNP): The Minister has started with a red herring about keeping people safe. Can he explain, then, why teachers and education are included in the Bill?

Kevin Hollinrake: Clearly, there is a wider context for children. It is about services and safety—those are both contexts in this—as well as livelihoods. All those things are affected when people do not provide a minimum service level.

Chris Stephens (Glasgow South West) (SNP) *rose—*

Kevin Hollinrake: If I may, I will respond to the question from the hon. Member for Kilmarnock and Loudoun (Alan Brown). All those things are affected when there is a universal strike. The Bill is about guaranteeing a minimum service level.

Several hon. Members *rose—*

Kevin Hollinrake: I am happy to give way to the hon. Member for Coventry South.

Zarah Sultana (Coventry South) (Lab): I thank the Minister for giving way. This anti-worker, anti-strike Bill applies to the fire and rescue service, which has seen a 30% cut in central Government funding since the Tories came into power, with one in five firefighter jobs being lost. Today the Fire Brigades Union won a historic ballot against another insulting real-terms pay cut. Does the Minister agree that if the Government really cared about minimum service levels, they would properly fund the fire and rescue service, alongside other key services, and give pay rises, rather than this pathetic attempt to cosplay as Thatcher, pretending that firefighters and workers are the enemy rather than the people keeping the country running?

Kevin Hollinrake: Negotiations need to go on. This does not stop—

Alexander Stafford (Rother Valley) (Con): On a point of order, Mr Evans, is it acceptable for Members to speak on an issue and not declare an interest when they have received money from trade unions?

The First Deputy Chairman of Ways and Means (Mr Nigel Evans): It is up to each individual Member to reflect on whether they wish to declare an interest, but at least the hon. Member has given a timely reminder that those who wish to do so should, even in interventions, declare interests.

David Linden (Glasgow East) (SNP): Further to that point of order, Mr Evans, to be helpful to the House, given that a number of Members who spoke on Second Reading declared their interest, is it really necessary for them to do so again in Committee? I know that the hon. Member for Rother Valley (Alexander Stafford) is new to the House, but perhaps he might re-acquaint himself with "Erskine May".

The First Deputy Chairman: Yes.

Chris Stephens: Further to that point of order, Mr Evans, is it also in order for hon. Members who have received donations from employers to register them in the debate?

The First Deputy Chairman: That is exactly the same point. Let us just move on please. We have got a lot to deal with today, and it is six hours of protected time.

Kevin Hollinrake: In answer to the point from the hon. Member for Coventry South (Zarah Sultana), negotiations need to continue, and they need to be fair to workers, but also to the taxpayer, which I will touch on in a second.

I reject the characterisation of this Bill by the Opposition, who clearly put their relationship with their unions over the interests of this country. This is not a radical Bill. What we are doing is not even new. We are taking reasonable, proportionate and balanced steps and aligning ourselves with many of our European partners, such as France and Spain.

Barry Gardiner (Brent North) (Lab): Will the Minister accept that health and safety legislation in this country—to ensure guards on machinery, for example, to stop people's hands being chopped off—was won because workers withdrew their labour? Does he understand that the ambulance workers and the nurses say that the very reason they are going on strike is to make sure that the service is safe? What he is saying at the Dispatch Box is complete rubbish.

Kevin Hollinrake: I do not accept the hon. Gentleman's point. On nurses, we already have voluntary agreements, yet still they go on strike. The two things are consistent and are not mutually exclusive, but I recognise his point on the right to withdraw labour and bring attention to certain things, whether pay or other matters at work. It is absolutely right that people should be able to do that, but it should not prevent others going about their daily business and, indeed, feeling safe in terms of such things as healthcare.

Several hon. Members *rose—*

Kevin Hollinrake: I will give way to the hon. Gentleman.

Jim Shannon (Strangford) (DUP): In relation to safety—others have mentioned this—the nurses that I have spoken to and been on the picket line with have told me that they want better pay and conditions and more staff, but they have also made sure that at no stage was emergency cover not available. The ambulance service staff who went on strike always made sure emergency cover was available. It is really a matter of staffing and wages. Does the Minister, who I respect greatly, understand that nurses have already ensured cover, and all they are looking for is fair pay?

Kevin Hollinrake: The hon. Member makes an important point. We are happy with the agreement we have with the Royal College of Nursing, and that is why we are not consulting on minimum service levels for nurses. On ambulances, we got only last-minute agreements—we had to negotiate on a trust-by-trust basis—that provided no confidence that the service would be in place and did not cover things such as strokes and chest pains in all cases. That would put somebody who is worried about having a stroke in a state of anxiety, and that is what we are trying to protect against.

Several hon. Members *rose—*

Kevin Hollinrake: I will make some progress.

We clearly want to resolve these disputes, but we must do it in an affordable way. An inflation-matching pay increase of 11% for all public sector workers would cost £28 billion, which would put just under £1,000 on to the bills of every household in all our constituencies. That is on top of the Opposition's spending plans, which would add £50 billion of recurrent costs annually on to our economy, where we are already running a £175 billion deficit. As we have seen in recent months, we cannot take the market for granted, so that level of borrowing is absolutely unsustainable.

The disputes are already costing our economy and threatening businesses and livelihoods. The estimated cost to the economy so far is £6 billion, including £2.5 billion to the already challenged hospitality sector. I will conclude my comments there. I am happy to hear contributions from hon. Members on both sides of the Committee. I will listen with interest and look forward to responding later.

Angela Rayner (Ashton-under-Lyne) (Lab): I draw the House's attention to my entry in the Register of Members' Financial Interests, because I continue to be a proud trade unionist and I am proud to represent my constituents in the Chamber when I speak today.

We are in an absurd situation: we are back to debate the Conservatives' sacking nurses Bill—*[Interruption.]*—not just nurses, but millions of other key workers. The Bill is controversial and divisive, and as irrational as it is impractical. It is strongly condemned by all Opposition parties.

Some 110 amendments and new clauses have been selected for consideration today, including more than 35 tabled by the Labour Front-Bench team. Given that we have had just a few days to draft and table them, that is quite some feat. We will have only five hours to debate those amendments, however, with no reasonable timetable; there would have been more if we had had that. We have had no line-by-line scrutiny of the Bill and we are unable to hear any evidence. The Government have simply prevented the House from doing its job, so it will be left to the other place to scrutinise the legislation properly, which should be a major concern to us all.

Ellie Reeves (Lewisham West and Penge) (Lab): Under this legislation, workers can be sacked for taking strike action that has been agreed in a democratic ballot, which is a gross infringement of working rights and goes against the long-established principles set out in the Trade Union and Labour Relations (Consolidation) Act 1992. It also goes against the pledge in the 2019 Queen's Speech, which said that sanctions would not be directed at individual workers. In the light of that, does my right hon. Friend agree that we simply have not been given enough time to debate a Bill that goes against everything that we stand for?

Angela Rayner: I absolutely agree with my hon. Friend that Labour stands against this sacking nurses Bill—the Minister chuntered earlier about that not being the case; if he would like to prove that, then the Government could accept our amendment that would resolve the unfair dismissal situation.

We oppose the Bill in the strongest terms on principle and by virtue of the serious flaws that render it utterly unworkable.

Dr Kieran Mullan (Crewe and Nantwich) (Con): Does the right hon. Lady think it is right that the police are restricted from taking strike action? If she does, why does she oppose similar restrictions on other important public services?

Angela Rayner: The hon. Member should know, because of what has happened recently, that members and those who deliver critical public services have voluntary agreements to ensure that "life and limb" services are covered. The Bill, however, would restrict trade unions' rights—which are already among the most restricted in the evolved democracies anywhere in the world—and further, goes from clapping nurses to sacking them. I hope he will vote with us tonight, at least on our amendments, if he does not want to see that happen.

The Secretary of State says we need this Bill to ensure safety levels on strike days, slandering the brave and hard-working ambulance workers as he goes and ignoring the "life and limb" deals that workers already agree. What about our constituents who cannot get an ambulance on any day, such is the crisis in the NHS? The Prime Minister admitted today the serious challenges facing the health service, and he is right, but it is his Government's duty to protect the public's access to essential services. The public are being put at risk every day due to this crisis of his own Government's making.

Lives and livelihoods are already being lost. What about the commuters stopped from going to work because of the failing rail companies in the north? If the Prime Minister really cared, he would insist on fixing the broken public services we have today because of 13 years of Conservative failure. If they were confident of their case, why not agree to amendment 3 and provide us with reports on safety and service levels on any given day in transport, health, education and so on? Or are they just playing politics to distract from their 13 years of failure?

Barry Gardiner: Does my right hon. Friend understand that the Government are authorising employers to do what not even a court in this country can? Under the Trade Union and Labour Relations (Consolidation) Act 1992, no court can compel an employee to do any work or attend any place for the doing of any work, but after a notification to a union of the identity of workers to be requisitioned, the Bill requires the union to take reasonable steps to ensure that all members of the union identified in that work notice comply with it. Is that not absolutely turning the whole system on its head?

Angela Rayner: I absolutely agree with my hon. Friend. These are the fundamental freedoms that underpin our democracy. Conservative Members should be very concerned about what the Government are trying to do; even Henry VIII would be spinning in his grave and absolutely astonished. If, as the Secretary of State and his Prime Minister say, the International Labour Organisation backs their plans, why did the ILO director general slam them? Why did President Biden's Labour Secretary raise concerns too?

The Secretary of State says that threatening key workers and tearing up their protection against unfair dismissal is necessary. Nurses, teachers, ambulance workers, cleaners, border staff, firefighters, rail workers, bus drivers and nuclear decommissioners—all threatened with the sack in the midst of a recruitment and retention crisis. If that is not the purpose of the Bill, Government Members have the chance to join the Opposition in voting for amendment 1 and removing the sacking key workers clause. I am happy for the Minister to intervene to confirm that he is happy to accept that amendment, and then we can move on. No? Okay.

I also want to draw attention to the gaping holes in the Bill. The Secretary of State would have not just the power to set, impose and police minimum service levels, but to amend, repeal and revoke primary legislation—not just existing Acts but future Bills. We might pass a Bill only for a Minister to rewrite it by statutory instrument the next day. Why on earth do the Government need this power? Are they admitting that future legislation will be badly drafted, or are their motives more sinister? If those are the powers they seek, the least we can do is ensure that those regulations are made under the affirmative procedure.

If there is nothing to fear, the Government can show it by accepting amendments 100 to 102 tonight. Riddled with holes, the Bill gives sweeping powers to a power-hungry Secretary of State.

Why should minimum service levels apply to strikes that have already been balloted for? Would the Minister propose retrospective legislation in any other circumstances? Surely this would undermine attempts to find a resolution to the current disputes, prolonging the pain that the Government are hellbent on putting the public through. Or is it that the Government offer no solution because they caused the problem?

5.45 pm

Mike Amesbury (Weaver Vale) (Lab): The only minimum service level that I and my constituents would like to see is one for the Prime Minister, Secretaries of State and Ministers. Indeed, in opening the Committee stage for this important and draconian piece of legislation, the Minister certainly provided a minimum level of service. Does my right hon. Friend agree?

Angela Rayner: I absolutely agree with my hon. Friend, and here is the rub. I think it is the reason for the latest poll out today on support for the action that trade unions are taking. It is not because the general public like the inconvenience. Of course we all want strike action to be avoided, but the public can glaringly see through the Government's defence—that this legislation is needed because we need minimum service levels—because they have seen ambulance workers, nurses, and all other key workers fighting for this country and protecting people when this Government cannot provide the minimum safe service level at any other time, during any other week, when there is no strike action. It is this Government who are failing the British people and not providing the level of care, not our key workers, not our nurses, not our teachers and not our firefighters. They are the ones supporting our key public services, and I applaud them for doing that.

The Bill also allows bosses to target union members with work notices. What is to stop that happening? Will trade unions be liable for the actions of non-members? What about when there is no recognised trade union? What reasonable steps will a trade union need to take? Will it be penalised for picketing, or could the simple existence of an otherwise lawful peaceful picket line be effectively banned? The Secretary of State claims to stand up for the democratic freedom to strike. Where are the protections to ensure that work notices do not prevent legal industrial action, or the requirements on employers to take reasonable steps to make sure that they do not, either intentionally or not? Can he really say that not one worker will be banned from action by simply being named in every work notice? What about workers in control functions on the railways, such as fleet managers, route managers and maintenance managers, who would be forced to work regardless under this law?

If the Secretary of State does not care about workers, what about the burden on the employers? Does he seriously think that overstretched public services have the resources to assess new minimum service laws—to work out who needs to be in work, how many people and where, before every single strike day? Should we not promote good-faith negotiations instead? If only the Government put their time and their effort into doing the one thing that will resolve this crisis: negotiating with the employers and the workers in good faith. There are reports that some Ministers are seeing the light and are ready to negotiate. The Transport Secretary admits that these measures will not work; the Education Secretary sees the damage they will do to schools.

As is normally the case in Committee upstairs, we have tabled probing amendments—for example, why these six sectors? Will the Secretary of State add more, and how are they defined? Do health services include veterinary services, dentists or pharmacists? What about parcel delivery, ferry and waterway services, or steam railways? Does he mean to include private schools? Will he regulate minimum service levels for Eton?

The Government are running away from scrutiny precisely because they know that this Bill will not stand up to it. Does the Secretary of State not accept that first we need to see the assessment by the Joint Committee on Human Rights and inquiries by the relevant Select Committees, and that all promised consultations must be completed and published before the Act comes to pass? I know the Minister understands the challenges with legislation and the need to ensure that those affected are consulted properly, so I do not understand why he stands at the Dispatch Box today and does not want, as a minimum, these things to have happened before legislation is passed.

Who is the Secretary of State planning to consult? Will he consult the trade unions and employers affected? Why has he failed to publish the impact assessment that he promised? The Bill has nearly passed through the lower House and we have still not had any sight of it. This is near unprecedented and deeply anti-democratic. Even the Regulatory Policy Committee has not seen it. Is the Secretary of State scared that the impact assessment will speak the truth—that it will conclude that this legislation is unneeded and will actually make things worse?

Rachael Maskell (York Central) (Lab/Co-op): My right hon. Friend is making an excellent speech. The Minister should go on a field trip to really understand what happens with these agreements. The paramedics on the ambulance service picket line carry bleeps, as do those in the NHS, so that they can provide surge staffing when that is required. That is an ongoing dialogue throughout the day and the minimum standards in the Bill will not address that. Does my right hon. Friend agree that the standards are therefore superfluous because they will not address the day-to-day, minute-by-minute needs of the health service?

Angela Rayner: I absolutely agree with my hon. Friend. Her point links to what I was trying to express earlier: the Government fail to recognise that every time they suggest in some way that our paramedics, nurses and other key workers do not provide a minimum service and do not take seriously the impact of challenging in the way they have been forced to. They protect the very people they are there to support. The Government have misjudged how people feel about that, because not only have they caused offence to those workers who protect us day in, day out, but they have failed to recognise that every single one of our key workers who does that has friends and family who know that they do that. This is why the public get very upset with the Government when they suggest that somehow our paramedics, nurses and other key workers do not provide those standards. I agree with my hon. Friend: if the Government were able to get out more and see what happens on the ground, they would have a clearer understanding of why this legislation will not work and fix the problems. The public understand that and the Minister should take note.

John McDonnell (Hayes and Harlington) (Lab): If we walk through this legislation and its eventual implementation, we see that it will result in either a worker being sacked or a worker being sacked and a trade union being fined. Can my right hon. Friend think of anything that could greater exacerbate the current industrial-relations climate than those sorts of threats?

Angela Rayner: I absolutely agree with my right hon. Friend. That is exactly what this Government are walking into and I think it will exacerbate the situation. The Government have been exacerbating the situation not just by bringing forward this legislation—most of the public can see what they are trying to do—but through

the tone with which they have carried out, or failed to carry out, negotiations to avert the industrial action we have seen. Nurses are taking industrial action for the first time ever. Rather than get round the table and sort the mess out that they have created after 13 years in government, the Government try to demonise those very workers. The public do not thank them for that.

Rushanara Ali (Bethnal Green and Bow) (Lab): Does my right hon. Friend agree that this legislation is a diversion from this Government's incompetence? Last year, they practically cost the taxpayer £55 billion because of the economic mismanagement of their Government under the former Prime Minister, the right hon. Member for South West Norfolk (Elizabeth Truss). Instead of negotiating to protect people, the Government are blaming them for their own incompetence.

Angela Rayner: I absolutely agree with my hon. Friend. We cannot be divorced from the fact that members of the public have seen how this Government have conducted themselves—the sleaze and scandals, the outrageous waste of money, and crashing the economy, of course—while at the same telling the key workers who got us through the pandemic that they have to like it or lump it and suffer the consequences of the Government's incompetent governance. It does gripe with the general public and they do not accept it.

Ian Lavery (Wansbeck) (Lab): My right hon. Friend is making a really powerful speech. I remind Members that this afternoon the fire and rescue service members in the FBU voted—on a 72% turnout—88% yes to industrial action. They have a huge mandate but, like other trade unions, they are suggesting that there should be 10 days in which the employer can discuss with the unions some sort of resolution to the strike action, by discussing pay and so on. Is that not a far better way to deal with this unrest than trying to implement the most anti-democratic, anti-worker and anti-trade union legislation? I declare an interest and refer to my entry in the Register of Members' Financial Interests.

Angela Rayner: I thank my hon. Friend for that intervention. I think we all have an interest in ensuring that we have good, valuable public services. Like our other key workers, firefighters put in place local agreements to ensure that services continue if life is at risk or there are major incidents. There is not a single firefighter who would not attend a major incident. These are our brave heroes who run towards danger when the rest of us run away. There are also already legal obligations on fire services to provide contingency plans for strike days, dating back to the Civil Contingencies Act 2004. Yet again, we have a Government fixated on creating a problem and trying to fix a problem that does not actually exist, instead of dealing with the problem that they have created—penalising and causing great hardship for our key workers, such as the firemen and women who protect our lives every single day.

Can the Minister promise that we will get separate assessments of the impacts of this legislation on all six of the sectors named? Can he guarantee that there will not be any impact on workforce numbers? Can he guarantee that work notices will not put undue burdens on overworked, under-resourced employers? Can he guarantee that equalities law will be upheld and that these new measures will not be used to discriminate against workers with protected characteristics? I fear we already know the answer to that question.

That brings me to our biggest concern with this Bill: the "sacking key workers" clause—

Kevin Hollinrake: Nonsense.

Angela Rayner: I gave the Minister the opportunity to back our amendment. I give him the opportunity to intervene now and say that he will back the amendment and that he does not want to sack those nurses or key workers, as is set out in the current Government proposal. I will happily stop again and allow the Minister to confirm that.

Kevin Hollinrake *indicated dissent.*

Angela Rayner: No. Thought not. The "sacking key workers" clause will give the Secretary of State the power to threaten every nurse, firefighter, health worker, rail worker or paramedic with the sack—on his whim. These are the workers who got us through the pandemic; the workers who run towards the danger as the rest of us run away; the workers who have been pushed to exhaustion by austerity. And how does the Secretary of State pay them back—by ripping up their protections against unfair dismissal, with no regard for our NHS, schools, or transport lines that cannot cope with mass sackings. How can he seriously think that sacking thousands of key workers will not just plunge our public services further into crisis?

One hundred and thirty-three thousand and four hundred—that is the latest vacancy number in our NHS. One thousand six hundred—that is the latest number of teaching vacancies. One hundred and twenty thousand—that is the number of new vacancies that City & Guilds estimates the rail sector will see in the next five years. We all know that we have a national staffing recruitment and retention crisis and that business groups from the Confederation of British Industry to the British Chambers of Commerce are crying out for vacancies to be filled. How is this a rational and proportionate response? Labour Members are not the only ones asking that question. Has the Secretary of State listened to the right hon. Member for Stevenage (Stephen McPartland) who said earlier this month:

> "I will vote against this shameful Bill…It does nothing to stop strikes—but individual NHS Staff, teachers & workers can be targeted & sacked if they don't betray their mates."

The right hon. Gentleman understands the Bill, but the Minister clearly does not understand his own Bill. I know that many Conservative Members will share the feelings of the right hon. Member for Stevenage, and that they will be uncomfortable with this awful attack on individuals and with taking away workers' basic freedoms and removing hard-won basic rights and protections.

6 pm

Barry Gardiner: My right hon. Friend is being extremely generous in giving way. Does she accept that the only way a union can avoid the situation she has just talked about, where unfair dismissal protection is taken away from workers, is by ensuring that they become an instrument of coercion, of the state and of the employer? For 35 years in this country, legislation has provided that a

[Barry Gardiner]

trade union is prohibited by law from disciplining or expelling a member who refuses to take part in a strike. Under the Bill, the same trade union may be required to discipline or expel a member who does what their workmates and they themselves may have voted for—namely, to withdraw their labour. Jonathan Swift could not have made this up. Nothing in all Lilliput or Brobdingnag could come up with a more ludicrous situation.

The First Deputy Chairman of Ways and Means (Mr Nigel Evans): Interventions, by their nature, should be short, not lengthy.

Angela Rayner: The Bill is an attack on our basic British freedoms, and Conservative Members should be concerned about that. It is from a Prime Minister who is desperately out of his depth, and desperately blaming the working people of Britain for his own failures. There has been no opportunity for real scrutiny, no impact assessment, and there is no justification for it. The Government's pretence that it is about safety is offensive to every key worker. For the sake of every nurse, teacher and firefighter across the UK, I urge every member of the Committee to vote for our amendments. For the sake of freedom, fairness and feasibility, I also urge all Members to join us in voting down the Bill tonight.

Several hon. Members *rose—*

The First Deputy Chairman of Ways and Means (Mr Nigel Evans): Order. I remind Members that if they were here for the openings of both speeches, then yes they can make a speech in Committee, but if they were not they cannot. If they have been here for what I would say is a decent time, then they are by all means able to make interventions.

Mr Jacob Rees-Mogg (North East Somerset) (Con): It is a pleasure to follow the right hon. Member for Ashton-under-Lyne (Angela Rayner). I am a supporter of the Bill. I think it is a good and proportionate Bill, but it is badly written. What the right hon. Lady said about Henry VIII clauses is absolutely spot on. Indeed, should the socialists ever be in government in the future I hope they will remember what she said, because skeleton Bills and Henry VIII clauses are bad parliamentary and constitutional practice.

It seems to me that it is hard to describe the right hon. Lady as having been wrong for tabling amendment 101—I will not vote for her, but I say none the less that she is far from being described as wrong. Clause 3 suggests:

> "Regulations under this section may amend, repeal or revoke provision made by or under primary legislation passed…later in the same session of Parliament as this Act."

On what basis can any Government claim to have the power to amend legislation that has not yet been passed? The only argument for doing so, which no Government would wish to advance, is incompetence. The only way to pass a subsequent Act without amending it before it is passed is if we have not noticed what it was saying in the first place, and I cannot understand why a Government would wish to put such a measure in a Bill. Indeed, I am puzzled as to how clause 3 managed to get through the intergovernmental procedures that take place before legislation is presented to the House. I do not understand how the Parliamentary Business and Legislation Committee managed to approve a Bill with such a wide-ranging Henry VIII clause and which fails to set out in detail what powers the Government actually want.

I will support the Bill because its aim is worthy, but the means of achieving that aim are not properly constitutional. Henry VIII powers, it has been established, should be used exceptionally or when there is no other alternative. During the passage of the Coronavirus Act 2020 it was perfectly reasonable to have Henry VIII powers. Why? Because the Act was brought forward extremely quickly, there was little time to revise it and there was not an enormous amount of time to work out precisely what revisions to existing statute law may be needed. Emergency legislation falls into that category. But this is not emergency legislation; this is a Bill that we in the Conservative party have been cogitating about since at least our last manifesto, if not back to about 2016. I have supported it all the way through. I wanted the Bill to come forward. I think it is the right thing to be doing, but there is no excuse for failing to do it properly.

John McDonnell: I think the Conservative party has been contemplating this since the Combination Acts of the 18th century. Anyway, strange alliances have been formed over the years on this issue. If the right hon. Gentleman recalls, an alliance was formed over the Civil Contingencies Bill, and we had a concession from the Government on some of the legislation regarding at least a super-affirmative mechanism that would give the House a bit more influence to amend statutory instruments. Would he be in favour of that?

Mr Rees-Mogg: I am slightly more ambitious than the right hon. Gentleman, because I think that, in and of itself, clause 3—I hope Opposition Members will take note of this—is an argument for the existence of the House of Lords. I hope that their lordships will look at the clause and say, "That is simply not something we can pass into law as it is currently phrased." The Government must accept amendments, and I hope their lordships will vote through amendments that clarify and set out in detail the powers that are desired.

Other than urgency, there are only two reasons for bringing forward extensive Henry VIII powers. One is that the issue is too complicated to determine. That is problematic, because if it is too complicated to determine for primary legislation, how can it be sufficiently set out in secondary legislation? That probably means that the secondary legislation in and of itself will not be well formed. This is where the Government's interest—the Executive interest—and the legislature's interest combine, because if the House passes good, well-constructed legislation, it is much less susceptible to judicial review. There is a Treasury Bench interest in good, well-crafted legislation, which, as I have been saying, this Bill is not. That is why the Government should be keen that the House of Lords, in the time available and with the help, I hope, of parliamentary counsel, will be able to specify the powers more closely.

David Linden: It is a pleasure to see the right hon. Gentleman back on the Back Benches as part of the awkward squad. Does he agree that part of the reason why we have ended up in this mess is that the Government

have rushed the Bill, with a programme motion that allows for only five or six hours on the Floor of the House? They are attempting to ram it through and perhaps intend to use it as a stick or as a carrot to dangle during trade union negotiations. This is not thoughtful legislation; this is being rammed through, isn't it?

Mr Rees-Mogg: I do not think there is any great need to "ram it through", as the hon. Gentleman phrases it. The secondary legislation will not be written in time to affect the current set of disputes. Indeed, if the secondary legislation is already written and is in a position to be used, those measures ought to be in the Bill in the first place and there would be absolutely no reason for not having them. It is hard to understand the need to rush this through when, as I said, this Bill has been contemplated for many years, and therefore it ought to have been prepared in detail.

I think that it is helpful to refer to two very good reports from the House of Lords on the subject, "Government by Diktat" and "Democracy Denied?", both published in November 2021. May I thank the Vote Office for hastily printing them for me? It has to be said that it is much easier to read what was said from sheets of paper than from a small mobile telephone. One of the points they make is:

"It cannot be emphasised strongly enough that the critical problem about relegating significant policy change to secondary legislation is that parliamentary scrutiny of secondary legislation is *far* less robust than that afforded to primary legislation".

I remind the Committee that there were recently complaints about the Retained EU Law (Revocation and Reform) Bill. Primary legislation was specifically excluded for exactly this reason: when I was responsible for that Bill, it seemed to me that if Parliament passes primary legislation, it should not, as a matter of routine, be changed by secondary legislation.

The "Government by Diktat" report goes on to say:

"We are concerned that the underlying challenge to the balance between Parliament and government is not primarily attributable to the impact of 'exceptional times' such as Brexit and the pandemic, as the Permanent Secretaries appeared to assert, but is instead the result of a general strategic shift by government."

It seems to me that this Bill, which has been thought about for so many years, falls into exactly that category.

The Delegated Powers and Regulatory Reform Committee refers to "skeleton legislation". This Bill is almost so skeletal that we wonder if bits of the bones were stolen away by wild animals and taken and buried somewhere, as happens with cartoon characters. The DPRRC takes the view that

"skeleton legislation should only be used in the most exceptional circumstances and that, where it is used, a department should always provide a full justification, including an explanation of the nature of those exceptional circumstances"

and

"why no other approach was reasonable to adopt".

Again, that seems to be absolutely fair and reasonable. If I may quote further:

"Skeleton bills or skeleton clauses, by their very nature, cannot be adequately scrutinised during their passage through Parliament."

We are trying to scrutinise the Bill and hold the Government to account. I want good legislation. I want legislation that achieves its objective and that clarifies the boundaries of power between the legislature, the King in Parliament and the courts.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): The right hon. Gentleman is making a powerful argument, which I think behoves us to ask the question: why are the Government bringing forward legislation prematurely? The purpose may be that they are seeking to raise conflict in relation to the unions and the strikes for a political reason. The Government are in a position to resolve the strikes but are choosing not to do so, and they are now using legislation as a vehicle by which to do so.

Mr Rees-Mogg: I do not want to be disagreeable, but I do not take that view. I think the Bill has been brought forward as it is because, actually, it is easy for Governments to bring forward skeleton legislation. In my view, it exhibits a general trend in a very acute form. The tendency for Governments to do so goes back many years. Thanks to a House of Lords report, I have a quotation from 1929 from Lord Chief Justice Hewart, who was concerned even then about excess powers being taken. But this Bill puts it in such an acute form, because clause 3 is simply so wide ranging.

I think that this is seeking the easy way to legislate. In my experience, parliamentary counsel, who are among the finest civil servants in the country—the work they do is phenomenal—are never defeated by time, but they are sometimes defeated by political instruction. Had they been instructed to draft a Bill that contained the proper details of what is needed, they would have been able to do so.

Sam Tarry (Ilford South) (Lab): I have listened carefully to the right hon. Member's erudite exposition of the constitutional matters affecting the Bill. I draw his attention to the Minister of State, Department for Transport, the hon. Member for Bexhill and Battle (Huw Merriman), who, in recent discussions with the trade unions, made it clear that this was about one thing only—pay—and that the Government would not "capitulate" to the rail trade unions because they would have to give a fair deal to every other sector going on strike, with the latest being the firefighters.

Mr Rees-Mogg: I agree with what the Bill is intended to do. I think that minimum levels of service are perfectly reasonable and not an outrageous thing to ask; they apply to the police and to the armed services. My objection is not to the aim of the Bill; it is merely about the constitutional process.

6.15 pm

Richard Fuller (North East Bedfordshire) (Con): My right hon. Friend is right, in response to the comment from the right hon. Member for Hayes and Harlington (John McDonnell) about strange alliances, that it is the constitutional issues that raise the most significant concerns among Government Members.

In addition to those two reports from the House of Lords, we have the pending review from the Hansard Society on secondary legislation, with its preliminary findings due, I think, on 6 or 7 February. Does my right hon. Friend agree that the Bill may be measured against its preliminary recommendations to see how well it fits, given the constitutional issues that he has mentioned?

Mr Rees-Mogg: The Bill is, as I said, a particularly extreme example of bad practice with the least possible excuse for it. There are many Bills where we can find

[Mr Rees-Mogg]

some reason why it had to be done in such a way. I sat on Committees looking at Henry VIII powers and trying to stop them, and I often found that, actually, they were needed because that was the only way of doing things. I make no apology for the Energy Prices Act 2022. That was emergency legislation, and it contained lots of powers because energy prices had got so high that something had to be done straight away to save people from financial distress. That was a reasonable balance between the Executive and the legislature, but this Bill is not urgent legislation.

My fear is that, by writing poor legislation, we invite the courts to intervene more. I do not like the fact that, over recent decades, the courts have intervened more in our legislative processes. That undermines the democratic remit that we have to make the laws. However, if that is handed over to secondary legislation, of course the courts will intervene because the level of scrutiny of secondary legislation is so much lower and there is little other protection. So if we take away scrutiny from this House, where else will it go? Then we get judicial review, and then the Executive finds that it cannot carry out its plans for government, so it becomes self-defeating.

John McDonnell: I understand and completely follow the logic of the right hon. Gentleman's argument. I agree with it. However, he is shirking the responsibility of this House by simply passing it to the Lords. In recent months, we have seen the Government withdraw a Bill for further consideration until they got it right. Surely that is the mechanism to get the Bill right; otherwise, we are shirking our responsibility.

Mr Rees-Mogg: I am grateful to the right hon. Gentleman, but I think that he attributes to me more influence than I have. My fusillade against clause 3 will not change many votes this evening—including my own, as it happens. Therefore, it will not be the case that the Government will be defeated in the Committee. I think that I went quite a long way in saying that the right hon. Member for Ashton-under-Lyne was not wrong on amendment 101; I thought that was pretty generous. However, the right hon. Gentleman is a hard man—he is known as a hard man of the left, and he is a hard man of parliamentary procedure as well.

Alan Brown: It is quite impressive that, despite the right hon. Member having been on his feet for 16 minutes telling us how bad the Bill is, he has not convinced himself to vote against it. Is it not the case that he was quite happy to have Henry VIII powers when he was Secretary of State for Business, Energy and Industrial Strategy, but, now that he is a Back Bencher, he is against them and back to respecting parliamentary sovereignty?

Mr Rees-Mogg: I am afraid that the hon. Gentleman is completely wrong about that. In all the legislation that I was involved with, I pushed against Henry VIII powers on every single occasion and always asked why they were necessary—I merely could not make that particularly public. There is a place for Henry VIII powers—they are not all bad—but those in the Bill go much too far. If he looks at the evidence that I gave from those House of Lords reports, he will see that it was on exactly those lines.

Sir Julian Lewis (New Forest East) (Con) *rose—*

Mr Rees-Mogg: I must give up soon, but first I give way to my right hon. Friend.

Sir Julian Lewis: I appreciate how my right hon. Friend is trying to give helpful pointers to Government Front Benchers about ways in which the Bill could be improved. Does he agree with a point made to me by a regional representative of the TUC: that there is so little detail in the Bill that it gives Ministers too much discretion to decide what constitutes an adequate service level? That needs to be looked at again, especially because, where such legislation applies in European countries, the unions are involved in deciding what the minimum service levels are.

Mr Rees-Mogg: I think that the Bill should set out clearly what it is trying to achieve, so I will end with an appeal to the other place: I hope that their lordships will look at clause 3 with extreme care, that they will not be abashed by whatever majority comes from this House with respect to the Bill, and that they will amend the Bill to strengthen it, make it more effective and ensure that it achieves its objectives and sets out, in a good and proper constitutional way, what it is trying to achieve. That would be helpful to the Government, but it would also be good practice.

Ian Lavery *rose—*

Mr Rees-Mogg: I should love to give way to the hon. Gentleman, but lots of people want to speak and I have gone on for too long.

Alan Brown: It is a pleasure to follow the right hon. Member for North East Somerset (Mr Rees-Mogg)—certainly now that he has found his Back-Bench voice again—but it is disappointing that he is still in favour of the Bill even though he says how badly drafted it is. We know how bad a Bill's concept and drafting are when something like 120 amendments are tabled, spanning 53 pages, yet the Bill itself has only six clauses over seven pages.

I thank my hon. Friend the Member for Glasgow South West (Chris Stephens), who is responsible for about a quarter of the entire amendment paper. I am disappointed to see that there is not a single Tory amendment, nor a single Tory MP backing any of the amendments despite how many there are. It is good to hear some critical voices, however, and I hope that at the very least the Minister will listen to the Tory Back-Bench voices telling us how unconstitutional the Bill's drafting is and the dangers that it will bring.

With only five hours to debate amendments, as my hon. Friend the Member for Glasgow East (David Linden) said, it is clear that the Government are intent on ramming the Bill through with minimum scrutiny but maximum politics as part of the Tory culture war—a culture war that they are now taking to something like 7 million key workers. I hope they get their just reward at the next election from those 7 million voters. Considering that the Tory party accumulated only 14 million votes at the last election, those 7 million key voters could be critical up and down Great Britain.

The Bill is so offensive that there is a moral dilemma involved in tabling amendments to it. How can we improve a Bill that we so fundamentally oppose? For that reason, we tabled amendments to delete each clause. As I have said before, the Under-Secretary of State for Scotland, the hon. Member for Berwickshire, Roxburgh and Selkirk (John Lamont), has described the Bill at the Dispatch Box as "anti-strike legislation". Our amendment 33, which was not selected, would have changed its title to "Anti-Strikes (Forced Working) Bill", which would have been quite apt.

The Bill presents opportunities for employers to pick on specific individuals and name them as required to break a strike. If those individuals do not comply, they face the ultimate sanction of sacking. Those proposals are not replicated internationally, even in places where, as the Government like to remind us, there is some form of minimum service legislation. The threat of sacking for going on strike is absolutely outrageous, so I certainly support Opposition amendment 1. Although the Minister says that the Bill could not lead to sacking, the overview in the explanatory notes makes it clear that it will remove protections from unfair dismissal for going on strike. That is the key aim of the Bill, as set out in the overview given in the explanatory notes, so the Minister cannot say that the Bill will not lead to the sacking of key workers.

Chris Stephens: My hon. Friend makes a valid point. The Minister keeps shaking his head whenever someone mentions dismissal, but it is clearly there in the Bill. The Bill says that someone who is sacked will have no right to an industrial tribunal. The very real concern for many of us is that trade union officials and activists will be the ones who are picked on. They will be dismissed and will not have the right to a tribunal.

Alan Brown: I will return to that point, but it is quite clear that the Bill allows individuals to be named. If someone is deemed to be part of an awkward squad, or to be a trade unionist the company wants rid of, they can be named. If they do not break a strike, they could be sacked.

A common theme on the amendment paper is the attempt to control and limit the definition of "minimum service" and ensure that it relates to service required for genuinely critical health and safety-related matters. I support such amendments, although we know that there is existing legislation that covers life and limb protection anyway. In a similar vein, there are attempts to limit unilateral impositions by the Government. There are also several new clauses and amendments that relate to consultation, voluntary agreements, compliance with international obligations and the implementation of an arbitration process. If the Government had any intention of collegiate working, we would not have to debate the inclusion of such measures.

Another theme—I am glad that the right hon. Member for North East Somerset brought it up—is parliamentary sovereignty and the need to prevent too much control from lying with the UK Government. Those are issues that should exercise Tory Back Benchers.

I support all amendments that would eliminate the retrospective effect of the Bill and stop it applying to strikes that have already been balloted for. The Bill is bad enough, but to apply it retrospectively to attack strikes that have already been properly balloted for, under the existing rules and the existing draconian legislation, is just bizarre.

The SNP has tabled amendments that would protect devolution and require approval from devolved Governments and other bodies on devolved matters before implementation. If Scotland were indeed an equal partner, the UK Government would not have a problem with such requirements, but we know that their attitude is "Westminster knows best", even though it is Westminster that is wrecking inter-Government relations. It is now Westminster that is looking to wreck relationships with key workers, including in the devolved nations.

Our amendment 27 is an attempt to eliminate the ridiculous proposal that secondary legislation could be used to "amend, repeal or revoke" any previous legislation already passed by Parliament or any future legislation in this Session. SNP amendment 28 further makes it clear that such Henry VIII powers should not extend to devolved legislation. It might be acceptable for most of the Tories to allow their Government unparalleled powers over past and future legislation, but it is simply not acceptable to us that Westminster could have carte blanche to rip up devolved legislation that has already been passed. I welcome the similar amendments tabled by the hon. Member for Cynon Valley (Beth Winter) to protect the devolved institutions; I hope that Labour Front Benchers too will see the need to stand up and protect devolution.

I also support the hon. Member's amendments 98 and 77. They mirror our amendments 30, 36, 37 and 38, which would amend clause 4 and the schedule to ensure that the Bill will not apply to Scotland. New clause 2 spells it out: the Bill should

"not apply to disputes which take place in…Scotland or Wales",

no matter where the workers reside. If the Tories really want this Bill, I suggest that they own it and justify it to the nurses, ambulance drivers and train workers in their constituencies—but do not think about imposing it on Scotland and Wales, whose Governments do not want it.

Our amendments are intended to prevent imposition from Westminster, but the blunt reality is that unless employment law is devolved to Scotland, the Bill—clause 3 in particular—will allow Westminster to interfere and impose as it sees fit. We are now seeing Westminster confirming autocratic powers.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): My hon. Friend mentions the devolution of employment law. As far as I am aware, the Smith commission undertook to decide whether it should be devolved. Does my hon. Friend know which party blocked that from coming to Scotland?

Alan Brown: I think that was a rhetorical question. It was, unfortunately, Labour that led the charge against devolving employment law. Interestingly, the Scottish Trades Union Congress has made it clear that it supports devolving employment law to Scotland, so I urge the Labour party to reconsider its approach.

David Linden: I missed what my hon. Friend said. Did he say which party blocked the devolution of employment law?

Alan Brown: Just for the record, unfortunately it was the Labour party that blocked the concept of devolving employment law to Scotland—although, to be fair, it was also the Labour party that devolved employment law to Northern Ireland. If it is good enough for Northern Ireland, it should be good enough for Scotland.

[Alan Brown]

Amy Callaghan (East Dunbartonshire) (SNP): Just one more time, for the record, will my hon. Friend confirm which party prevented employment law from being devolved to Scotland?

Alan Brown: Again, just for the record—I thought I was speaking quite loudly, but just in case Members did not hear what I said—it was indeed the Labour party that blocked employment law from being devolved to Scotland. Hopefully the Labour party will reconsider, now that that is on the record.

6.30 pm

Amendment 32 confirms the need for the approval of the devolved Governments and the London Assembly before the Bill's provisions can take effect in their areas of competence. So the Minister does have a choice: he can accept amendments proposing co-operation and respect for the policies and views of the devolved Parliaments, or he can choose to continue with the option of riding roughshod over them. It is up to the Minister and his Government.

Amendments 59, 60 and 61 attempt to create some simple rules of fairness. I have grave concerns about the lack of detail in the Bill with regard to what the Government and employers can do to be vindictive or creative when it comes to ways of making strikes harder to achieve and, possibly, ineffective. The reality is that workers withdraw their labour as a last resort, given that they suffer their own financial penalties in doing so. However, if strikes do not have some form of disruptive effect they carry no leverage, allowing employers carte blanche to impose real-terms wage cuts on key workers, or to change terms and conditions unilaterally.

Why is it only key workers whose wages are not allowed to increase in line with inflation? Why is it fine for this Government to lift limits on bankers' bonuses and allow unlimited wage increases in the private sector, while public sector key workers have to accept real-terms wage cuts because the Government argue that increases would cause further inflation? The Government deny that their policies under the former Prime Minister caused inflation and mortgage increases. They have told us that inflation is a worldwide phenomenon, partly related to Putin's illegal war. If that is the underlying reason for inflation, why are they targeting key workers such as nurses and ambulance drivers, claiming that their wage increases would further drive inflation? Why are they willing to pay more in revenue protection to train companies than the sums that they could have paid to workers to resolve the wages dispute? This is clear evidence of a culture war, and it is why we need to restrict the Government's powers as much as possible.

Amendment 59 would provide for a maximum threshold in terms of a workforce that can be forced to work. Otherwise, as I have said, strikes could be rendered ineffective. My big concern is that in the case of transport, for instance, the Government could stipulate a service requirement that would effectively mean that the majority of the workforce needed to be deployed on a given strike day. Railway signalmen are an obvious example. If minimum services are to run throughout Great Britain, which seems to be the demand from some Tory Back Benchers, that means that the majority of signalmen would be forced to work on strike days.

Amendment 60 is intended to ensure that the Government cannot impose a minimum service that companies have failed to match. Just this weekend we saw Avanti cancel services left, right and centre. It would surely be absurd for workers to be forced to work on strike days, and to provide a better service for those companies than they are able to provide on normal days. We know that the train companies rely on drivers working on rest days; if the companies cannot provide that better service without relying on workers giving up rest days, there is no way they should be able to provide it by putting pressure on drivers on strike days.

Amendment 61 provides for further limits on the extent of the minimum service that can be stipulated. I suggest that any normal person would agree that 20% is quite a high minimum service, but the operation of rail services at 20% has been used as an argument for the need for a rail strikes Bill. On Second Reading we heard Tory Back Benchers argue that more trains were needed to run kids to and from school, which is an absurd minimum service argument. That is why we need controls to stipulate the upper levels of minimum service that the Government and employers can try to impose.

In the past the Government have been keen to cite the International Labour Organisation so, logically, they should embrace amendments confirming that they will work with and comply with its obligations. Surely, given that they have held up the ILO's endorsement of minimum service levels as an option, they will fully embrace what it has to say on these matters, and ensure compliance with convention No. 87.

The Government have also spoken previously about wanting to agree minimum service levels on a voluntary basis. Given the haste to get the Bill through, that concept is debatable, to say the least. If we extend that logic, however, they should embrace the concept of consultation and arbitration before making any regulations under proposed new section 234B. Our amendments 51 and 50 facilitate and outline the consultation with social partners and trade unions and the need for arbitration, and, importantly, the fact that the Secretary of State should not act in a way that is against arbitration recommendations. That would align with the international practice with which the Government apparently want to align themselves.

Similarly, we believe that employers should consult on proposed work notices with trade unions and, when agreement is not reached, should have a transparent arbitration process. Our amendment 43 outlines the use of ACAS for an arbitration panel. I would be happy to support other amendments outlining arbitration considerations, including amendment 117, tabled by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry). We have tabled amendments relating to the way in which work notices should be served and consulted on, and employees notified of them, in the interests of transparency.

I also support the various amendments that are intended to ensure that employers cannot single out individuals and trade unionists in a work notice. That is a recipe for further full-on attacks on trade unionists and shop stewards, and is very much part of the Tory "divide and conquer" strategy, which is why controls and limits are

necessary. It is difficult to believe that these matters are up for debate and, worse, are likely to be defeated by Tory Lobby fodder.

Overall, nothing will change the fact that this is intended to be a vindicative Bill, impinging on the basic human right to strike. Any amendments that are accepted would only make the Bill less bad, but I believe that the amendments that the Government accept or—more probably—choose to vote down will be a test of whether they are serious about complying with international best practice. If they cannot agree to simple concepts such as consultation, negotiations on a voluntary basis, arbitration and not imposing unrealistic minimum service demands, they will be confirming that this is indeed the anti-strike, forced-working Bill. That is why we need employment law to be devolved to Scotland—but, more important, Scotland needs to be independent, and away from this UK Government in Westminster altogether.

Several hon. Members *rose—*

The Chairman of Ways and Means (Dame Rosie Winterton): Order. A great many Members are trying to get in. I cannot impose a time limit because we are in Committee, but I strongly advise colleagues to speak for rather less than 10 minutes. I also intend to prioritise those who have tabled amendments.

Dr Mullan: Let me begin by making it clear that I do, of course, want everyone working in the emergency services and the wider NHS to earn a decent living and to work in conditions that help them to perform at their best. I think that everyone wants that.

There is no doubt that our NHS has been under enormous pressure, and that continuing state of affairs has been the subject of much of the debate on this Bill, but I think we must recognise the record investment in the NHS. Demand has soared, and there are pressures on the service run by Labour in Wales and by the Scottish National party in Scotland. We hear the narrative of, "This party this" and "this party that", but Labour Members keep their heads down when we are discussing the NHS in Wales. That just shows that they are making political capital out of the challenges in the NHS. The right hon. Member for Ashton-under-Lyne (Angela Rayner) shakes her head, but the problems in the NHS are exactly the same in the Labour-run NHS in Wales. That is a fact—and there is more money per head for the NHS in Wales than for the NHS in England.

That said, I welcome the additional steps to support the NHS that the Government have taken today. We need to come to terms with the existence of an ageing population and increasing demand, although I recognise that issue is separate from what we are discussing today, which is what reasonable legislative steps we might take whether public services are performing well or not, and whether or not there is pressure on employees and wages.

I will always defend workers' right to strike as important, but it has always been a qualified right, not an absolute right. I intervened on the deputy Leader of the Opposition to make the point that we already have legislation—not a voluntary agreement—that states that police officers cannot strike. I have not yet heard of the Labour party putting in their manifesto that they would repeal that if they were lucky enough to win the next election, because they think that legislation on mandatory strike control is unacceptable. That makes the politics of this issue very obvious. Any successful society must balance the right of workers in certain sectors of the economy.

David Linden: Does the hon. Gentleman not understand that if the police were to go on strike, the Prime Minister would not be issued with another fixed penalty notice? It is quite important that the police are able to do their job.

Dr Mullan: Perhaps there would not be investigations into some of the historical misconduct in the SNP. We can all throw stones at one another about misconduct. It is not relevant to the debate, but I welcome the hon. Gentleman's attempt to put me off.

We need balance in society when it comes to the rights of workers, businesses and individual citizens.

Ian Lavery: Will the hon. Member give way?

Dr Mullan: No, I want to make progress.

Unions have a requirement to represent the specific interests of specific people who pay them to do just that. Union leaders are not invested in the wider interests of society; they are required literally to deliver for the people who pay their subs. I welcome that as an important part of society and how we get good employment law, but it also means that unions are not a benevolent part of the discussion about businesses, society and the economy. They all have interests and they represent those interests. If that is given too much weight, they can hold a business or public service in a fixed point in time, unable to change and move with the times. It is no different from the battle we fought with the luddites. If unions were around at the time of the luddites, I guarantee that they would have been the first to say, "Destroy the machines; get rid of them; we don't want them!" They will only ever look after the short-term interests of the people they represent. That is not what we as a Government should look at.

To paint these things as black and white is a gross oversimplification of a complex balancing act. Opposition Members try to make out that we on the Government Benches are anti-union. We are not; we are anti unions running the country without balance and with a Government in their pockets. On other issues we might see whether we get the balancing act right by looking to other countries, but I think we can make those judgements on our own. Again, the Opposition are very keen to tell this Government to look to Europe to decide what is good legislation and the right way to protect workers' rights. Conveniently, on this issue we can give examples of similar legislation in Europe, but they absolutely do not want that.

Sam Tarry: The truth emerging in this debate is that if we were to bring ourselves into line with Europe, those on the Government Front Benches would be suggesting collective bargaining levels of 80% or 90%, not the 25% we have in the UK. Will the hon. Gentleman withdraw his remark, because it is simply disingenuous and untrue that the legislation is comparable? The ILO has said so.

Dr Mullan: The hon. Gentleman anticipates my remarks. Whenever we say that, Opposition Members want to bring up differences in union law. The Government do not decide to make individual bits of legislation only if

[Dr Mullan]

they match all the other legislation in a similar environment. This is a separate issue. Whether we have collective bargaining does not mean that minimum service legislation is or is not valid. You either think it is important to have minimum services, or you do not. Determining whether there can be a strike is completely separate from whether there are restrictions on the impact that a strike can have. I will not withdraw that remark; I stand by it.

Joanna Cherry (Edinburgh South West) (SNP): Will the hon. Gentleman give way?

Dr Mullan: No, I have given way a couple of times and I want to make progress. *[Interruption.]*

The Chairman of Ways and Means (Dame Rosie Winterton): Order. The hon Gentleman says that he will not give way.

Dr Mullan: As I said, Opposition Members need to make up their minds. On the one hand, they want to constantly castigate this Government for moving away from what they say is the gold standard of employment relations in Europe—I do not agree with that—but when we come up with something that is done in Europe and that we want to do here, they are not interested. They talk about differences in how ballots are run and other elements that are separate from the issue of whether to have minimum service legislation.

Stephanie Peacock (Barnsley East) (Lab): What does the hon. Gentleman say to the fact that France and Italy have legislation in place for minimum service, but have seen an increase in strikes rather than a decrease?

Dr Mullan: As I said, we will not have identical legislation to countries in Europe, but there are countries in Europe that Opposition Members frequently point to that do similar things to us. They pick and choose when they want to compare us to Europe. They hold Europe as an example, but on this occasion when we follow the example, they think it is totally irrelevant and we are way out of line. That does not make any sense and it is not a consistent argument.

Our nation cannot be held to ransom across critical infrastructure. Workers can exert their lawful power to strike in a way that creates disruption, but there must be limits, as there are with the police. That is perfectly reasonable. Under the Bill, regulations will determine specific services in each sector to which a minimum level of service will apply, and will set those levels. The regulations will be tailored to each relevant service, taking account of the different risks to public safety or the impact on daily life.

6.45 pm

Sir Julian Lewis: I understand the thrust of my hon. Friend's argument, and I agree with a lot of it. But does he agree that it might have a better chance of working if, when those minimum service levels are set for each industry, agreement can be reached with union representatives on what those minimum levels should be? Having reached that agreement, it would be far easier to implement the legislation.

Dr Mullan: The Government are committed to extensive consultation to set the minimum service levels, and that sets the spirit in which they want to reach the agreements. Agreements, and positive engagement with industry about them, are in place in Europe. As we have seen with the current strikes, it is not as if the will is not there to agree and recognise that there needs to be a degree of minimum service. As I have said, we have it in the police and it is part of legislation. I do not think it is right that we rely on voluntary agreements to secure others such as ambulance service workers. On principle, I do not think that it should purely be up to the negotiating process to decide that. We should aim for negotiation and for agreement, but not rely on voluntary agreements.

The Government expect to consult on this. It is not the huge attack that Opposition Members make it out to be, as we have seen with the police. We are taking a negotiated, compromised position, similar to many countries in Europe. On that, I conclude my remarks.

Andy McDonald (Middlesbrough) (Lab): It is interesting to follow the hon. Member for Crewe and Nantwich (Dr Mullan). As a proud trade unionist, I refer the Committee to my entry in the Register of Members' Financial Interests. For the avoidance of doubt, I declare that I do not have an £800,000 overdraft facilitated by the chair of the BBC, a multi-million-pound repayment with His Majesty's Revenue and Customs or shares in a tax haven.

I wholeheartedly oppose this hurried, vicious and anti-devolutionary Bill in its entirety, and will vote against it tonight. I rise to speak specifically to the amendments in my name and those of right hon. and hon. Members. Our country is in crisis. Millions of workers are seeing their terms and conditions ground down and their wages eroded. Many are unable to meet their bills and are saying very loudly "Enough is enough." Yet this Government's response to strikes called successfully—despite the most severe, draconian balloting requirements and restrictions that they have imposed on trade unions—is to say no to legitimate pay demands and to negotiations, and to attack the very right to strike itself. Britain already has the toughest anti-union laws in Europe.

No worker wants to go on strike. It is a last resort taken at a financial cost. That desperation is evidenced by workers beating some of the strictest thresholds in the western world to do so. The reason that workers are pushed to strike is that in the face of a spiralling cost of living crisis, they have no other option. No amount of tightening the screws on trade unions will change that material fact. This Bill will do nothing to change the reality for millions of British workers who have seen their real-terms incomes drop dramatically since 2010.

Jeremy Corbyn (Islington North) (Ind): I thank my hon. Friend for giving way and I fully support all that he has said in his speech. Would he agree that the effect of the Government's attitude, and of this and other anti-democratic legislation, is not only to increase support for strong industrial action to win decent pay rises but to encourage many other people who want to live in decent housing and do not want to live in desperate poverty to support this wave of industrial action and bring about a fairer society?

Andy McDonald: My right hon. Friend is right. People's response has not been to lie down and accept the Government's bidding; they have no choice but to stand

up for themselves. Labour will have no truck with this terrible attack on working people, and once in government we will not only repeal this appalling legislation but, under the expert stewardship of my hon. Friends on the Front Bench, bring in the new deal for working people to tackle in-work poverty head on. The real impact of this Bill will be that any employee who disobeys an order to work during a strike could be fired. That is simply unacceptable in a free society. I was staggered at some of the comments from Conservative Members that they did not think that was the impact of the Bill. It clearly is.

Ian Lavery: I tried to intervene on the hon. Member for Crewe and Nantwich (Dr Mullan), who I believe was a GP, and my question would have been: if a doctor, nurse, transport worker or fire and rescue service rescue worker had voted for industrial action and was then instructed by their boss to cross a picket line and was compelled to work, what would that do in terms of the duty of care from the employer to the employee and the wellbeing and mental health of those individuals?

Andy McDonald: My hon. Friend makes a good point. This is about targeting people. People will be selected for treatment under these work notices, and trade unionists will be singularly picked out to add to the humiliation and distress. It is a dreadful tactic.

John McDonnell: The practical reality is that for some workers this takes away the whole right to strike. An example in my constituency is air traffic control. There is no such thing as a minimum service guarantee in air traffic control, and the same can be said for rail signalmen. This process will extend the denial of the right to strike to whole batches of workers, and we need to acknowledge that in this debate.

Andy McDonald: My right hon. Friend has hit the nail on the head. There are workers who are going to be denied that fundamental right to withdraw their labour, and that is a step that should be taken with a great sense of foreboding and concern.

The Bill could also lead to bankruptcy for trade unions as they become exposed to lawsuits that could wipe them out. Notably, there is no minimum service required of the Government in the Bill. If workers are required to provide minimum service levels on strike days, why is there no such requirement for the Government and outsourced private providers on non-strike days? As we have seen in the course of these disputes, workers and unions are well aware of their legal and moral obligations, but this Government's cynicism stinks. They are more than happy to sit on their hands when there are more than 500 excess deaths a month in our NHS, but they are suddenly sparked into action over concerns about public safety when strikes occur. If they were genuine in their concerns they would give those workers a proper pay award, but instead their real determination is to strip away their rights.

Patients are not dying because nurses are striking. As the RCN says so eloquently:

"Nurses are striking because patients are dying."

Under the Trade Union and Labour Relations (Consolidation) Act 1992, it is already unlawful to take industrial action in the knowledge or belief that human life could be endangered or "serious bodily injury" caused as a consequence. In short, life and limb cover is always maintained. I know that the Conservatives are itching to sack nurses, but the RCN handbook sets out in great detail how those nurses will provide "life and limb" cover—the very task that they have undertaken on our behalf before and during covid and will continue to undertake for as long as they have the energy to do so.

The reality is that if this Bill is passed, public services will get even worse. It has long been established that the right to withdraw one's labour is a fundamental liberty, and it is trade unions who won us the basic rights of annual leave, sick pay, the two-day weekend, the eight-hour day, health and safety protections at work and much more. We need strong trade unions, not only as a right in themselves but to protect the rights we already have and to fight for more. By attacking the right to strike, and by extension the trade union movement, the Government put all this at risk and there will be even more disruption.

The only Government internal impact assessment found that imposing minimum service levels could lead to an increased frequency of strikes. The Transport Secretary admits the new laws will not work and the Education Secretary does not want them. Inside Government there is a recognition that public services will be the likely casualty of an ideologically motivated attack on the right to strike. Much has been said by Conservative Members and by the Secretary of State in particular about their sudden love affair with the International Labour Organisation, praying in aid the ILO's approach to minimum service levels, but what the Government conveniently omit to mention is that convention 87 of the ILO sets out the criteria that this Government want to ignore. It stresses that the introduction of a negotiated minimum service as a possible alternative to the total prohibition of strikes should be contemplated only when the interruption of services would endanger life or the personal safety of the whole or part of the population.

The Government have also omitted to say that in other jurisdictions and economies there is much greater collective bargaining by trade unions for better terms and conditions for their members. The comparison with the UK is ludicrous. The ILO says that a minimum service should be a genuine and exclusively minimum service—which this Bill does not prescribe—and that unions should be able to participate in defining such a service. As the right hon. Member for New Forest East (Sir Julian Lewis) has said, disputes should be resolved not by the Government but by a joint or independent body that has the confidence of the parties. There are examples, not only across Europe but across the world, where such practices obtain, but the Bill is as silent about them as it is about any sensible and proper safeguards, leaving the law by diktat entirely to the wide Henry VIII powers vested in the Secretary of State.

It therefore makes sense—as envisaged by amendments 83 and 84, which I commend to the House—to engage the CBI and the TUC in these matters and to pursue resolution disputes through ACAS if it comes to that. In any event, the High Court certification set out in new clause 1 is necessary to ensure that this country meets its full obligations, in respect not only of convention 87 of the ILO but of the obligations set out in the European social charter of 1961 and under the UK-EU trade and co-operation agreement. We are parties to all

[Andy McDonald]

these treaties and we need to make sure that we abide by them. New clause 1 addresses that. As it stands, we have not seen any risk assessment testing those obligations. Professor Keith Ewing told us in the Business, Energy and Industrial Strategy Committee that

"we cannot remove the EU social rights inheritance, because of article 387, where the removal is motivated by trade and investment, which seems to be the motivation here."

He went on to say:

"Brexit does not mean release from international obligations or even from our continuing obligation to comply with European law."

In 13 years of Tory rule, numerous pieces of anti-trade union legislation have been passed. The Strikes (Minimum Service Levels) Bill is only the latest attempt to neuter the power of workers, and there is no reason to assume that it will stop there. This dreadful, ideologically insane Government are thankfully on their last legs, but in the time they have left, they are clearly determined to continue their attack on the rights of workers and the services they work in. It will be another sad day for this country if the Bill passes its Third Reading tonight, but the Government should be in no doubt that, in doing this, they will be hammering another nail into their own coffin.

Several hon. Members *rose—*

The Chairman of Ways and Means (Dame Rosie Winterton): Just a little reminder that I said under 10 minutes would be helpful, otherwise not everyone will get in.

7 pm

Laura Farris (Newbury) (Con): It is a pleasure to follow the hon. Member for Middlesbrough (Andy McDonald). I will pick up where he left off. The right to strike is neither absolute nor unlimited. He was correct to point the Committee to the 87th convention of the ILO on freedom of association and protection of the right to organise, and he will be aware that article 9 of that convention sets out the limited circumstances in which any member state has a margin for discretion to decide whether certain sectors can be banned from striking altogether. As a matter of fact, the United Kingdom exercises that qualification in restricting the right to strike for police officers, members of the armed forces and prison officers.

Despite the hon. Gentleman's language about this country's having very restricted union rights, Opposition Members must concede that there has been a high degree of consensus while in government. I gently remind him that when Labour was last in government, after the numerous changes to strike law in the 1980s, it published the "Fairness at Work" White Paper in 1998. Its foreword stated:

"There will be no going back. The days of strikes without ballots, mass picketing, closed shops and secondary action are over."

Where I agree with the hon. Gentleman, although I present it from a different angle, is that the issue throughout debate on this Bill is whether the proposed restrictions are necessary and proportionate. Amendments 9 to 14 and 73 to 75, tabled by the right hon. Member for Ashton-under-Lyne (Angela Rayner), who is no longer in her place, and other Labour Front Benchers, would hack out each of the sectors that have been designated as sufficiently important to warrant a minimum service level—education, transport, nuclear decommissioning, border security, fire and health.

The hon. Member for Middlesbrough was a tiny bit disingenuous when he read from the ILO's publication and said that the ILO allows a minimum service level only in

"services the interruption of which would endanger the life, personal safety or health of the whole or part of the population".

He knows as well as I do that he could and should have read on, because the ILO allows minimum service levels in

"services which are not essential in the strict sense of the term, but in which strikes of a certain magnitude and duration could cause an acute crisis threatening the normal conditions of existence…or in public services of fundamental importance."

Earlier today, every Member of this House received a House of Commons Library briefing on this Bill. It included an important 2012 report from the ILO, which I know many Members will have read, that provides some assistance:

"the right to strike is not absolute and may be restricted in exceptional circumstances, or even prohibited".

The report gives three examples of where that might apply. The first is certain categories of public servants, and relevant to this debate is the reference to teachers:

"the Committee considers that public sector teachers are not included in the category of public servants 'exercising authority in the name of the State' and that they should therefore benefit from the right to strike…even though, under certain circumstances, the maintenance of a minimum service may be envisaged… This principle should also apply to postal workers and railway employees, as well as to civilian personnel in military institutions when they are not engaged in the provision of essential services in the strict sense of the term."

In relation to the National Education Union, which is striking on Wednesday, and the National Union of Rail, Maritime and Transport Workers, which seems to be striking most of the time, the Opposition know, or at least ought to know, that the ILO thinks that minimum service levels should apply both in education and transport.

Richard Burgon (Leeds East) (Lab): The hon. Lady is making a very interesting contribution. She and the Government are making out that the International Labour Organisation somehow supports this measure. However, its director general has said that he is "very worried" about this Bill. Given that, will the hon. Lady invite the Minister to withdraw his assertion that the ILO supports this measure?

Laura Farris: An experienced employment lawyer like the hon. Member for Middlesbrough will know the true mechanics very well. A union and probably the TUC and Professor Keith Ewing, because he did the last one, will put in a written submission to the ILO, and its committee of experts based at the ILO office in Geneva will respond in due course. It is not appropriate to say that something is the complete answer of the ILO because somebody has waggled a microphone under somebody's nose at Davos. There is a procedure.

I hope my speech is not confusing the hon. Member for Leeds East (Richard Burgon), because I am not suggesting for a moment that what was sent to MPs this morning is a comment on the United Kingdom. It is the

ILO's statement of general principles on minimum service levels, and I will continue, if I may. The ILO says that the second acceptable restriction is where strikes take place in activities that may be considered essential services. It lists, at paragraph 135 of its 2012 report:

"air traffic control, telephone service…firefighting services, health and ambulance services, prison services, the security forces and water and electricity services."

The report continues:

"In situations in which a…total prohibition of strike action would not appear to be justified…consideration might be given to ensuring that users' basic needs are met or that facilities operate safely or without interruption, the introduction of a negotiated minimum service…could be appropriate."

Joanna Cherry: What the hon. Lady is saying is very interesting, but does she accept that, as we are in Europe, any analysis of the legality of these proposals has to start with article 11 of the European convention on human rights? Can she point to any country in Europe with Government-enforced minimum standards that can lead to the sacking of workers on strike? *[Interruption.]* The Minister should listen to the question carefully, because the answer will be on the record. Can the hon. Member for Newbury (Laura Farris) point to any other country in Europe that has Government-enforced minimum standards, without negotiation and without arbitration—

The Chairman of Ways and Means (Dame Rosie Winterton): Order. The hon. and learned Lady will be trying to catch my eye later, and I do not want interventions to be too long.

Joanna Cherry: I was interrupted.

The Chairman: I know, and I was going to say that it is important that interventions are not interrupted. Has the hon. and learned Lady finished?

Joanna Cherry: Can the hon. Member for Newbury point to any country in Europe in which, as a result of Government-enforced minimum standards, without any negotiation and without any arbitration, a worker can lose his or her job, other than—wait for it—Hungary or Russia?

Laura Farris: The hon. and learned Lady is right that negotiation is required. I was shocked to find that, in France, the sanction for a person who refuses a requisitioning request is via the criminal courts. I did not know that, and I did not know it is the case in Canada, too. It may be that I have misread the legislation, and that it is a "life and limb" exemption—I am not familiar enough with French legislation.

Andy McDonald: I will help the hon. Lady. Is she aware that the ILO is saying that unions should participate in defining minimum service levels, and that any disputes should be dealt with not by a Government but by an independent body? Does she agree with that? It is not in the Bill.

Laura Farris: I agree with the hon. Gentleman, and it is a good point. Even though the ILO has set out, in black and white, the services in which it says the right to strike might lawfully be restricted, and even though its list includes every single service that the Government have included in the Bill—in fact, the ILO goes much further—the Opposition, for some reason, seem to wish to take out every one of those essential services. They would say no to a minimum service level when the schools are on strike, no to any key worker being able to put their kids in school and no to any vulnerable child being able to be looked after. They would say no to the trains running at all during the rush hour. The Opposition need to be clear with the British people about why their amendments deviate so far from international norms. It seems to be the case that, in their view, the country should grind to a standstill.

Ian Lavery: Will the hon. Lady give way?

Laura Farris: I will make a bit of progress, because I am conscious of time.

Let me just deal briefly with the issue of sanction, because it has come up. The hon. Member for Middlesbrough will know—he is an employment lawyer, but there may be others—that section 219 of the 1992 Act is uniquely convoluted in the way it confers a protection on the worker and on the union in terms of the right to strike. The statutory language is that there is immunity in suit from the tort of inducement to breach of contract—that is the right to strike as expressed in domestic law. What I think the law is doing here in terms of sanction is removing the immunity—that is what is happening; that is the logical consequence of anything that restricts the right to strike. I just want to say this: nobody in this Chamber envisages sacking nurses or any other category of emergency worker, but it must be right that, if the section 219 immunity is lost or in any way qualified, we bring into play disciplinary sanctions. That must be right and I accept that.

I have said in response to the hon. and learned Member for Edinburgh South West (Joanna Cherry) that both France and Canada seem to have a far more draconian system—[*Interruption.*] She can correct this when she makes her speech. Again, I looked at what the ILO said about this issue. I will finish with this Dame Rosie, because I can tell that I am being annoying. The ILO said that if the strike is determined to be unlawful by a competent judicial authority on the basis of provisions that are in conformity with the freedom of association principles, proportionate disciplinary sanctions may be imposed. I do have some improvements that I think can be made to the Bill, but I am going to take them offline and say them afterwards.

Several hon. Members *rose—*

The Chairman of Ways and Means (Dame Rosie Winterton): Let me say to the hon. Lady that she was not being annoying; I thought she made a thoughtful speech. I also want to emphasise that I cannot impose a time limit. I simply make a plea to colleagues that if everybody is going to get in, a little discipline might not go amiss on the time front.

Christine Jardine (Edinburgh West) (LD): I rise to speak against this Bill and in support of amendment 2, which stands in my name and that of my party. Having listened to the debate so far, it strikes me that we can dance on the head of a pin all we like, but this legislation would not, in any way, resolve the situation the country is facing. The Bill does not address the problem; it simply seems to take a mallet to peel a peach.

[Christine Jardine]

My amendment, which I ask the Committee to support, would address the problem, because it calls on the Government to look at the level of minimum service they are calling for and ensure that it did not exceed the relevant service recorded on any day of the 12 months previously. It also seeks to ensure that before making regulations on minimum service the Secretary of State would lay before Parliament a report showing that that condition as to the previous 12 months had been met.

I proposed that because I would like the Government to ensure that we can depend on a minimum service level in this country regardless of whether there are strikes and that their attention is to the service provided to the public rather than to attacking the unions. In his comments, the right hon. Member for North East Somerset (Mr Rees-Mogg) confirmed that this legislation has been on the books, or in thoughts, for some time and that it is not simply about the present strikes but rather about addressing the issue of industrial relations. I would like the Government to think about whether, in talking about setting a minimum service level, the level of service we have at the moment is acceptable or whether they have run public services into the ground, and whether all they are doing with this Bill is shifting the blame on to workers rather than accepting their own failures.

This Bill is yet another attempt to use the workers and the situation we are in, with crisis after crisis, as a political football to distract from the mismanagement of public services that has led us to this point. If the Government truly want to find a solution to these problems, surely the answer is to take a step back and look at the poor levels of service on days when there is no industrial action. Those poor levels of service have not arisen through anyone's will to have low services. It has happened simply because of lack of resources and investment in our public services, which for many years, including through the pandemic, staff have struggled to improve on and work through, in conditions that they believe in many cases are unacceptable.

7.15 pm

The point we are making with this amendment is to ensure that the Government understand just how bad public services have become on their watch. If they look back at the levels of service over the past 12 months and the conditions the people in the public services have been asked to work in, they will see that they are surely unacceptable and that that is not a level of service they would want in any circumstances. So rather than impose minimum levels of service in a strike situation purely to make a political point, will the Government not accept the amendment, look at the levels of services over the past 12 months and try to improve them and invest in our public services?

Anna Firth (Southend West) (Con): It is a pleasure to follow the hon. Member for Edinburgh West (Christine Jardine) and to have listened to the very learned submissions from my hon. Friend the Member for Newbury (Laura Farris), who brings considerable experience to bear from a distinguished career at the Bar in this area. I was grateful to listen to those submissions.

I rise to speak against these amendments, particularly amendments 9 to 14, and 73 to 75, because I take the simplistic view that all of us here have been elected to represent all of our constituents and all of our communities. That requires that we balance the rights of people to strike. As I said when I last spoke in this debate, I do accept that it is a fundamental right of public sector workers to be able to strike, but it is not unqualified, because we have already excluded the police and the Army from that right. The Bill seeks to restore the balance between the right to strike and the right of the public to know that access to key, often lifesaving, services and their livelihoods will be protected. Moreover, the Bill seeks to ensure that when public sector workers wish to exercise that right to strike, they can do so safely. For those reasons, I do not believe the Bill needs to be amended.

We have heard a lot said about a poor service on days when there are no strikes, but I am delighted to say that health workers in Southend West have not joined in with the national strike action. So I am standing here to ensure that everyone who is not lucky enough to live in picturesque Leigh-on-Sea and Southend has the same levels of care on all days. The Bill is a recognition that some of our public services are vital and that hard-working taxpayers deserve a minimum level of service. The public have the right to get on with their daily lives and access public services just as much as workers have the right to strike.

Those public services must include health, education and transport. I was deeply disappointed to read on a BBC breaking news alert only this afternoon that the Fire Brigades Union has opted to strike. I will certainly be in touch with my local police and crime commissioner to ask how we can minimise any disruption on those days to people living in my constituency. I am also disappointed that the planned strikes in schools are going ahead, which is not just a problem for students. In my constituency, two schools, Chalkwell Hall Junior School and Heycroft Primary School, are going on strike, affecting nearly 900 pupils. Those schools will close and that is a crying shame. Those children have not had a single year of undisrupted education since they started.

David Simmonds (Ruislip, Northwood and Pinner) (Con): Does my hon. Friend think that it would be helpful if there were a requirement for a minimum notice period, so that schools could at least let parents know that they will close? At present, many schools affected by these decisions do not know what will happen on Wednesday.

Anna Firth: My hon. Friend makes a critical point. Not only should there be decent notice, but schools should all be required to run a minimum service, so that we do not have our children's education disrupted again. A total of 270 million pupil days have already been lost through the covid pandemic and our children deserve better.

James Sunderland (Bracknell) (Con): I have been listening to Members from both sides of the House since the start of the debate, but I am still somewhat confused by the Opposition's position. As a humble taxpayer in Bracknell representing key workers and ordinary people who want to go to work, I wonder whether my hon. Friend agrees that ordinary people living in Bracknell and beyond—right across the UK—have a fundamental right to be able to send their children to school, to be

taken to hospital in an ambulance if they fall sick, and to go to London on the train if they want to go to work. I am confused. Can my hon. Friend help me?

Anna Firth: My hon. Friend is making the critical point that we represent all of our constituents—not just those who are public sector workers but those who need to go to work in the private sector in order to maintain their way of life and look after their families. That is why the school closures will be a particular problem to many hard-working parents who may have to take a day off work to look after their children.

Ian Lavery *rose—*

Anna Firth: I will not be troubling the Committee for much longer, so I will carry on and get through my speech.

I know that we are not debating the specifics of the current strikes today, but it is worth saying again that these wage demands are completely unaffordable. Indeed, if we were to cave in to all of the unions' wage demands, we would be looking at a bill not far short of £30 billion a year. That would have a huge impact on inflation and cause a permanent increase in our cost of living. In effect, that would mean a pay cut for every single one of our constituents.

Tonia Antoniazzi (Gower) (Lab): In 2010 we had a Tory-Lib Dem coalition; that is when I became political and I now sit on these Benches. I was a teacher and it is because of the Lib Dem-Tory coalition that we are in this mess now. We cannot afford to give a 15% pay rise now, but does the hon. Lady not realise that if we had not had the cuts we have had throughout the 13 years that her party has been in government, we would not be where we are now?

Anna Firth: I do not agree with the hon. Lady. There have been some pay rises over that period. The hon. Lady forgets that. I have huge respect for people coming into the House from the teaching profession. My own mother was a teacher and she would never strike. The hon. Lady must remember that, when she came into the House, our public finances were in a state. It is a long time ago, but, none the less, the reality was that there was no money.

Several hon. Members *rose—*

Anna Firth: I wish to finish my speech.

The Bill will ensure that when people call 999, they can get an ambulance. It will ensure that a fire engine will come if there is a fire. It will ensure that my constituents can send their children to school and travel to work on public transport. This is pragmatic legislation that will bring the UK in line with other countries, such as France and Spain, which already have such legislation in place. I will be supporting the Government's very sensible Bill, which will protect all my constituents. I urge Opposition Members to do the same, even if that means that their union paymasters do not cough up ahead of the next election.

Beth Winter (Cynon Valley) (Lab): I speak for millions of trade unionists, public sector workers, key workers and people up and down the country when I say that this Bill is disgraceful, draconian, unconstitutional, undemocratic and a clear attack on workers' rights.

This afternoon, I will limit my main comments to an amendment of mine that seeks to exclude Wales from the application of the Bill. I also wish to associate myself with a number of other amendments, including those tabled by my right hon. Friend the Member for Ashton-under-Lyne (Angela Rayner) on the Front Bench, my hon. Friend the Member for Leeds East (Richard Burgon), my right hon. Friend the Member for Hayes and Harlington (John McDonnell), and my hon. Friends the Members for Wansbeck (Ian Lavery), for Gateshead (Ian Mearns), for Middlesbrough (Andy McDonald), for Coventry South (Zarah Sultana) and for Ilford South (Sam Tarry).

When I opposed the Bill on Second Reading two weeks ago, I said that it is clear that it will

"overrule the powers and policies of the devolved Governments".—[*Official Report*, 16 January 2023; Vol. 726, c. 123.]

This legislation before the Commons has been introduced without any discussion with the Welsh Government. It has been introduced despite it conflicting with the Social Partnership and Public Procurement (Wales) Bill before the Senedd. A different approach is being taken in Wales, and I urge Government Members to take note of how things have been done differently—and successfully—in Wales. It is an approach that fosters collaboration and co-operation between Government, employers and workers, and it is encapsulated in the Social Partnership and Public Procurement (Wales) Bill, which places partnership working on a statutory footing. It really does work. It is this partnership approach that meant that the Welsh Government and Transport for Wales were able to negotiate a pay settlement recently that was accepted by the RMT.

Liz Saville Roberts: The hon. Member is giving a powerful speech. What we are seeing in Wales is co-operation and co-working in action, and service is being improved because of it, which, of course, is what good Government and good relations with unions is all about.

Beth Winter: I agree with the right hon. Member.

A joint statement by Wales TUC and the Welsh Government called on the UK Government to cease their controversial approach and learn lessons from the collaborative, social partnership approach adopted in Wales. It said that the UK Government should allow the rail companies and RMT to negotiate a deal that is fair and acceptable to Network Rail employees and employees of the UK train operating companies. That is the approach guiding the Welsh Government and the Social Partnership and Public Procurement (Wales) Bill.

The Strikes (Minimum Service Levels) Bill before us today is in complete conflict with that legislation. Clearly, there has been no opportunity for the Welsh Government to timetable a legislative consent motion in the Senedd. If they had done so, they would have recorded that the Senedd would withhold consent for this piece of legislation.

The Welsh Government's view is clear. First Minister Mark Drakeford has stated:

"The Welsh Labour Government does not believe that the response to strikes should be to bring forward such restrictive and backward-looking laws, that trample over the devolution settlement."

Counsel General Mick Antoniw has said in the Senedd:

"The way to resolve industrial disputes is by negotiation and agreement."

[Beth Winter]

The Wales TUC has also been very clear. Its general secretary, Shavanah Taj, has said that

"this Bill will prolong disputes and poison industrial relations",

and has urged all Welsh MPs to reject the Bill.

That is why I have tabled four amendments, each of which seeks to prevent the application of this legislation from taking effect in Wales. I have sought to amend clause 3 by asserting that Senedd Cymru can still pass legislation counter to this Bill. In amendment 77, I have sought to remove the application of the Bill to Wales. In amendments 88 and 97 I seek to remove the powers in the Bill to repeal primary legislation passed in the Senedd, as the Government are seeking to do on agency workers involved in strikes. In amendment 98, I seek to ensure that Welsh workers employed in Wales by English firms are not impacted by this legislation.

I also support a raft of other amendments, as I said earlier, including Opposition amendment 1, which would mitigate some of the most authoritarian elements of the Bill and preserve existing protections against unfair dismissal, including for an employee who participates in a strike contrary to a work notice under the Bill. I also associate myself with amendments setting out the importance of meeting conditions set by the ILO, as already discussed. There must be negotiation between the social partners rather than the imposing of minimum service levels, as this Bill will do.

7.30 pm

I refer to those amendments because, as has been mentioned already, the Government have made so much of the claim that the Bill's purpose has been endorsed by the ILO, only for that claim to be rebuffed by the ILO. In an answer to my written question last week, the Minister confirmed that the Government had had no dialogue whatsoever with the ILO regarding the Bill.

The amendments I have referred to are only a few of those necessary to change the Bill. It should be withdrawn completely, as others have already said. The Government have no interest in social partnership, no interest in good industrial relations and no interest in the views of devolved authorities.

In response to the hon. Member for Crewe and Nantwich (Dr Mullan), who spoke about the NHS in Wales, the reason we are in this situation as a country is that we have endured 12 years of austerity and cuts, and Wales has suffered more than anywhere else. The Welsh budget is worth up to £4 billion less in real terms than when the current three-year funding settlement was set last year. The purse-strings still reside here in Westminster, so shame on this Government for giving money to their wealthy crony partners and friends and to themselves while the rest of the country is suffering.

The Tories' determination to create a low pay Britain is why we are in this situation, but I am pleased to say that the trade unions and the public are organising and fighting back. The Tories are concerned that they are losing control, and they want to restore it, so what do they do? Attack, attack, attack, enforcing authoritarian and draconian legislation on this country, which we will oppose.

The Bill clearly shows the Tory Government's contempt and disregard for working people whose difficulties they have caused. It is people's right to have decent pay and a decent standard of living, but that is not happening in this country. While the wealthy 1% get richer and richer, the 99% are being left behind. That is wrong in so many ways, and we will not accept it anymore.

The purpose of this piece of legislation is to dismantle the trade union movement and workers' rights, while transferring yet greater powers to the Government and overriding the devolution settlement. I commend my amendments to the House and urge everybody to oppose this terrible piece of legislation.

Chris Stephens: Let me first refer to my entry in the Register of Members' Financial Interests. I notice that not one Conservative Member has referred to their interests in terms of backing from employers, but we will move on.

I want to speak to amendments 39, 42 and 48 and new clause 4. There were 120 amendments tabled to this Bill—a Bill that, in reality, is a page and a half of detail. That would suggest that there are some problems with the Bill. I noted that the right hon. Member for North East Somerset (Mr Rees-Mogg) talked about how terrible the Bill was; he will support it, which is up to him, but he was correct to identify some of the problems with it. There should have been line-by-line scrutiny.

When I heard some of our Conservative colleagues speaking earlier, I was in the middle of changing a password. I had to settle for that wonderful Scottish phrase, "In the name of the wee man!", because I can only conclude that they were talking about a different Bill entirely from the one before us today and the amendments tabled to it. I am sorry to say that what we have heard from the Government about this Bill in the past few weeks is a deadly political cocktail of arrogance, ignorance, misplaced confidence in their ability and a complete lack of knowledge of a trade union working environment.

Anyone would think, from listening to some of the rhetoric from those on the Government Front Bench in the last couple of weeks, that it was the trade unions that were the bosses, and the employers who were the innocent, downtrodden and low paid. The irony, of course, is that the Government went on strike last summer, without a ballot—they had the ballot afterwards. It was okay for them to go on strike last summer to force workplace change, but it is not okay for people in the fire service, education, health or transport. You really could not make up some of the statements the Government try to get away with.

Indeed, the Government are ignoring existing legislation. Not one Conservative Member in the Chamber today has acknowledged section 240 of the Trade Union and Labour Relations (Consolidation) Act 1992, which provides for safety and "life and limb" cover. That is a must in existing legislation and there is a custodial sentence if a trade union does not supply it. The Government do not seem to know that, and it is incredible that they do not understand the existing legislation. Emergency "life and limb" cover is already there in legislation.

Sam Tarry: The hon. Gentleman makes a good point. In the recent ambulance and paramedic strikes, it was clear in the action all across the country that those local agreements that protect for life and limb worked pretty well. People did get the service they needed in those emergency situations where life and limb would otherwise have been challenged. Surely the Minister and the Government must listen to that point.

Chris Stephens: The Government should listen to that point, which the hon. Gentleman has made for me. If there had been no life and limb cover in the disputes in the past few weeks and months, the first thing the Government should have done would be to encourage the employers to take the trade unions to court to enforce that life and limb cover. I note that they have not done so.

Sir Edward Leigh (Gainsborough) (Con): This life and limb point is very important. We must balance people's right to strike against the public's right to a minimum service guarantee. Can the hon. Gentleman explain how the right to life and limb in present legislation would cover a strike that stops all trains, for instance?

Chris Stephens: I will take that argument on, because I am coming on to amendment 39. Listening to our Conservative friends on the Government side of the Chamber, anyone would think that this Bill was about setting a minimum service level across the public sector. If only that was the case. That is not what it does. It sets a minimum service level only in the event of industrial action—on strike days, not non-strike days. The Minister has not yet told us what amendments he will accept—maybe that is the theatre he will provide at the end—but amendment 39 makes clear the concerns that many of us in this House have that minimum service levels should not be higher on a strike day than on a normal working day.

The reason for that, as anyone who has a trade union background can tell us, is that when employers come to trade unions to discuss the "life and limb" cover and ensure that all those arrangements are made, some employers then ask for more people on a strike day than they do on a non-strike day. That is just a fact—that is what employers try to do. Amendment 39 would address the point that a minimum level of service on a strike day should not be higher than it is on any other normal day.

Of course, that raises the question of the Government trying to get away with marking their own homework on the ILO conventions. They have determined the Bill complies with the ILO conventions—never mind what anybody else says—because they say so. The Government have marked their own homework, and they say we should be very grateful that they have done so; they are ILO-compliant, so we should just be quiet and accept it. Well, I am sorry, but I like to speak truth to power and to check things—always checking what is in the paperwork and in writing was part of my trade union training. Amendment 39 would ensure that there is a very real sense of the Government's homework being marked, and that the Bill is compliant with ILO conventions and with the EHCR, which my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) mentioned.

I will conclude my remarks on the issue of devolution, Madam Deputy Speaker. It is not just about Wales and Scotland, or indeed the Greater London Assembly. Every local authority in England that has a service of the sort mentioned in the Bill could have a minimum service level imposed on it by the Secretary of State for Business, Energy and Industrial Strategy. I do not know about you, Madam Deputy Speaker, but it worries me to see the Secretary of State tweeting and referring to the weekend as unofficial strike days, as he did a few months ago. They were rest days, not unofficial strike days. I am concerned that we have a Secretary of State who does not seem to know what happens in a trade union working environment but is trying to set minimum levels of service on a strike day, not just in England, but in Wales and Scotland, affecting their devolved competencies.

If there was a strike in Glasgow by McGill's Buses, it would be the Secretary of State who determined what the minimum bus level was for that weekend. That is really quite incredible—*[Interruption.]* The Minister can chunter all he likes, but that is what the Bill says. Agreeing to new clause 4 would sort out that issue, so perhaps the Minister could tell us which amendments he will accept.

Andy McDonald: I hear the Minister chuntering from a sedentary position about the Bill not covering buses, but that is not what it says. It covers "transport services" and its jurisdiction is UK-wide.

Chris Stephens: The hon. Gentleman makes an excellent point. That is the problem, is it not? The Bill says "transport services", and that could be anything. It could be buses, taxis or the horse and cart for all we know, because the Bill is so open-ended.

Madam Deputy Speaker, I hope that the Government will look at the amendments that my hon. Friends and I have tabled, which are an attempt to improve the Bill. Our main reason for opposing the Bill is that the Government will be impinging on devolution and on human rights, and they do not know what happens in a trade union-organised environment. That is why the Bill should not get a Third Reading.

The Chairman of Ways and Means (Dame Rosie Winterton): Just a tiny point of information: when I am sitting at the Table, I am not Madam Deputy Speaker; I am either Dame Rosie or Madam Chair. I call Rachael Maskell.

Rachael Maskell: Thank you, Dame Rosie. I rise to support many of the amendments. Not only is this Bill bad law, but it will make the industrial landscape far worse. The Minister is trying to make a monster out of something that does not exist and a problem that does not occur.

The Bill needs correcting to comply with international law. I am grateful to Members for tabling amendments 39 and 34, which highlight how the Bill is at odds with ILO convention 87. That is why my hon. Friend the Member for Middlesbrough (Andy McDonald) tabled amendment 83, which would bring that convention into law by creating a framework by which the Bill must go forward—otherwise, it will just spend months in the courts, and I expect that that is where it will end.

We are talking about safety, so not having an impact assessment is quite unbelievable, not least when we know that many of the clauses could well result in services being more unsafe than they are currently. I draw the Minister's attention to the fact that we already know that those services are unsafe. On Second Reading, I raised statistics from the Royal College of Emergency Medicine about the health service being unsafe, with 500 additional deaths every single week. The Secretary of State dismissed those figures. However, a witness

[Rachael Maskell]

from the Royal College of Emergency Medicine set out his peer-reviewed workings when he appeared before the Health and Social Care Committee.

7.45 pm

Every day, the Government are failing in their duty to ensure that the NHS is safe. Even today the Secretary of State for Health and Social Care appeared before the House and announced that he has now downgraded response times for paramedics to reach desperate people in category 2 calls—including strokes and heart attacks—from 18 minutes to 30 minutes, making patients even more unsafe. We can talk about minimum service levels, but this Government have some nerve coming to the House and saying that workers across the NHS are creating an unsafe environment.

I will focus in particular on section 240 of the Trade Union and Labour Relations (Consolidation) Act 1992, which covers "life and limb" arrangements by putting in law a framework under which a person who breaks a contract of service

"knowing or having reasonable cause to believe that the probable consequences of his so doing will…endanger human life or cause serious bodily injury"

could receive a criminal sentence. "Life and limb" arrangements are already covered, so the Bill is superfluous.

Let me address the mechanics of how those agreements are reached, looking in particular at negotiations. As I highlighted earlier, there has to be a dynamic relationship between the employer—a local employer—and the worker, because throughout the day there is negotiation. There can suddenly be an incident in a health setting that causes more staff to be required. Of course, if that is the case, a nationally agreed protocol would not provide the day-to-day, minute-by-minute approach that is needed. That is why it will be unsafe. If the Secretary of State were to agree a protocol that set minimum levels, but there was a major incident and more people were required, that could not be executed and put in place. It is a nonsense piece of legislation.

Let us face the reason why we are where we are: the unions are sitting at the table but have had no one to negotiate with for weeks. The Secretary of State has run around the media studios dreaming up legislation that restricts workers but avoids addressing the dispute. Workers are on those picket lines because they know that their services are completely unsafe. They know the level of agency spend being put in place. Instead of blocking the path to resolution, the Minister should really get around the negotiating table and stop the ideological fight with working people that he is pursuing. I hear the point about affordability but, as a result of what is happening at the moment, £3 billion has been spent on agency workers in the last year. That money should be in the pockets of NHS staff. It is embarrassing to listen to the arguments that the Government are putting forward to deny working people their freedoms and rights.

I want to come to the point in the legislation where we look, line by line, at what the Minister is trying to do in removing workers' protection against unfair dismissal. We have to remember that workers are out on strike because they know that staffing levels are unsafe. When I went on picket lines and talked to those staff, they were in tears because they are so broken and they know that more people are leaving the service because they are not being paid or respected. This legislation kicks them in the teeth and says, "We are not even going to protect you," and it means that the industrial landscape will decline rapidly. If that is what the Minister wants, that is certainly what he is going to get if this legislation passes.

The NHS has no more resilience. The staff have no more resilience. Yet the Minister is sitting there saying, "I'm going to take away your protection from unfair dismissal, which could mean you are out of a job," making that landscape—that industrial workplace—even more unsafe. If that becomes even more unsafe, more people will die in our NHS day by day. That is the reality, and that is why I say to the Minister that he needs to get out on those picket lines and listen to the workers and what they are saying, instead of hiding away and dreaming up this legislation. The Bill needs to change, and that is why I welcome the amendments to bring that about.

The Minister also needs to ensure that there are talks between the parties, and that is what has not happened. Unison said that five weeks went by from announcing its ballot before there was any engagement, and then there was no discussion of the issues appertaining to the dispute, so how does he expect it to be resolved? It needs to be meaningful negotiation between the employer and the workers, and that is what this legislation does not cover, because the Minister clearly does not see that as an important part of resolving a dispute. Ultimately, these threats coming through this legislation will make the industrial landscape more challenging in trying to settle those disputes, because there will be a breach of trust between the employer and the employee.

When does the Minister expect to bring an impact assessment before the House? We are in Committee and will be dealing with Third Reading today. Are Members in the other place going to receive an impact assessment before they get the opportunity to look at this legislation? We not only need to know about the impact on services; we also need an equality impact assessment. I am interested to know which workers will be sent into work against their will, crossing a picket line when they want to stand in solidarity with their peers. When will that assessment emerge? If the Minister does not know, will he write to Members and make clear exactly what he will be doing with that impact assessment? It seems completely self-defeating to keep such information from this House as the Bill moves through its legislative stages.

Finally, if workers do not get enshrined those rights to take industrial action and to withdraw their labour, they most certainly will take action short of a strike, and then the Minister will start to understand the dedication that these workers have. If they take a long period of action short of a strike, when people in some professions are already working more than eight hours a week in unpaid overtime, that will certainly harm these services and it will certainly make them unsafe. By bringing in these measures, he makes things far worse. This Bill is just not fit for purpose. Instead of it being a toy, or a game that the Minister wants to play, it is time that the grown-ups in the room had the opportunity to negotiate a proper deal for working people across our country, and to no longer see this legislation. I know that one thing Labour will do is ensure that this Bill is removed from our statute book.

Mick Whitley (Birkenhead) (Lab): I begin by declaring an interest as a proud and long-standing member of Unite the union.

I rise to speak in support of amendments 91 and 92, which stand in my name and that of my hon. Friend the Member for Easington (Grahame Morris) and others. These amendments reaffirm the principle that a trade union is a democratic organisation beholden to the will of its members, and not the other way around. That might be an alien concept to a Government who have spent the last year forcing through legislation that undermines the most basic rights of their citizens, but it is an article of faith for those of us in the labour movement.

These amendments are just two of the many brought forward by Members on the Opposition Benches, who have among them many lifetimes' worth of experience in the trade union movement. It is a shame that that experience is so obviously lacking on the Government Benches, or else the Government might not have brought a Bill to the House that the general secretary of the TUC has rightly denounced for being

"undemocratic, unworkable, and almost certainly illegal."

We must confront the uncomfortable truth that no amount of tinkering in Committee could ever hope to salvage this Bill. It is, frankly, rotten to the core and a grotesque affront to our most basic democratic principles. As my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) has written today, anybody who

"is concerned about individual liberty and freedom should be opposed to this attack on the fundamental right to withdraw your labour."

Since the Business Secretary first confirmed on 10 January that he would be bringing forward this Bill, we have been subjected to a torrent of tedious lectures from those on the Government Benches about the responsibilities that key workers have towards the public. What right have a Government who have led this country into the worst recession of any G20 economy bar Russia, and who preside over the highest level of child poverty in a generation, to lecture the nurses, ambulance drivers and teachers who saw this country through its darkest days since the end of the war?

The Business Secretary has even had the temerity to tell the House:

"The British people need to know that when they have a heart attack, a stroke or a serious injury, an ambulance will turn up, and that if they need hospital care, they have access to it."—[*Official Report*, 10 January 2023; Vol. 725, c. 432.]

After 12 years of Tory failures, that is not even a guarantee he can make to my constituents when there is no strike action. If he wants to know who is failing the public, he does not need to turn to the picket lines; he need only look in the mirror.

This Wednesday, teachers, civil servants and train drivers will take to the picket lines in what is expected to be the single largest day of industrial action in more than a decade. Whatever Government Members might believe, these are not radicals intent on the overthrow of the state; these are ordinary, conscientious public servants who, after a decade of real-terms pay cuts, simply cannot take it anymore.

Instead of electing to sit down and engage in good faith about the real issues that are driving public workers across the country to such desperation, this Government have instead opted to bulldoze through this House in only a week a Bill that will do lasting and irreparable harm to our democracy, without adequate scrutiny or reference to the devolved Governments in Cardiff and Edinburgh. I will be voting against the Bill in its entirety this evening. On Wednesday, I will proudly stand with striking workers exercising their democratic right to demand better in the midst of this Tory cost of living crisis.

Joanna Cherry: I rise to speak to amendments 115, 116 and 117, which stand in my name. The Joint Committee on Human Rights is about to commence our legislative scrutiny of the Bill but, given the Government's timetable, any amendments that the Committee recommends at the end of that scrutiny will require to be laid in the Lords. I have therefore tabled these three amendments as a way of probing the Government's intentions in relation to the three issues I raised on Second Reading: the fact that the Bill is not really about safety levels at all; the inaccuracy of claims that the Bill reflects current practice elsewhere in Europe; and the very real risk that these proposals are in breach of the United Kingdom's obligations under the European convention on human rights and international labour law.

The Government's ECHR memorandum acknowledges that the Bill engages article 11 of the ECHR, and that is where our legal analysis should start, not with the ILO. As I said in my speech on Second Reading, it is interesting to compare the ECHR memorandum for this Bill with the ECHR memorandum for the Transport Strikes (Minimum Service Levels) Bill, which I think probably has a slightly more accurate description of the law. I would love to know why the Government changed their position between the two memorandums. No doubt we will not be favoured with that information.

Article 11 protects the right to strike as an aspect of free association. It is, as Members have said, a qualified right, meaning that its protections are not absolute, but any interference with its protections must comply with the requirements set out in article 11(2). Any restrictions on the rights protected under article 11 must be in accordance with the law and must pursue one of the legitimate aims set out in article 11(2). The most recent ECHR memorandum states that minimum service regulations have the legitimate aim of

"protecting the rights and freedoms of others"

because of

"the disproportionately disruptive and harmful impact that strike action has on the public, on their lives and on the national economy".

In contrast, the Department for Business, Energy and Industrial Strategy's press release for the Bill said that the new law would reduce risk to life, and Government Ministers and spokespersons have made much of that as a justification for the Bill—the Minister was at it again today. The ECHR memorandum, however, does not list public safety or the protection of health as one of the legitimate aims of the Bill.

8 pm

Probing amendment 115 would add a new subsection to limit the levels of service that the Secretary of State could set in regulations to those that the Secretary of State reasonably believes to be necessary to protect life, personal safety or health. If the Government's true focus is public safety, the amendment should be acceptable to them. If it is not, we need to be clear that the Bill is

about not just reducing risk to life or protecting health, but much more than that. If that is the case, the Government should stop trying to pull the wool over the public's eyes with false rhetoric and, as my hon. Friend the Member for Glasgow South West (Chris Stephens) said in his excellent speech, without recognising the laws that already exist to protect the public.

I turn to amendment 116. Article 11(2) requires that any restrictions on article 11 rights have to be

"necessary in a democratic society",

which includes them meeting a pressing social need and being a proportionate means of achieving their aim. One way to increase the likelihood that powers that can result in interference with rights under article 11 are proportionate is to ensure that there are adequate safeguards against their misuse, but those safeguards are missing from the Bill.

The Bill allows the Secretary of State to make minimum service regulations without any obvious safeguards against the minimum service levels being excessive or directed at something other than the essential needs of the public. The International Labour Organisation has stated that any minimum service levels should be

"restricted to the operations which are necessary to satisfy the basic needs of the population or the minimum requirements of the service, while ensuring that the scope of the minimum service does not render the strike ineffective."

The Bill also allows the Secretary of State to define relevant services without any safeguards beyond a list of very broadly defined potential service sectors—for example, people may think it is funny, but "transport services" could cover taxis. That does not sit well with what the ILO has said about the possibility of minimum service levels in respect of strikes that could result in

"acute national crisis endangering the normal living conditions of the population"

or in respect of strikes

"in public services of fundamental importance."

Probing amendment 116 would add a new subsection to limit minimum service regulations to the levels indicated as appropriate in the conclusions of the International Labour Organisation's committee on freedom of association.

Amendment 117 aims to address the problem that a measure that restricts convention rights is unlikely to be proportionate if alternative, less restrictive measures could be taken that would be likely to achieve the same aims. Under the Bill, minimum service levels would be determined by the Secretary of State with no involvement of trade unions or employers. The Transport Strikes (Minimum Service Levels) Bill had the same aim, albeit for just one sector, but proposed an alternative approach to setting minimum service levels that was much more consistent with article 11 rights, as was argued in the original ECHR memorandum.

That Bill imposed a duty on trade unions and employers to take reasonable steps to enter into an agreement on minimum service levels within three months. Where no agreement was reached, it provided for minimum service levels to be determined by an independent central arbitration committee. Under that Bill, therefore, minimum service levels set by the Secretary of State would apply only if none had been agreed by unions and employers or determined by the central arbitration committee.

That is what happens in other European countries. They do not have top-down regulations that are imposed by the Secretary of State or other Ministers without any attempt to reach an agreement through collective bargaining or to put it out to arbitration first. In that context, the International Labour Organisation emphasises the importance of

"adopting explicit legislative provisions on the participation of the organizations concerned in the definition of minimum services",

and says that,

"any disagreement on minimum services should be resolved…by a joint or independent body which has the confidence of the parties".

A Bill that does not allow for collective bargaining or independent arbitration therefore does not fit with what the ILO stipulates and would not be proportionate under article 11. Amendment 117 would prevent the Secretary of State making minimum service regulations in respect of a strike unless the trade union and employer have had an opportunity to reach a negotiated agreement on those levels, and an independent body has had the opportunity to determine the levels in the absence of an agreement.

I will ask the question that I asked earlier, and I want the Minister to answer it when he speaks at the end. Can he point me to any other country in Europe that would sack people for taking part in a strike that breached top-down imposed minimum service levels, without any negotiation or arbitration beforehand? Does he really want to be in the same company—the same wee club—as Hungary or Russia when it comes to workers' rights?

Ian Lavery: I rise to speak to amendments 78, 95 and 96 in my name, which focus on the instruction of people to work that is encompassed in a work notice. Amendment 78 refers to the removal of the protection for those refusing to work on strike days, and amendments 95 and 96 would ensure that people receive a copy of the work notice and other related details.

I will focus on the legislation. This is a sackers charter that is about destroying the very fabric of the trade union movement. People say that the devil is in the detail, and it certainly is when we read this Bill. When the Minister comes to the Dispatch Box, I ask him to confirm, for everybody concerned, whether an individual who is instructed by a work notice that they must go to work on a strike day, but then refuses, will not be sacked. I have a lot of time for the Minister—in fact, I am nearly calling him an hon. Friend—

John McDonnell: Steady!

Ian Lavery: I hear my right hon. Friend say, "Steady!", but I want the Minister to confirm that, because that simple question has been asked by many hon. Members tonight and he shook his head on every occasion. Simply, for the sake of individuals who are instructed by a work notice to cross the picket line, will they not be sacked? Never mind the situation whereby their protection under the unfair dismissal regulations will be withdrawn—what does that mean? If that is withdrawn, it means that they will be sacked. That is exactly what it means—we do not need to be employment lawyers to recognise that.

The Bill is also about attacking individual members in the workplace, particularly trade union representatives. If there is going to be a strike in a workplace, perhaps

about health and safety, and the trade union representative is advocating strike action because that is what they are elected to do, but the boss—the gaffer—gives them a work notice and says, "You're the person who's got to cross the picket line," how does that work? In the main, we have fair bosses and bad bosses, and bad bosses will pick out people they can get rid of as quickly as possible. A trade union rep advocating action on a health and safety issue could be dismissed, because the protection is gone for someone who refuses to cross the picket line and go into work. Even Conservative Members understand that that is not fair in any way, shape or form. How can it be? Individuals have the right, regardless of work notices, to withdraw their labour. It is a basic human right. Here we have legislation that not many people—even in this place—want; it is a knee-jerk reaction. It is what happens when the Conservative party is cornered and is 25 points behind in the polls. What can unify them? I will tell you what unifies the Tory party: attacking the trade unions. That gets them speaking. That is the true red meat of unifying Tory politics. But tonight there have not been many speakers from the Conservative Benches.

An accusation has been made that trade union members are not ordinary people, but they could not be more ordinary if they tried. They are the fire and rescue service people who run towards fires and towards those in desperate need of being rescued; as we have seen, sadly, a member of the Scottish Fire & Rescue Service has just lost their life. These are ordinary people. Nurses are ordinary people saving lives on a daily basis. Transport workers kept the country running before the pandemic, during the pandemic and after it.

The work notice is a bosses' charter. I have spoken about the duty of care of an employer to an employee. What happens if someone, despite campaigning for action, is told by their employer that they must go to work? What will be the impact on that individual's wellbeing? What impact will it have on mental health in the workplace when people are compelled to work? It is not short of a form of industrial slavery to compel people to go to work against their wishes.

It is not the same in Italy. It is not the same in Germany. It is not the same in France. It is different. Stop arguing the cheat, because it is completely different, and that has been highlighted by speaker after speaker, particularly with regard to the difference in collective bargaining and sectoral collective bargaining. There has not been an impact assessment or any consultation with the trade unions or those who will be involved. This is simply Government diktat. It is draconian, authoritarian legislation that is unfit for purpose. It is unfair, undemocratic, unworkable and unsafe. It is unfit for purpose. I am proud to be voting against it tonight.

Vicky Foxcroft (Lewisham, Deptford) (Lab): I declare an interest as a proud member of Unite the union and GMB. It is great to follow my hon. Friend the Member for Wansbeck (Ian Lavery).

May I start by saying how outrageous it is that we have only five hours to debate this extremely important and dangerous legislation? As has been mentioned many times before, there have been well over 100 amendments tabled to the Bill, showing its numerous flaws. In the brief time I have, I will touch on a few.

First, on the retention of protections against unfair dismissal, as covered by amendment 1, too many people already have very little protection in that regard. When I was a trade union official, I frequently represented members whose unscrupulous employers sought to dismiss employees because they dared to challenge their working conditions. I recall in particular one member who had MS and had to work with bank notes, which triggered her condition. Rather than looking into redeploying her to a more suitable position, the employer sought to dismiss her. To add insult to injury, she was a trade union rep herself and had often stood up for other members. Sadly, the laws this Government are seeking to water down further did not protect her.

8.15 pm

Amendment 4 introduces a requirement on the Government to publish impact assessments on the regulations. We all know that the Government are not a fan of publishing impact assessments. We know from experience of asking Ministers about the impact of their policies that they are not always forthcoming. Anyone could be mistaken for thinking at times that they have got something to hide. Being open and transparent is what makes better policies, better politics, and a better Government.

Amendment 3 will introduce a requirement on the Secretary of State to undertake a review of health and safety levels in the affected sectors before making the minimum service level regulations. We know the public sector is at breaking point. We know we have a recruitment crisis in schools, social care and the NHS. We know people are being made to work to the bone trying to maintain standards, yet the Government seemingly want to have some of those people work longer and harder if their colleagues go out on strike without a review of health and safety levels. It is clear that we need transparency. We need to know that frontline workers, employers and the Government can have faith in any new regulations before they are published.

When I first started working at the Amalgamated Engineering and Electrical Union, we used to have a thing called partnership agreements. Some worked well, others not so well. The key to their success was the employer and the trade union genuinely working together to ensure the best outcomes. There was a recognition that a successful workplace meant motivated employees who could be rewarded when the company was doing well, and issues around health and safety or staff morale could be solved. That was essentially collective bargaining, which is what takes place now in the public sector. Trade unions and employers already negotiate service levels when disputes take place. That is what needs to happen now. Ministers need to get round the table with the trade unions and negotiate a deal, instead of introducing shoddy, ill-thought-through legislation that will only cause further disharmony in the already stretched and overworked public sector.

The trade union movement is open and transparent. Trade union money is some of the cleanest in politics, which is more than can be said for other areas. Unions ballot to appoint a general secretary. They ballot for their committees. They ballot to have a political fund—something companies do not do when donating money to their favoured politicians or political parties. They ballot for industrial action, with some of the highest

thresholds and legal barriers in the world. What else do trade unions do? They represent workers, they fight to protect workers and they seek to ensure that businesses are successful, so that their members can also benefit. Instead of bringing forward legislation to attack trade unions and workers, we should be listening to and working with them. I am proud to say that a future Labour Government will always do just that.

Gavin Newlands: Before I speak to my amendments, I want to address a couple of points. Government Members always talk about ordinary hard-working people. Firefighters, nurses, teachers, doctors and train drivers are all ordinary hard-working people too. Indeed, they are the epitome of the hard-working ordinary families who the Tories talk about so often. I really wish they would stop othering people who are forced to strike. Indeed, I call them ordinary workers, but many of them do extraordinary things, and they include firefighters who run towards danger, like Barry Martin, who sadly died in the Jenners fire. I would like to pass on my condolences to his friends, family and colleagues.

I would like to speak to amendments 106 through 114, standing in my name and, in some cases, Plaid Cymru colleagues. Amendment 107 is fairly straightforward and would leave out Wales and Scotland from the extent of the Bill. Quite simply, the Tories have no mandate for this Bill—or any other, actually—in Scotland or Wales. The last time they won an election in Scotland, Tony Bennett was top of the charts and a three-piece suit in non-crushed velvet would set you back 59 guineas, or 12 shillings and thruppence—for the record, I do not have one.

David Linden: You're wearing one.

Gavin Newlands: My hon. Friend the Member for Glasgow South West (Chris Stephens) was wearing one when he was here earlier.

In every single election since then—17 UK general elections, six Scottish general elections, elections for district councils, regions, boroughs and counties, and elections for the European Union; ah, remember that?—the Tories have failed to win a majority in Scotland. There have been 68 unbroken years of failure, and rejection at the ballot box by the people of Scotland. Indeed, the only reason they had MSPs in the early years of the Scottish Parliament was due to a proportional representation system that they opposed, and continue to oppose for this place.

The Tories are a busted flush in Scotland, an archaic piece of electoral history, and they have been for decades, yet Tory Ministers have the gall to stand at the Dispatch Box and try to legislate to attack the rights of workers in Scotland. Scotland does not want this. Scotland is a modern country, and modern countries have a modern industrial relations policy. Modern countries treat their citizens like human beings, not a force to be crushed, and we have a mandate from the electorate for just that. Given that the Scottish Government have indicated that they will oppose this legislation, I say to the Minister for Science, Research and Innovation—who has just sat down on the Front Bench—and his colleagues: save yourselves the trouble, accept the amendment, or any of the others that do something similar, and exclude Scotland and Wales from Tory delusions.

Amendments 106, 109 and 111 would exempt transport services and exclude devolved services in Scotland from being subject to a work notice. ScotRail is safely under public ownership in Scotland. We are utterly opposed to forcing workers into work, but—dare I say this? Do not tell headquarters; we will keep it our secret—there is the possibility that the SNP might not form the Government in Scotland. These amendments would simply guarantee that, in the brief period between now and Scottish independence, a change in Government in Holyrood would not mean a change in operation of this Bill in Scotland. To be clear, if my amendments are accepted, the Bill would not operate at all for transport services.

No organisation or Government are immune to industrial disputes; what is key is how they are dealt with by employers. In ScotRail's case, two separate disputes, with ASLEF and the RMT, were settled last year after constructive and mature dialogue and negotiation between employers and workers and their trade union representatives. That is how industrial relations should be conducted: with mutual respect and recognition. Sadly, that approach has not been replicated down here, despite calls by me and many others for UK Transport ministers to learn from their counterparts in Edinburgh.

More broadly, I doubt whether there is a single worker in the transport sector whose job is not in some way safety-critical, whether they are bus, train or taxi drivers, mechanics, signallers, guards, ticket collectors, cleaners, or anyone else involved in keeping our transport infrastructure running. I do not want my safety to be compromised by forcing those employees into work. I want safety-critical staff to be well motivated and happy in the job. I want them to be in an atmosphere that does not involve threats and coercion. I do not want them having to worry about criminal action or financial sanctions being taken against their legal representatives. I want them focusing on one thing: public safety. So to be clear, we will oppose this anti-trade union, anti-worker legislation every step of the way.

Similarly, amendments 108, 114 and 110 would remove services provided by devolved Governments from the Bill. Amendment 110 would ensure that a work notice were valid only if its provisions were submitted by an employer to the three devolved institutions and received the support of over 80% of elected Members in each Chamber. But as has been noted, when this Government encounter opposition, their response is not to argue their case on its merits or otherwise; it is usually simply to legislate that opposition away. We have seen that in elections for Mayors in England, where the supplementary vote system was scrapped and replaced with the discredited first-past-the-post system, despite no evidence that that will improve governance.

When the Government discovered that the Welsh Government had used their powers to disallow the use of agency staff to replace strikers in the public sector, they announced that they would simply overrule the Senedd and repeal that legislation. When Transport for the North became too bothersome and vocal about the UK Government's appalling record of rail investment in north of England, they slashed its budget. Shamefully, only a couple of weeks ago we saw the veto of legislation passed by 70% of Members of the Scottish Parliament, using hitherto untouched powers.

The Government are even afraid of letting the people of Scotland decide their own constitutional future, so it is clear that they should not be involved in the industrial relations of devolved Administrations or metro authorities. They simply cannot be trusted. Indeed, we remember how Thatcher's hatred of opposition from metropolitan areas in the 1980s reached the point where large English conurbations were left with little or no effective regional governance, after she wiped the metropolitan counties off the map. She was simply setting a precedent for the current Government's contempt for political opposition from other elected bodies to their agenda.

My amendments would prevent a Westminster power grab from the English cities and the devolved Administrations and ensure that the voters of those areas retained the ability to determine their own industrial relations and elect politicians who want to work in partnership with workers and unions, rather than engaging in perpetual war.

Amendment 112 would exempt occupations and employees subject to the Civil Contingencies Act 2004 from any regulations allowing a work notice to be issued. I do not believe that anyone engaged in supporting and providing critical services should be forced to work. Each of those sectors is vital to the continued functioning of a healthy society. The Secretary of State's argument is that he believes that that is why they should be prevented from striking. My argument is that that is exactly why they should not.

To conclude, workers' data, which is the subject of amendment 113, should not be subject to less protection simply because those workers want to exercise the right to strike, especially if they live in a jurisdiction that roundly rejects this Bill and this Government. I am proud to say that Scotland not only rejects this Bill utterly, but rejects the Tories, as it has each and every time for nearly 70 years. With nonsense legislation like this, it will be at least 70 years before they become relevant to Scotland once again.

Richard Burgon: I rise to speak in support of new clause 1, which I tabled and which I am delighted has been signed by more than 30 MPs. It would mean that if the Bill passes, which it should not, it would not be allowed to come into effect until UK courts certified that the UK was meeting its international labour obligations, including by complying with the International Labour Organisation standards on workers' rights.

The truth is that the UK has often been in breach of those obligations. New clause 1 is necessary partly because we have heard during the Bill's progress, as well as when it was trumpeted before it was brought to Parliament, repeated claims from the Prime Minister and the Business Secretary that this legislation will somehow bring our country into line with Europe and that the International Labour Organisation supports such measures. That is absolute rubbish. The ILO does not support these measures. It does not support this legislation. The Bill does not bring us into line with other European countries. The truth is that the rights of workers in Britain lag behind those of workers in other European countries. The reality is that workers' rights in this country need to be levelled up with the rights of workers in other countries, not attacked further.

8.30 pm

How can the Minister, the Secretary of State and other Conservative MPs make these claims about the International Labour Organisation supposedly approving of this pernicious legislation when the director general of the International Labour Organisation said he was "very worried" about this legislation and British workers being sacked if they take industrial action? How can members of the Conservative party claim that this legislation brings us into line with other European countries when the general secretary of the European Trade Union Confederation says:

> "The UK already has among the most draconian restrictions on the right to strike in Europe, and the UK government's plans would push it even further away from normal, democratic practice across Europe"?

The truth is that the UK already has the most restrictive trade union laws in Europe. That is not something to be proud of—and that is the situation now, even before the Government's introduction of this, the most draconian anti-strike legislation in living memory.

I think people know what this legislation is about, don't they? The Government have been sending out press releases that talk about public safety and minimum service levels, but we heard a lot from the Minister about how much strikes supposedly cost the economy. We heard a lot from the Minister about how the pay claims are supposedly unaffordable. I thought it was supposed to be about public safety, not wage claims and that kind of thing. The truth is that this is anti-trade union legislation. It is draconian and anti-democratic, which is why my new clause 1 is necessary.

Let us put this legislation to the test. If the Government are so confident, as they claim they are, that the ILO supports the legislation, and if they are so confident, as they claim, that the legislation brings us into line with other European countries, why not put it to the test by accepting my new clause? All it says is that yes, the legislation can pass, but it will not take effect until the High Court issues a certificate saying that the UK complies with its international labour obligations and workers' rights standards. If the case the Government are making is true, they should not fear my new clause at all. They can show their confidence in their own legislation and arguments by accepting new clause 1 and letting the courts rule on the Bill.

I think we all know the reason why the Government will not surprise us and accept my new clause: they know that the ILO does not support the legislation and that it does not bring us into line with other European countries. The annual global rights index, which is published by the International Trade Union Confederation, shows that the UK continues to be a "regular violator" of workers' rights and lags significantly behind neighbouring countries on the rights of workers to organise through trade unions. A series of restrictions on workers' rights, in employment law and on trade union rights has been introduced every time we get a Conservative Government, from 1979 to 1997 and from 2010 onwards. We thought that had culminated in the Trade Union Act 2016, which hinders the right to strike and ensures greater state interference with trade unions' internal affairs, but for those who thought that that legislation was as bad as it got, we now have this draconian anti-trade union Bill.

I remember well from when I was an employment lawyer the day that the Conservatives, aided and abetted by the Liberal Democrats in the coalition, brought in employment tribunal fees. In response to a case brought by Unison, the High Court declared employment tribunal fees to be unlawful. Let us put the Bill to the test in the courts by accepting new clause 1. We have an employment market that is plagued by a race to the bottom: zero-hours contracts, lack of proper sick pay during the pandemic, lack of employment rights and very limited collective bargaining. The truth is that workers' rights need levelling up.

I understand that some Conservative MPs might not understand employment legislation. One Conservative MP said, "Wouldn't it be a great idea if trade unions had to tell employers the dates they were going to take strike action?" They have to do that already. We have heard Conservative Members say that the Bill is about public sector strikes, yet it also covers private sector strikes. We have heard the Minister, who is chuntering from a sedentary position, say that the Bill does not relate to buses, yet the Bill states that it covers "transport services" and does not define that further. I think it is frightening.

David Simmonds: The hon. Gentleman refers to the need to notify. My understanding is that an individual worker is under no obligation to notify, although the trade union has to give notification. As a consequence, a headteacher could have no idea which staff in their school will be going on strike, and therefore cannot plan for a safe staffing level. Does the hon. Gentleman agree that the individual worker should be required, as the trade union is, to give notice of whether they intend to strike?

Richard Burgon: That is a very helpful intervention, because it illuminates the fact that I am afraid the hon. Member, and other Conservative Members, do not believe in individual liberty. We believe in collective rights as well as in individual rights. The trade union has to notify the employer of the dates of strike action, yet the Government Minister is saying—I mean the hon. Member; I am sorry to accidentally promote him, although he might get a promotion for that intervention. He is saying that individual workers should have to notify the employer about their intentions. That goes against individual liberty, against civil rights, and against individual freedoms. Thereby we see what this Government are proposing.

Anti-trade union laws mean that workers are denied their fair share of the wealth they create. In this era of neoliberalism, which has lasted decades, the race to the bottom has seen the share of the economy going to wages plummet from 60% to less than half today. Wages go down as profits go up. This Bill is happening now because workers are fighting back. This Bill is an attack by the Government on trade unions. If what the Government are saying is true, they would be pleased to accept my new clause, although I am sure they will not. If they have nothing to hide, let a court rule on this. Our country is often in breach of its international workers' rights and duties. It is in breach with this Bill, and it does not bring us into line. We need to level up the rights of workers in Britain with the rights of workers elsewhere.

Let me tell the Committee—I will finish on this point—that workers in my constituency and across the country are sick to death of being attacked by bad bosses and by a bad Conservative Government. They are sick of being the poor relations of workers in other countries in Europe when it comes to hard-won workers' rights. Workers in this country deserve better and it is about time that the Government stopped attacking them.

Bell Ribeiro-Addy (Streatham) (Lab): I rise to speak in support of the many amendments to which I have put my name, and indeed of any amendment that would make the Bill unrecognisable from its current form. Fundamentally, this Bill is so wrong that we should not even be debating it. I am proud to declare my membership of Unite the union, and I refer Members to my entry in the Register of Members' Financial Interests for the support I receive from other unions.

The Conservative party continues to talk about our trade unionists with such contempt, as if they are some separate class of people. My hon. Friend the Member for Wansbeck (Ian Lavery) put it absolutely right when he said that they are just ordinary people. They are the representatives of working people in this country, and Government Members would do well to put some respect on their name.

Hon. Members will find no shame on this side of the Committee. My hon. Friend the Member for Lewisham, Deptford (Vicky Foxcroft) put it well, because trade union money is the cleanest money in society. Perhaps there is a lot more shame on the other side of the Committee, or perhaps it is just that if we were to spend our time going through all the Government Members' murky interests, we would be here for some time and not get to hear their speeches.

Our trade unions call the Bill "undemocratic, unworkable and illegal", and they are rightly considering legal action if it passes. As we have heard time and again, it likely breaches article 11 of the International Labour Organisation's constitution. But we have seen that the Government have absolutely no issue with breaking international law.

I was shocked to find myself agreeing with a fraction of something said by the right hon. Member for North East Somerset (Mr Rees-Mogg). However, I could not quite understand how he did not arrive at the conclusion that he would vote against the Bill. He lost me on his blanket acceptance of Henry VIII powers. A basic British primary school education tells us that Henry VIII was not a particularly democratically minded man, or a reasonable one. In a modern democratic society, there is no place for such powers or such men.

How many times have we seen those powers used recently in Government legislation? Far from being an exception, they have become the rule. It has also become the rule that the Government fail to publish impact assessments, which is bad practice from a bad Government who know that their bad policies will impact some of the most vulnerable people in our society. We have passed legislation in a day when we have needed to, and this legislation is being done at an unusual speed, so why do we need those powers? To put it clearly, our constituents do not send us to this place for a small group of people from the Conservative party to make all the laws unchecked.

I want to go over some of the claims that Ministers have made about the Bill. They say that other countries have similar agreements on curbing strikes. That idea needs debunking. Yes, others have such agreements, but the context is very different. Anti-trade union laws are far more severe here than in other countries, as are the sanctions for breaking such agreements. To use Italy as an example, a worker could lose the equivalent of two hours' pay. In this country, they could lose their job and livelihood and be blacklisted, with no recourse to claims of unfair dismissal. Our unions could also face unlimited fines.

Another claim is that the legislation was a 2019 Conservative manifesto commitment. Well, so was providing the resources that our public services need and the recruitment of additional doctors and nurses—when exactly will the Tories meet those commitments? The reality is that our public services are in crisis and medical professionals are leaving in droves, forced out by understaffing and falling real-terms pay.

The Tories have no mandate for the Bill, because, again, the 2019 Conservative manifesto had only one reference to minimum service levels, which was as follows:

"We will require that a minimum service operates during transport strikes."

There is nothing at all about imposing that on NHS workers or firefighters, or on other workers in the future, but that is exactly what the Government want to do. In addition, that sole paragraph dealing with minimum service levels goes on to say:

"Rail workers deserve a fair deal, but it is not fair to let the trade unions undermine the livelihoods of others."

It is not true in the slightest that the Government, who are interfering so blatantly in the current dispute, are providing a fair deal for rail workers, or that strikes undermine the livelihood or safety of others. Our trade unions are striking not just for pay and conditions but because of the poor levels of service that the Government have driven their sectors to.

Pay freezes have also been imposed even though cumulative consumer price inflation in the two years to November was more than 16%. Official projections from the Office for Budget Responsibility suggest that real pay will fall again in 2023 unless there is a big pay rise.

I do not want to spend all my time talking about the Conservative manifesto, because, as the Committee will imagine, it is not my favourite document. The hon. Member for Crewe and Nantwich (Dr Mullan) asked what would be in our manifesto. My hon. Friend the Member for Middlesbrough (Andy McDonald) laid it out quite well, but if Conservative Members want to hear more about what will be in the Labour party manifesto, they should encourage their colleagues to call a general election so that we can give them one and they can have a good read of it.

The Government claim that there is no money left, or that their miserly pay offers are the work of an independent pay review body. That has already been widely exposed as incorrect. The review bodies' entire terms are set by the Government. Ministers have found hundreds of millions in funds to subsidise the rail companies for strike losses; in fact, they have admitted that it would have been cheaper for them to settle the dispute. That shows that the Government's real aim is to break trade unions, but trade unions will not be broken. They have the support of people right across this country. If the Government continue to attempt to restrict the right to strike, all they will have on their hands is more strikes.

8.45 pm

If we saw this happening anywhere else in the world, we would be outraged. We would call it draconian, undemocratic or evidence of a dictatorial regime. The Government should be ashamed of themselves. They style themselves as espousing the best of British values, but they would undermine one of the most fundamental British rights, all because they have lost the argument. Let us make no mistake: they have lost the argument on pay and conditions, which is why teachers, nurses, train drivers, physios, firefighters and others are all striking or set to strike. The Government are doing this because disputes are being won, right across the country, and they do not want to see any more wins for our trade unions. This unprecedented situation is no ringing endorsement of this Government; it is further evidence that it is time they left office, taking their shoddy legislation with them.

The Chairman of Ways and Means (Dame Rosie Winterton): I call Liz Saville Roberts.

Liz Saville Roberts: Diolch yn fawr iawn, Dame Rosie. I refer hon. Members to my entry in the Register of Members' Financial Interests: I am the co-chair of the justice unions parliamentary group. I am not employed by it and do not receive a penny from it, but I still have to declare it. It would be very useful if other hon. Members had to declare their support from employers as well.

I rise to speak to amendment 76 and new clause 3 in my name. It is telling that amendment 76 is one among many amendments—including those tabled by SNP colleagues and by the hon. Member for Cynon Valley (Beth Winter)—designed to prevent the UK Government from interfering with primary legislation passed by Senedd Cymru or the Scottish Parliament. Powers to amend or revoke workers' rights legislation on a whim have no place in a modern democratic society. The protections that my amendments would afford are critical in a period when it is becoming increasingly clear not only that devolution is under attack from Westminster, but that our fundamental rights and freedoms as citizens are not safe from an increasingly authoritarian Government in Westminster.

New clause 3 would require the UK Government to conduct an impact assessment of the effect of the Bill on industrial relations in Wales. Actually, it does not go as far as the amendments tabled by the hon. Member for Cynon Valley. It seems a very reasonable request to see what the effect of this legislation is on a sister Parliament in the United Kingdom. The assessment under the new clause would have

"particular reference to the intended outcomes of the Social Partnership and Public Procurement (Wales) Bill".

That Bill, which is currently being debated in the Senedd, will place a duty on certain public bodies to work with trade unions when setting and delivering on wellbeing objectives.

In Wales, we seek to include workers in the making of the very public policy decisions that will have an effect on their working lives. We want to chart a different path:

[Liz Saville Roberts]

one whereby workers are empowered and valued, not bullied as they are by Westminster. That brings us to the very heart of the question why the right to strike is so important. Giving workers the opportunity and the choice to be represented collectively in the work environment by a trade union enables them to be heard and to bargain collectively. Okay, those are good words, but why do they actually matter? They matter because this is the key tool for improving living standards and tackling inequality. That is especially important in a country like Wales, where sadly a third of children are growing up in poverty.

We have a duty to tackle inequality and poverty. Undermining the effectiveness of industrial action at a time when the cost of living crisis is biting will only perpetuate the cruel poverty cycle that has trapped so many people in so many communities. Amplifying workers' voices can also bring significant benefits to employers, as it can be a way of identifying issues at an early stage and ensuring that the valuable insights that workers have into how services can be improved are heard and acted on. This is about facilitating meaningful discussions and negotiations that lead to real solutions—which is not to say that such an approach is always easy, but in the long term it is far more effective than actively sowing the seeds of discord between workers and their employers.

David Simmonds: I yield to no one in the Chamber in my respect for trade unions. I have had the privilege of chairing three public sector employer organisations and the European sectoral social dialogue in education, so I know from lengthy personal experience that a great deal can be achieved through processes of that kind. However, 61% of workers in Britain are employed in small and medium-sized enterprises, and a further 15% of the UK workforce consists of self-employed people. Does the right hon. Lady think it is necessary for the interests of those people to be raised in this debate, as well as the interests of those who are part of large unionised organisations?

Liz Saville Roberts: The hon. Gentleman has raised an important point, but when we are looking at the culture of workplace relations and at productivity, perhaps we should look to Europe. In Germany, for instance, that culture is far more effective and far more productive, so perhaps it is something we should be addressing.

As I was saying, the Bill, as it stands, actively sows the seeds of discord between workers and employers. This destructive approach, which the UK Government seem hellbent on pursuing, will serve only to exacerbate the very recruitment and retention problems that are placing so much pressure on our public services. I therefore welcome the Welsh Government's commitment to seeking every possible lawful means of opposing the implementation of the Bill in Wales.

It would be remiss of me at this stage not to encourage the Welsh Government to live up to their laudable rhetoric by showing leadership when it comes to public sector pay disputes taking place in Wales. I am sorry to say that, so far, that has been lacking in their approach. It is sad to see the difference between Labour's message here and its message in Wales, but we are dealing with this Bill in the here and now, and that is our serious problem. I urge the Welsh Government to consider adopting the five-point plan to tackle the health crisis presented by my Plaid Cymru colleagues in the Senedd: that is a result of collaboration, and collaboration brings results—unlike confrontation, which is what we are discussing today.

I remind the Minister that the UK Government cannot legislate their way out of disputes that are taking place because of the pressures on the very public services they have stripped to the bone year after year. Our society cannot function without the thousands of workers who run our hospitals, public transport systems, schools and courts. Sacking people for demanding fair pay and fair conditions for their work is blinkered and short-termist. Why are the Government doing this? Public sector workers and workers in key publicly funded services are not to be demonised. Follow the money—services are creaking and in a skeletal condition, having been starved by 13 years of Tory budget choices. Everything else is cynical window dressing.

Sam Tarry: It is an honour to follow that speech from the right hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts), who explained, epically, why people in Wales are so angry. I should begin by drawing the Committee's attention to my entry in the Register of Members' Financial Interests, and I do so proudly, because every pound that has been donated to me has come as a result of democratic decisions made by the thousands of local trade unions members who support me in the work that I do as a Labour party representative.

I wish to speak in favour of amendment 86, tabled in my name, and other amendments tabled by my hon. Friends the Members for Easington (Grahame Morris), for Wansbeck (Ian Lavery) and for Cynon Valley (Beth Winter) and my right hon. Friend the Member for Ashton-under-Lyne (Angela Rayner). This Bill represents one of the most restrictive, interventionist and incoherent industrial relations strategies that we have ever witnessed in this country. If it is passed in its current form, nurses, firefighters, teachers, bus workers, paramedics, lecturers, pilots, rail workers, solicitors and civil servants—the very same workers whom the Government have praised time and again during the pandemic—will find themselves deprived of their fundamental rights as workers and at risk of arbitrary dismissal, as so many Members have pointed out this evening.

This is nothing more than a sacker's charter. Hundreds of thousands of workers have taken industrial action this winter. There are individual disputes, but with a common cause: a pay disaster that means that workers are paid significantly less in real terms now than 14 years ago. Today, firefighters have voted in record numbers to take industrial action, saying "Enough is enough" to a Government-created pay crisis. This Government could simply listen: improved pay and conditions could resolve that, not autocratic, poorly thought out legislation.

The Government have often invited comparisons with other European countries, which I find completely disingenuous. As the general secretary of the European Federation of Public Service Unions noted, the Government have failed to mention that unions in those countries negotiate their minimum service levels and do not face anywhere near the excessive balloting rules and thresholds imposed in the UK. As I said in an earlier intervention, European countries with minimum service levels typically have huge levels of collective bargaining—often 80% to

90%—while here in the UK it is around 25%. If the Minister wishes to bring our workplace law in line with that of European neighbours, perhaps he should start there. I have heard so many people say that the Bill is like Australia, France and Germany. It is not. It is more like Turkey, Singapore or Russia.

Amendment 86 would go some way to combating the lopsided relationship put forward in the Bill, by requiring employers to consult recognised trade unions before the imposition of a work notice. After all, every trade unionist I know who runs a local branch is perfectly capable of getting around the table, having a discussion and coming to an agreement—sometimes compromising to do so—in the interests of the workers they represent. The problem is that getting a deal is easy for trade unionists, but this is a no-deal Government who are focused on attacking workers, not resolving disputes.

The Bill is unique not just in its vicious anti-worker sentiment but in the extraordinary powers that it grants the Secretary of State. It leaves a tremendous amount of detail to be decided, as the right hon. Member for North East Somerset (Mr Rees-Mogg) pointed out. It is a constitutional farce. It would deny all Members proper scrutiny. The Government are trying to push the Bill through rapidly, in one evening. That flies in the face of our traditions and democracy, and certainly gives far too much power to the Secretary of State.

I spoke to a representative from the British Airline Pilots Association earlier today. The Bill covers transport, which could include aviation. They expressed serious concerns that the Bill would enable the Secretary of State to overturn the highest-ranking aviation safety officers in the country, and force airlines to run dangerous and potentially understaffed flights. Will the Secretary of State sit in Whitehall deciding on flights coming in or out of London Heathrow or any other major international airport? I would be happy if he banned a few more flights to Mustique and the Cayman Islands, because Members on the Government Benches would probably have more time to spend here working on the Government's agenda to sort out our country's parlous state.

It is no wonder the former Lord Chief Justice Lord Judge referred to the Bill as a

"skeleton bill with a supercharged Henry VIII clause".

It will grant the Secretary of State powers to rule by diktat. We should not be debating such extreme legislation that gives the Secretary of State absolute power to decide which workers will be able to take industrial action and when. It severely restricts the democratic and human rights of millions of people in this country, without the necessary detail or time to scrutinise it properly in this House. That is clearly unacceptable and should not stand.

Turning to the workability of the Bill, outside the clear moral issues that compel Opposition Members to vote against it, it simply will not work. It is utterly dangerous, and will set back industrial relations. It will do nothing to help resolve disputes or support good industrial relations, which I am sure the Minister will agree are the basis of a healthy economy. In fact, it will do the opposite. It will force trade unions to develop other tactics to fight for better jobs, pay and conditions.

If Members will indulge me for a minute, I will give a short history lesson. In the 1940s, order 1305 was brought in during the war to give the Government power to decide, in a similar way to this Bill, to ban strikes in various sectors. Of course, we were fighting a fascist regime and we want to think that all those powers were appropriate, but when they were used it was a huge own goal because they led to significant increases in the number of days lost to strikes. Workers got so fed up that they simply walked out on unofficial strike, and they did so without any trade union involvement, creating a situation where the unions had less say and less influence to reach a resolution or to monitor what was happening. So history shows that this kind of legislation is a total disaster.

9 pm

The Bill is not just impractical; it might even be illegal. The right to strike is a hallmark of any democratic society, recognised and protected by UN treaties, ILO conventions, the European social charter and the European convention on human rights. These proposals clearly violate our obligation to sustain those rights and are almost certainly in breach of other laws protecting rights in this country. Let us look for a moment at the rail sector, the bit that is such a focus for the Government. Earlier I mentioned the Minister of State, Department for Transport, the hon. Member for Bexhill and Battle (Huw Merriman), and he has admitted—this came from the horse's mouth—that the Bill was essentially about defeating the rail unions to ensure that there could be no resolution to the rest of the disputes across the public and private sectors. The Government simply do not want to pay the money to the people who need it.

Someone who is not involved in trade unions but is an expert on safety standards on the railways is the chief executive officer of the Rail Safety Standards Board. At the Tory party conference he talked about the first iteration of this Bill, which was just about transport. He said:

"It can be progressed but it won't make the slightest bit of difference… If you introduce minimum service levels there's a huge issue of how that level is set and particularly if you set that minimum level and you've rostered staff to work then I would suggest then you'd probably have a much higher level of sickness arise because of that, because people won't want to be seen to be breaking the strikes that their colleagues are involved in."

This is farcical. Our railway system is broken—the Government do not even seem to be able to get HS2 to come to Euston at the moment—yet they are creating a situation that will lead to even more days being lost to strikes.

The Bill will also place trade unions in an impossible position where they will be enforced to instruct their members, who have democratically voted for industrial action, to break their own strikes. If they do not comply, the unions may face an injunction and be forced to pay damages. This is an outrageous infringement of trade union freedoms. In my view, this will create the modern Tolpuddle martyrs, because we know how fond this Government are of deporting those people who least deserve it.

The effects of the Bill will not be confined to those directly impacted by the minimum service standard. Indeed, the impact assessment produced the first time this was brought forward, with the Transport Strikes

(Minimum Service Levels) Bill, suggests that it could drive down pay and conditions in other sectors. I want to quote from it, because I think it is relevant. It states:

> "If terms and conditions are reduced over time relative to the strength of the economy in one sector then there is a potential for employers in other related sectors to be able to offer similarly reduced terms and conditions".

At a time when workers are suffering their longest pay squeeze since Napoleonic times and facing double-digit inflation, this Bill could not be worse timed. For too long, decisions have been taken in this place that do not have the consent of working people.

The Bill is just the latest attack on the workers and people in this country who are struggling the most, and on the people who have fought for and championed the rights that have been won by working people in this country over two centuries. It is worth reminding ourselves that it was trade unions that ended child labour, that made our workplaces safer and that gained us paid holidays, maternity and paternity leave, sick leave, equal pay legislation, pensions, workplace anti-discrimination laws and even the weekend. It is high time we had a Government that respected and valued the incredible contribution that the trade union movement has made to this country, instead of attacking and blaming the workers who deserve a pay rise. On that basis, I commend these amendments to the House.

Stephanie Peacock: It is a pleasure to follow my hon. Friend the Member for Ilford South (Sam Tarry), who made a passionate speech.

As a proud trade union member, I begin by referring the Committee to my entry in the Register of Members' Financial Interests. I speak today in opposition to the Government's proposed measures. The decision to go on strike is never taken lightly, especially as families struggle with the financial effects of the cost of living crisis. Opting to lose a day's wages, particularly for workers such as teachers and nurses, is always a last resort when all others have failed, as I know because I have been on strike as a low-paid teacher.

I will focus my brief remarks on amendment 1. The Bill currently allows for workers who do not comply with a work notice to be sacked. The Labour party does not believe that any worker should be sacked for taking industrial action. As a former state school teacher, and as an MP representing a coalfield area that has previously suffered from Tory attacks on unionised workers, most notably during the 1984 miners' strike, I have seen at first hand the importance of the right to strike and how it would be fundamentally unfair for people to lose their livelihood for taking the decision to withdraw their labour.

This goes beyond public sector workers. For example, transport services could include road haulage and distribution, both of which are key to South Yorkshire's regional economy. The Bill allows two ways to enforce a so-called work notice: employers may either sue a union for losses, or they may sack individual workers.

One of the clearest examples of how this legislation targets workers and is not fit for purpose is in the transport sector. The train operating companies do not make losses due to strikes. Operators get a fee regardless of whether their services run, meaning they have no financial incentive to settle industrial disputes. Frankly, my constituents are lucky if they can travel across the Pennines, whether or not it is a strike day, but that does not touch the companies' profits under the current system. Surely the only power that this Bill provides in such cases is to sack the workers in question. In an industry facing massive shortages, it is a strange solution to sack staff. It is hard to escape the conclusion that, instead, employers are simply being encouraged to target union activists, which is why amendments 64 and 68 are also important.

Fundamentally, minimum service levels are ineffective. Comparable countries such as France and Italy, which already have legislation in place for minimum service levels, have seen an increase in strikes rather than a decrease. The Government propose this Bill as a solution to the current levels of industrial action in the UK, but the reason why the number of strike days is at its highest in a generation is because this Government have given us a low-wage, low-growth economy for 13 years. These strikes are a symptom of Conservative economic failure. Key workers kept our country moving throughout the pandemic. This Government should stop threatening to sack them; they should pay them a fair wage.

David Linden: I rise to speak to amendments 21 to 24, which are in my name. In doing so, I am happy to support the amendments in the names of my hon. Friends the Members for Kilmarnock and Loudoun (Alan Brown), for Glasgow South West (Chris Stephens) and for Paisley and Renfrewshire North (Gavin Newlands), and my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry). I declare my interests, as other hon. Members have: I believe in democracy and I am a member of Unite.

Before I speak specifically to the substance of amendments 21 to 24, I will say a few words about the Bill and develop some of the points I outlined on Second Reading. To be blunt, this is a bad Bill that I believe is in total violation of the fundamental human right to withdraw one's labour. Since Brexit, and throughout this Parliament, we have been promised an employment Bill but, alas, none has materialised. Time and again, we have been told there is insufficient parliamentary time for such legislation to go through both Houses of Parliament but, miraculously, the British Government have suddenly found parliamentary time to ram through a hugely controversial Bill, albeit a short Bill, that will radically alter employment law and trade union relations on these islands.

This Bill will be railroaded through its remaining stages in just six hours tonight, which is a total disgrace that makes a mockery of those who say Parliament is taking back control. We are about to confer huge, sweeping powers on a Secretary of State who, at the stroke of a pen, will be able to force employees to work against their wishes. I do not know how often it needs to happen for Ministers to take it seriously, but when the right hon. Member for North East Somerset (Mr Rees-Mogg) suggests this Bill is going in a dangerous direction, it is a clear indication that they ought to think again.

It is clear from the few speeches we have heard from Conservative Members tonight that the British Government see the foundations for this Bill as being the fact that some European countries have provisions for minimum service levels. Leaving aside any surprise at the UK suddenly benchmarking itself against legislation from EU member states, we see nothing on the continent that

is anywhere near as strict as what is proposed in this Bill and drafted in a way that gives one man in Government such wide-ranging powers.

Chris Stephens: Is my hon. Friend aware of anywhere else in Europe where an employee could be dismissed, with no right to a tribunal, as proposed in this legislation?

David Linden: My hon. Friend is spot on with that question. That point has been made throughout the debate by my hon. and learned Friend the Member for Edinburgh South West, when she makes the case that if we looked for countries that do that, we would find ourselves in with the unholy club of Russia and Hungary. Perhaps the policy of global Britain has changed and the Government are seeking to emulate the policies of Hungary and Russia. That would be a courageous electoral strategy if they are, but none the less my hon. Friend makes that point.

I wish to say one more thing about international comparisons before moving on to deal with the amendments. Many Government Members suggested on Second Reading that the Bill enjoyed the support of the ILO, but it has since clarified that that is not the case. So that nullifies that line from the British Government, which, when scrutinised, is found wanting on just about every clause in this tawdry Bill.

I am conscious of the fact that there are well over 100 amendments in 50 pages on the amendment paper, as well as multiple new clauses, so I will seek to confine my remarks solely to those that stand in my name, and I will start with amendment 21. Many of us know that this legislation is only the thin end of the wedge; I do not think that Ministers will stop here. For many on the Tory Benches, this is an ideological war. It is a blatant attempt to finish what Margaret Thatcher started: bringing the unions to heel. We have heard it tonight, with language such as "union barons" "the paymasters" and so on. Fundamentally, the Bill is about the victimisation of trade unions and working people, and it is all about creating a wedge issue for the next election.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): My hon. Friend is making a fantastic point about who is being victimised here. Instead of attacking working people and families, should this Government not be going after those who are not paying their taxes, so that we can get some more money? We could also go after those who are wasting billions of pounds as well.

David Linden: My hon. Friend seeks to lead me into an area that could probably land me in a lot of hot water, in terms of naming Members and breaching "Erskine May", so I will avoid straying into the area of affairs of taxation for the Conservative party. He is right to put that on the record and I am sure it will be ringing out in Stratford-on-Avon.

On amendment 21, the Bill already makes provision for six wide-ranging sectors that the British Government have identified for restrictions at a time of industrial action. Quite apart from the fact that "life and limb" cover is already provided for in statute, the list is already incredibly far-reaching. My amendment seeks to tighten up this part of the Bill, making it harder for Ministers to add further sectors of service provision. I am thinking specifically of Royal Mail, where our trade union colleagues in the Communication Workers Union are currently engaged in a dispute.

I have no doubt that this is not about "life and limb" cover, which unions already negotiate in advance of strike action. Ministers' language has already evolved in recent weeks and months to "lives and livelihoods", which gives them carte blanche to add in whatever sectors they fancy later on. I firmly believe that they will draw in other industrial disputes to be covered by this Bill and use it as a signal to bad bosses, the likes of Royal Mail's Simon Thompson, who seems to be content with being at war with trade unions. The effect of amendment 21 would be to prohibit any addition to or any reinstatement of the six categories of service to which the Bill applies, while facilitating the ease of removal of any of these categories.

Amendment 22 relates to the devolved nature of employment law in Northern Ireland. As hon. Members will be aware—although perhaps not those who think it is impossible to devolve employment legislation to Holyrood—Northern Ireland already has legislative competence for employment law, so the territorial application of this Bill is not extended there. However, with no functioning Assembly or Executive, my amendment 22 would provide that this anti-worker power grab from Ministers could not be imposed on workers in Northern Ireland in any circumstances, including in the event of direct rule. In short, no devolved consent means no anti-strike legislation in Northern Ireland. However, for a party that purports to be so passionate about the Union, it is somewhat bizarre that, by passing this legislation, it is essentially engineering a situation whereby UNISON's health service members in Northern Ireland would be exempt from the legislation that would directly infringe their very peers on this island. Perhaps we could call this particular amendment the anti-strike protocol.

9.15 pm

I turn to amendment 23, which relates primarily, although not exclusively, to the issue of transportation, and with which it will be convenient to consider amendment 24, which is not dissimilar. If we leave to one side the incredibly vague wording for the definition of transport service provision, there are a number of problems with the new schedule and the application of provisions for transport. Amendment 23 means that the Secretary of State must seek the consent of elected Mayors in London and the combined authorities. If amendment 23 is not in the Bill, I am unclear where that leaves the Mayor of London, Sadiq Khan, who has responsibility for the London underground. Will the Secretary of State be able to come crashing in and call the shots when an industrial dispute arises on the London underground?

Similarly, in Greater Manchester, Mayor Andy Burnham's responsibilities include overseeing road management, bus lane enforcement and congestion, as well as influence over bus services, the Metrolink tram system and cycling schemes. I posit this thought: if an industrial dispute arises in any of those areas or workplaces, will Mayor Burnham be stood down while the Secretary of State takes over from Whitehall, setting minimum service levels?

Similarly, the Mayor in Liverpool has responsibility for Merseyrail. If the RMT were to call industrial action on Merseyrail, will the Secretary of State tell the Mayor

to move over and that the big boys from London will take over? The same already applies in respect of the devolved Governments in Scotland and Wales, as other amendments touch on. In short, who sets the minimum service levels? Supporting amendment 24 would crystalise some of that. Otherwise, the Bill flies in the face of devolution and its settlement, and it allows Tory Ministers in Whitehall to grab powers from devolved Administrations and combined authorities and act with impunity during their war on workers.

I am conscious of time, so I will draw my remarks to a close by saying that the Bill is fundamentally undemocratic, it will do nothing to resolve industrial disputes, and it is the complete antithesis to taking back control and strengthening employment rights, which was what was promised during Brexit. The only option left to Opposition Members tonight is to ameliorate a Bill that this Government should be thoroughly ashamed of. I therefore encourage Members to support amendments 21 to 24 en bloc.

Rebecca Long Bailey (Salford and Eccles) (Lab): I draw the House's attention to my entry in the Register of Members' Financial Interests as a proud trade union member. I rise to support the amendments in the names of my hon. Friends and myself and those of the official Opposition.

There has been much discussion today about whether the Bill has been badly or incompetently drafted, but we should not be taken in by that diversion. This is a Bill that is drafted very specifically to achieve a very specific aim: to extinguish the right to strike and to stop key workers from speaking out.

Trade unions have been given no opportunity to feed into any pre-legislative scrutiny. There has been no consultation with any of the impacted sectors and no impact assessments have been published, as highlighted by the Regulatory Policy Committee, and it is no wonder. The Bill will undoubtedly breach the Human Rights Act, the European convention on human rights, International Labour Organisation conventions and various other statutes. It gives the Secretary of State sweeping authoritarian powers to set minimum service levels by regulation in six sectors, the contours of which are undefined, and it grants the Secretary of State sweeping authoritarian powers to amend, repeal or revoke provisions in primary legislation, including Acts of the Senedd and the Scottish Parliament, as we have heard today. Worse still, it strips away employment rights. Any worker identified in a work notice who refuses to work as directed will be without unfair dismissal protections, meaning they can be sacked immediately, without notice. But it does not stop there. The Bill also says that the relevant trade union must "take reasonable steps" to ensure that its members comply, but, again, "reasonable steps" are not defined; they are at the whim of the Secretary of State.

Staggeringly, the consequence of not taking those undefined reasonable steps is that the strike would be unlawful and unofficial and all workers taking strike action would be without unfair dismissal protection and could all be sacked at the whim of the Secretary of State.

John McDonnell: When we legislate in Parliament, we do not legislate for the good; we legislate for the bad. We have to interpret how this legislation could be used by a bad employer, and one way it could be used by bad employers is specifying individual workers who we know are trade union activists to be forced to break the strike. The Government will say that there is a responsibility and that the employer had no regard to whether someone was a union member. We had 20 years of blacklisting taking place with Governments refusing to acknowledge it. We know what bad employers will do: they will target trade unionists and ensure they are sacked, and when the union defends the trade unionists, they will come for the trade union itself.

Rebecca Long Bailey: My right hon. Friend is 100% right. The problem with blacklisting was that it was done very much under the radar; we had Government institutions going behind legislation. This piece of legislation, however, would unashamedly carry out similar practices in broad daylight, with the full sanction of the Secretary of State and his Prime Minister.

This is an authoritarian and undemocratic Bill. The proposed amendments that I am supporting today are therefore designed simply to enhance parliamentary scrutiny, to constrain the unreasonable powers of the Secretary of State and to protect workers and trade unions, in particular by making co-operation with work notices voluntary on the part of employees, by providing that a failure to comply with the work notice will not mean a breach of contract or provide grounds for dismissal or detriment, and by limiting the reasonable steps that a trade union must take.

This despotic Bill not only represents a fundamental attack on workers' rights, but dangerously divides a nation, demoralising and threatening to sack the very workforce who have tried to hold our country together over the last two difficult years. These amendments are the bare minimum necessary to take the dangerous edges off this very dangerous piece of legislation—but, frankly, this piece of legislation needs to be thrown in the bin.

Ian Byrne (Liverpool, West Derby) (Lab): It is always a pleasure to follow my hon. Friend the Member for Salford and Eccles (Rebecca Long Bailey).

I rise to speak in favour of amendments 80, 84, 97, 20, 83, 93, 85, 95, 92, new clause 1 and all amendments tabled by the Opposition Front Bench. I am absolutely delighted to declare that I am a member of Unite and the GMB.

I start by congratulating members of the Fire Brigades Union on their resounding strike ballot today, which really was democracy in action, and expressing solidarity with all the workers in dispute this week. This is a pernicious Bill designed to target the very same workers who, as a nation, we clapped from our doorsteps not so long ago in gratitude for their heroics during the pandemic—the same key workers who, let us not forget, are being forced to use food banks in vast numbers because their work does not pay.

The old chestnut that work pays is becoming a bigger fallacy than some hon. Members' tax returns. Nurses, firefighters, teachers and other public sector workers are all targeted in this Bill, prohibited from striking and risking dismissal if they resist. Let us be clear: these public sector workers are being forced into industrial action in the first place by a Government who have overseen 12 years of real-terms pay cuts, the erosion of

job security and pensions and the destruction of our public services. I note that the Prime Minister said today, after finally sacking his party chairman, that he

"will take whatever steps are necessary to restore the integrity back into politics".

Well, I cannot help but find that pledge laughable as I stand here speaking out against this Government's Bill, which will see key workers lose their protection from unfair dismissal and trade unions sued for upholding workers' rights.

It is clear that the Government are trying to fast-track the legislation through Parliament without proper scrutiny. The Bill lacks detail, and I note that the TUC has submitted a freedom of information request to ascertain why it has been published without an impact assessment. It is a further insult to our key public sector workers that this bonfire of workers' rights is unfolding just as the Government are laying the groundwork for another bonfire—one of financial regulations, through the Financial Services and Markets Bill.

The Prime Minister speaks about restoring integrity, yet here he is presiding over the empowerment of speculators and lifting the bankers' bonus cap as our key workers lose their right to strike. It is beyond shameful. I have sponsored 25 amendments aimed at protecting the right of workers to take industrial action, and at neutralising this appalling Bill, which attacks our fundamental right to strike. I support Labour's amendments to safeguard protections against unfair dismissal, and further amendments that would require the Government to submit the legislation to greater parliamentary scrutiny, including by forcing the publication of assessments of how the Bill would impact on individual workers, equalities, employers and unions.

I am deeply opposed to the Bill, which further curtails the right to strike and other trade union activities. I fully support the rights of workers to take industrial action. I voted against this dreadful Bill on Second Reading, and I will continue to oppose it in this place and out on the streets with the public, who also oppose it. We can and must do better than this dreadful, divisive and potentially unlawful Bill.

Claudia Webbe (Leicester East) (Ind): I rise to speak in support of the amendments that protect democracy, our devolved Parliaments, our human rights, our workers' rights, our compliance with international law and, fundamentally, our freedom. Those aspects are laid out in new clause 1 and amendments 92, 93, 80, 27, 83, 84, 20, 8, 40, 94, 4 and 1, among others. I declare my proud membership of Unite the Union, the GMB and Unison.

It is clear that the public do not need protecting from public sector unions. The workers and the public—ordinary people—need protecting from this Government. The only fit end for this appallingly vague, skeletal and frighteningly broad Bill is the scrapheap. It should be withdrawn or, if not, voted against in its entirety. At the very least, the amendments and new clauses are needed to minimise the immediate and potential harm that this "sack the workers" and anti-trade union Bill will cause.

The Conservative party has already demonstrated its readiness to trample on legal principles and the democratic and human rights of people in the UK. Through the Bill, as it stands, the Government are seeking to bypass democracy in this House, which is why amendments 80, 27 and 40, among others, are needed. The Government are also seeking to circumvent the established autonomy of the UK's devolved Governments without even assessing the impact of those actions. That is why amendment 28 and others are vital.

It is essential that the amendments and new clauses force the Secretary of State of to seek the approval of Parliament to amend or add to the legislation. In fact, the Bill's provisions are so wide and vague that it would set a precedent in allowing the Government to amend or revoke, in private, any legislation that they do not like, against any set of people they disagree with, or simply on a whim to make a political point. The Bill is also a mass assault on the rights of millions of working-class people, no matter where they live, and on the unions that enable them to organise and act together to improve their working conditions and living standards.

9.30 pm

Nothing in this Bill as it stands requires so-called minimum service levels to be realistic, let alone appropriate, and nothing in it ensures that those levels do not exceed actual day-to-day levels of work on non-strike days. That has to change. That is why amendments 94 and 39 are needed. There is nothing to prevent the Government and employers from using the Bill to prevent union officials from effectively representing their members during disputes or to stop the Government from bankrupting unions by requiring them to police their members on behalf of the employers exploiting them, imposing financial penalties for the slightest failure.

John McDonnell: Many have commented on the almost ludicrous nature of how we are legislating today. We are about to legislate to penalise a union for not taking reasonable steps to ensure it instructs its members to break a strike, yet we do not know those sanctions, or what "reasonable steps" are. We do not know what the implications are for the union itself, yet we are legislating tonight to give a free hand to the Minister. That cannot be right in any democratic forum.

Claudia Webbe: My right hon. Friend makes an excellent point, to which I hope the Government are listening. The Bill is manifestly unjust and must not become law. That is why amendments 93 and 92 are needed. The Government are not just showing their contempt for the UK's legal and democratic principles with this Bill. As it stands, the Secretary of State can ignore the UK's international legal and treaty obligations on the treatment of workers and allow the sacking of workers simply for exercising their internationally recognised right to withdraw their labour, with nothing to protect certain workers and union officials from being targeted by bad bosses. Time and again, this Government bring forward legislation without an impact assessment. Where is the impact assessment? Where is the equality impact assessment? That is why new clause 1 and amendments 4, 83 and 84 are needed.

The harm this Bill does to the rights of our people is obvious, but it also does huge harm to the UK's international standing, making this country yet again an outlier among so-called developed nations in its readiness to disregard international law and agreements. The Bill is clearly unfit and is designed to break the will of the unions and demoralise workers. These amendments and new clauses will not actually make the Bill fit, but

[Claudia Webbe]

the proposed changes will at least mitigate some of the dangers it evidently poses. I urge the Committee to support them.

As workers rise in opposition to this Bill, to defend their rights and to say enough is enough, and as industrial action increases as a direct result of this Bill, I urge all hon. and right hon. Members to do the decent thing and to stand with them not only here in Parliament, but on the picket line. On 1 February, I will be standing with workers in Leicester who are rightly exercising their democratic right to strike for fair pay, terms and conditions. I ask Members to support the amendments and to scrap this Bill for good.

Tahir Ali (Birmingham, Hall Green) (Lab): I refer the Committee to my entry in the Register of Members' Financial Interests; I am a proud member of the Communication Workers Union and Unite the union.

I am appalled by the introduction of the Bill, but I cannot say that I am surprised by it. Historically, the Conservatives have taken every opportunity afforded to them in government to attack and curtail the rights of trade unions to represent hard-working people at their places of employment. Whether in the Industrial Relations Act 1971 under Heath or the raft of draconian anti-trade union laws introduced under Thatcher, the Conservatives have demonstrated again and again that they are fundamentally opposed to any notion of workers having a voice or a right to negotiate pay and conditions at their workplace. To attack the fundamental rights of workers to withdraw their labour is an act not of strength or leadership from the Government, but of downright cowardice.

Key workers across the UK, who are struggling to make ends meet after years of hard work and sacrifice, are now exercising their democratic right to demand better pay and conditions after 13 years of miserable Conservative Governments. Any sensible, sincere and serious Government would be doing everything in their power to ensure that agreement could be reached, so that workers could receive what they are owed and the public did not have to endure disruption any longer than necessary. It is the Government who are failing to provide the most minimum of service levels, not our public sector workers.

As a lifelong trade unionist, I know first hand the vital work done by trade unions throughout our society. I stood in solidarity with all the university workers who went out to protect their pensions. I stood in solidarity with BT workers, rail workers, Royal Mail workers and all the strike workers who have stood up for their rights to better pay and conditions under 13 years of miserable Tory Governments.

Again, on 1 February, I will stand by the public sector workers from Jobcentre Plus who are defending not only their jobs but their right to feed their children and to have living standards that have been eroded by Conservative Governments. Given the mortgage payment increases that resulted from the scenario made in Downing Street by the previous Chancellor and the previous Prime Minister, it is their right to go on strike to defend their right to have better pay that meets the increase in the cost of living. That cost of living crisis—made in Downing Street after 13 years of Conservative rule—means that every worker deserves to go out on strike.

The Minister muttered earlier that the Government were passing the Bill to save lives, but if they want to save lives, they should fill the 47,000 nursing vacancies, as the nurses are crying out for them to do; they should fill the vacancies for the doctors who are needed in the NHS; they should fill the vacancies in the police, where cuts have cost lives, and are costing lives, because policing cannot happen in the way that it should; and they should back the firefighters, who are delivering an excellent service despite the cuts that Conservative Governments have forced on them. If I want a better life for myself, it is equally the right of every single working-class person in the country to stand up for their rights and to make sure that their children do not go hungry. Children should be fed in school and at home—free meals should be provided for everyone at primary school level.

Equally, we must realise that the cost of living crisis created by the Government is forcing people to go out on strike. The poll carried out by YouGov—a name we have heard a few times this week—for Sky News today shows that despite the increase in the number of strikes, there is huge public support for workers, because they are ordinary working people who are suffering. Children and working people are suffering, and the cost of living crisis is crippling families' take home pay. That is their fundamental right. This Government are failing to provide the minimum service levels that our public sector needs and deserves.

The work of trade unions is much more fundamental than that. It is about ensuring that people have a voice and can act and hold their employers to account, whether that be on working conditions, health and safety matters or pay and conditions. It is about fairness, justice and democracy at work. The Bill represents an outright attack on these values, and it should be rejected by every person in this Chamber and everyone who will be voting later today. Who would believe that workers would be treated with the utmost disrespect after this 13 years of Tory rule?

It is evident that at every step of the way this Government have tried to denigrate the unions and the rights of the unions. There were remarks made from the Government Benches about trade unions bankrolling Labour Members, but let me remind the Minister: it is up to every union member whether they opt in or out of the political fund, and it is incumbent on unions to ballot their members on it. I say with great satisfaction that the vast majority have opted in so that political work and campaigning can happen.

I am proud to stand here as a trade unionist. If we are to do justice by people, we need an increase in nurses and doctors, and we need funding for schools so that teachers can properly provide the services they went into their careers to provide. There is an alternative to these minimum service levels. It is called a general election. If the Government really believe what they are doing is in the interests of the people of this country, they should call a general election and find out.

Mary Kelly Foy (City of Durham) (Lab): I speak as a proud trade unionist, a member of Unite the union and Unison, and as someone who appreciates and is grateful to all our public servants. I echo the case put forward by my right hon. Friend the Member for Ashton-under-Lyne (Angela Rayner) and support the amendments put forward by Opposition Members. My view is simple: this draconian Bill is as anti-democratic as it is unethical. It is as

unworkable as it is counterproductive. It is an admission by a Conservative Government who are out of ideas and fundamentally out of touch with the working people who are the backbone of our public services. We are witnessing the greatest strike disruption that this country has seen since 1990. It is not a mystery why: workers have faced the biggest squeeze in their wages since the Napoleonic era.

In the private sector, many employers have engaged in constructive negotiations to agree pay deals, but in the public sector the Government have refused to get around the table. They have decided to legislate rather than negotiate. It would cost £18 billion to provide proper, inflation-matching pay awards for public service staff. The Public Accounts Committee estimates that His Majesty's Revenue and Customs is owed an eye-watering £42 billion in unpaid taxes. Rather than bringing forward a Bill to restrict workers' ability to fight for fair pay, perhaps Ministers could look into recovering that revenue to cover the cost of these fair wages. I understand that a former Cabinet member has some experience in this area and now has some time on his hands as well.

When the public look to our NHS or our schools or any of our public services, they see 13 years of Tory mismanagement. The staff working in those services are simply echoing the same concerns, because they too are members of the public. They are reliant on those services and they are feeling the cost of living crisis.

Today, after much consideration, firefighters have overwhelmingly, and democratically, voted to strike. This is a last resort for those members, but they have witnessed their pay being eaten away, some of them are having to use food banks, and their life-saving services have been cut by 30%. Fundamentally, this case underlines why this legislation is not about public safety. This Government's cuts have been putting the public at risk every single day. Moreover, the FBU has already negotiated a major incident agreement with fire employers, proving once again that this Bill is a desperate attempt to restrict its ability to push for a fair wage.

9.45 pm

Removing legal protections for strikers will not settle this or any other dispute. This Bill has one single purpose: to empower the Government to silence workers who might dare to speak out about the decaying state of our public services and to sack those who will not comply. This Bill will not resolve a single dispute or fix a single broken public service. It is just an assault on working people trying to defend their living conditions in a Conservative cost of living crisis. It is an utter injustice that the same Government Members who have defended lifting the cap on bankers' bonuses will not stand up for the hard-working nurses and firefighters in their constituencies who want to negotiate for fair pay.

Carol Monaghan (Glasgow North West) (SNP): The hon. Lady is making a fabulous, passionate speech. I am a former teacher and have taken strike action in the past over pay and conditions. Does she not think that when Government Members stand up for bankers and their bonuses but then talk about their hard-working, dedicated teachers or their hard-working NHS staff, it reeks of simple hypocrisy? They will not be taken seriously the next time they make such statements in this House.

Mary Kelly Foy: I could not agree more with the hon. Member. Government Members must remember that these nurses, teachers and firefighters are themselves the general public who they claim are the ones feeling the pinch and who have the right to a decent service. They are the people who are striking now.

To finish, this Bill just shows, if ever proof were needed, that this is a Government whose every action is allowing the rich to get richer and the poor to become poorer.

Kevin Hollinrake: I thank hon. Members on both sides of the Committee for their contributions.

Consistent with the contributions that have been made, this Government firmly believe that the ability to strike is an important element of industrial relations in the UK—it is rightly protected by law—and we understand that an element of disruption is likely with any strike. However, we need to maintain a reasonable balance between the ability of workers to strike and the rights of the public, who work hard and expect the essential services that they pay for to be there when they need them. We need to be able to have confidence that, when strikes occur, people's lives and livelihoods are not put at undue risk.

Andy McDonald: Will the Minister give way?

Kevin Hollinrake: I will make a little progress and then bring the hon. Member in, although I might cover his point in my next comments.

To respond to some of the points made in the debate, particularly on scrutiny and process, clearly the consultations offer plenty of opportunities for hon. Members, their constituents, employers and unions to play a role in shaping minimum service levels before regulations are made, and both Houses will be able to provide additional scrutiny.

Andy McDonald: A lot of the remarks made this evening have focused on safety, but section 44 of the Employment Rights Act 1996 provides workers with the means to contest the adequacy of safety arrangements and withdraw their labour—they can walk away. Given that, can the Minister explain to the Committee which statute would take precedence: the Employment Rights Act 1996 or this Bill?

Kevin Hollinrake: I think it is quite clear. I was interested in the comments of my hon. Friend the Member for Newbury (Laura Farris) when she talked about the International Labour Organisation and its specifying of minimum service levels. It has stated that they do apply to essential services but could also apply to other services, such as education and railway workers. We think the legislation is consistent with international law and the International Labour Organisation.

Andy McDonald *rose—*

Kevin Hollinrake: I will give way one last time; then I want to make some progress.

Andy McDonald: I am sorry, Minister, but that really does not address the point I made. There is an inalienable right under the Employment Rights Act 1996 for people to withdraw their labour. It is nothing to do with the International Labour Organisation. We are going to

[Andy McDonald]

have two UK statutes that are in direct conflict with each other; which one will prevail—that Act or this legislation?

Kevin Hollinrake: I am very happy to write to the hon. Gentleman to confirm that point, but we absolutely believe that this legislation is lawful and compatible with human rights legislation and international obligations.

My right hon. Friend the Member for North East Somerset (Mr Rees-Mogg) made a typically insightful and thoughtful speech that no doubt provoked thinking on both sides of the Committee. He talked about the Henry VIII powers in the legislation, but I reassure him that they are restricted only to genuinely consequential amendments. I do not believe they are as wide ranging as he set out.

My hon. Friend the Member for Crewe and Nantwich (Dr Mullan) was absolutely right—this was also reflected in the contribution of my hon. Friend the Member for Southend West (Anna Firth)—that we are not anti-union, but we are pro-protecting the public.

John McDonnell: Will the Minister give way?

Kevin Hollinrake: I will make some progress, if I can. I may come back to the right hon. Gentleman in a moment.

My hon. Friend the Member for Newbury speaks with great authority on these matters and, as I said, pointed out clearly that the ILO says that as a general principle MSLs are not restricted to essential services, as some Members have claimed, and can cover other elements such as education and railway workers. She also said quite rightly that from their speeches the Opposition seem to want the country to grind to a halt.

John McDonnell: It is irresponsible for a Minister to come to this House, when there is a clear conflict in the law that needs to be interpreted, without that interpretation and just to say that he is going to write to us. That is irresponsible. Will he now define to us what reasonable steps he expects a union to take to comply with the legislation as it is and to instruct its members to go to work during a strike? What are those reasonable steps?

Kevin Hollinrake: That would be for a court to decide—[Hon. Members: "Oh!"] Of course it would be for a court to decide, because the only action that can be taken against a union can be by the employer in the courts. A union would then define what the reasonable steps would be. I will move on.

Several hon. Members *rose—*

Kevin Hollinrake: I will make some progress, if I can—

David Linden: Will the Minister give way?

Kevin Hollinrake: No, I will not.

On the other points, the impact assessment will be available shortly. It is fair to say that we see the Bill as having a net benefit to the economy. Individual impact assessments will support secondary legislation.

To respond to the right hon. Member for Ashton-under-Lyne (Angela Rayner), we do not believe that the Bill reduces requirements for employers to adhere to health and safety and equality legislation. It is compatible with convention rights and international obligations—

Richard Burgon: Will the Minister give way?

Kevin Hollinrake: No, I am making some progress.

The Bill does not target union members, as clearly stated in proposed new section 234C(6) on page 4 of the Bill. In terms of devolution, we believe that minimum service levels are necessary across Great Britain, but we are of course keen to engage with the devolved Governments through consultation.

David Linden *rose—*

Kevin Hollinrake: I give way one last time.

David Linden: I am grateful to the Minister for giving way. The Welsh Government and the Scottish Government have already made it crystal clear that they oppose this legislation; why is the Minister seeking to ram it though at the Dispatch Box in the House of Commons and completely ride roughshod over the devolution settlement?

Kevin Hollinrake: This legislation is subject to parliamentary scrutiny. This is the Parliament of the United Kingdom: it has every right to legislate. We believe this is needed across Great Britain, and industrial relations are clearly reserved to this Parliament.

Chris Stephens: Will the Minister give way?

Kevin Hollinrake: No, I will move on.

As we have made clear, we hope not to use the powers in the Bill if adequate voluntary agreements are in place where they are necessary. However, we cannot continue to rely on existing legislation or voluntary arrangements to help protect the lives and livelihoods of the people we represent. The public and workers reasonably expect the Government to intervene to protect people's lives and livelihoods, and that is what we are doing by ensuring that essential services continue, even while workers are exercising their right to strike.

Question put and agreed to.

Clause 1 ordered to stand part of the Bill.

Clauses 2 to 4 ordered to stand part of the Bill.

Clause 5

Commencement

Amendment proposed: 32, in clause 5, page 2, line 15, at end insert—

"(2) But no regulations may be made under this Act or the Schedule to this Act before the Secretary of State has laid before Parliament statements of consent to the Act from—

(a) the Scottish Parliament,

(b) Senedd Cymru, and

(c) the Greater London Assembly."—*(Alan Brown.)*

The intention of this Amendment is to prevent the Act coming into operation until after consent to the Act has been obtained from the Scottish Parliament, Senedd Cymru and the Greater London Assembly.

The House divided: Ayes 46, Noes 321.

Division No. 162] [9.56 pm

AYES

Black, Mhairi
Blackford, rh Ian
Bonnar, Steven
Brock, Deidre
Brown, Alan
Callaghan, Amy *c*
Cameron, Dr Lisa
Chapman, Douglas
Cherry, Joanna
Cowan, Ronnie
Davey, rh Ed
Day, Martyn
Docherty-Hughes, Martin
Doogan, Dave
Dorans, Allan *(Proxy vote cast by Brendan O'Hara)*
Edwards, Jonathan
Farry, Stephen
Ferrier, Margaret
Flynn, Stephen
Gibson, Patricia
Grady, Patrick
Hanvey, Neale
Hendry, Drew
Hosie, rh Stewart
Lake, Ben
Linden, David
Lucas, Caroline
McDonald, Stewart Malcolm
McDonald, Stuart C.
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
Monaghan, Carol
Newlands, Gavin
Nicolson, John *(Proxy vote cast by Brendan O'Hara)*
O'Hara, Brendan
Oswald, Kirsten
Qaisar, Ms Anum
Saville Roberts, rh Liz
Sheppard, Tommy
Smith, Alyn
Stephens, Chris
Thewliss, Alison
Thompson, Owen
Thomson, Richard
Whitford, Dr Philippa
Williams, Hywel
Wishart, Pete

Tellers for the Ayes:
Peter Grant and Kirsty Blackman

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, rh Kemi
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
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Browne, Anthony
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James
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
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
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, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
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
Kwarteng, rh Kwasi
Lamont, John
Largan, Robert
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Norman, rh Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Pawsey, Mark
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
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rowley, Lee
Russell, Dean
Rutley, David
Sambrook, Gary
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, rh Sir Alok
Shelbrooke, rh Alec
Simmonds, David
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
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Walker, Mr Robin
Wallace, rh Mr Ben
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
Wood, Mike
Wright, rh Sir Jeremy
Young, Jacob

Tellers for the Noes:
Andrew Stephenson and Scott Mann

Question accordingly negatived.
Clauses 5 and 6 ordered to stand part of the Bill.

Schedule

MINIMUM SERVICE LEVELS FOR CERTAIN STRIKES

Amendment proposed: 2, page 3, line 31, at end insert—

"(5) Levels of service set by regulations under subsection (1) may not exceed the lowest actual level of service for the relevant service recorded on any day of the 12 months before the regulations are laid.

(6) Before making regulations under subsection (1) for the relevant service, the Secretary of State must lay before Parliament a report showing that the condition in subsection (5) is met."—*(Christine Jardine.)*

This new subsection (5) would require the Secretary of State to specify any minimum service levels made in regulations under subsection (1) of the new inserted section 234B at a level no higher than the lowest actual level of service recorded on any day in the year before the new regulations are laid. Subsection (6) requires the Secretary of State to lay a report before Parliament to prove that the condition in subsection (5) has been met.

Question put, That the amendment be made.

The Committee divided: Ayes 247, Noes 318.

Division No. 163] [10.10 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
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Sir Chris
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
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creasy, Stella
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Davey, rh Ed
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)*
Doughty, Stephen
Eagle, Dame Angela
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
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hamilton, Mrs Paulette
Hanna, Claire
Hanvey, Neale
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
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, Darren
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Navendu Mishra)*
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Maskell, Rachael
McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John *(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
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Reeves, rh Rachel
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Andrew
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Liz Twist and Gerald Jones

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, rh Kemi
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
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Browne, Anthony
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James
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
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harrison, Trudy
Hayes, rh Sir John

Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
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
Kwarteng, rh Kwasi
Lamont, John
Largan, Robert
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Norman, rh Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Pawsey, Mark
Penrose, John
Percy, Andrew
Philp, rh Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, rh Victoria
Pritchard, rh Mark
Pursglove, Tom
Quince, Will
Raab, rh Dominic
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rowley, Lee
Russell, Dean
Rutley, David
Sambrook, Gary
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, rh Sir Alok
Shelbrooke, rh Alec
Simmonds, David
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
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Walker, Mr Robin
Wallace, rh Mr Ben
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
Wood, Mike
Wright, rh Sir Jeremy
Young, Jacob

Tellers for the Noes:
Andrew Stephenson and Nigel Huddleston

Question accordingly negatived.

Amendment proposed: 4, page 3, line 31, at end insert—

"(5) The Secretary of State may not make any regulations under this section until after a Minister of the Crown has laid before Parliament assessments outlining the impacts of the Strikes (Minimum Service Levels) Act 2023 on—

(a) workforce numbers,

(b) Individual workers,

(c) employers,

(d) trade unions, and

(e) equalities."—*(Angela Rayner.)*

This amendment would require the Government to publish assessments of how the proposed legislation would impact on workforce numbers, individual workers, equalities, employers and trade unions before the Bill comes into operation.

Question put, That the amendment be made.

The Committee divided: Ayes 250, Noes 317.

Division No. 164] [10.22 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
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Sir Chris
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
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creasy, Stella
Cryer, John
Cummins, Judith

Cunningham, Alex
Daby, Janet
Davey, rh Ed
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)*
Doughty, Stephen
Eagle, Dame Angela
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
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Girvan, Paul
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hamilton, Mrs Paulette
Hanna, Claire
Hanvey, Neale
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hobhouse, Wera
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, Darren
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Navendu Mishra)*
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Maskell, Rachael
McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John *(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
Paisley, Ian
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Powell, Lucy
Qaisar, Ms Anum
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Reeves, rh Rachel
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Robinson, Gavin
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Andrew
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Liz Twist and Gerald Jones

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, rh Kemi
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
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Browne, Anthony
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims

Davies, Philip
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James
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
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
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
Kwarteng, rh Kwasi
Lamont, John
Largan, Robert
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Norman, rh Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Pawsey, Mark
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
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Robinson, Mary
Rowley, Lee
Russell, Dean
Rutley, David
Sambrook, Gary
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shapps, rh Grant
Sharma, rh Sir Alok
Shelbrooke, rh Alec
Simmonds, David
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
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Walker, Mr Robin
Wallace, rh Mr Ben
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
Wood, Mike
Wright, rh Sir Jeremy
Young, Jacob

Tellers for the Noes:
Andrew Stephenson and Nigel Huddleston

Question accordingly negatived.

10.36 pm

More than five hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 16 January).

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

Amendment proposed: 1, page 6, line 29, leave out paragraphs 6 to 10.—*(Angela Rayner.)*

This amendment would preserve existing protections from unfair dismissal, including for an employee who participates in a strike contrary to a work notice under this Bill.

The Committee divided: Ayes 246, Noes 315.

Division No. 165] [10.36 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
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Sir Chris
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
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creasy, Stella
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Davey, rh Ed
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)*
Doughty, Stephen
Eagle, Dame Angela
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
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hamilton, Mrs Paulette
Hanna, Claire
Hanvey, Neale
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Rachel
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Navendu Mishra)*
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Maskell, Rachael
McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John *(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
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Reeves, rh Rachel
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Andrew
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Liz Twist and Gerald Jones

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, rh Kemi

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
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Browne, Anthony
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James
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
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
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
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Karl
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Norman, rh Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Pawsey, Mark
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
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Robinson, Mary
Rowley, Lee
Russell, Dean
Rutley, David
Sambrook, Gary
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shapps, rh Grant
Sharma, rh Sir Alok
Shelbrooke, rh Alec
Simmonds, David
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
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Walker, Mr Robin
Wallace, rh Mr Ben

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
Wood, Mike
Wright, rh Sir Jeremy
Young, Jacob

Tellers for the Noes:
Andrew Stephenson and Nigel Huddleston

Question accordingly negatived.
Schedule agreed to.
The Deputy Speaker resumed the Chair.
Bill reported, without amendment.
Third Reading

10.50 pm

The Secretary of State for Business, Energy and Industrial Strategy (Grant Shapps): I beg to move, That the Bill be now read the Third time.

While I am sure that the House would like me to enter back into some of the key arguments at this hour, I think I will for the purposes of brevity stick to the main principle at stake here, which is quite simply this: in many democratic countries throughout the world, and particularly among our European neighbours, we find that strikes are often banned entirely in what we would refer to as the blue light services. Yet in this country, the only blue light service to have strikes banned was the police in 1919 by a Liberal Prime Minister. I know of not a single member of the police who has ever lost their job as a result of that sensible restricted right to strike.

We are not proposing a Bill that would prevent people from being able to strike in other blue light services or in other areas. We are not doing what we have done with the police or with the Army in this country. We are not doing what they have done in other European nations or in countries across the world, including Canada, Australia and large parts of America. We are not doing any of those things because we respect the right to withdraw labour. Rather, through this legislation, which I note was receiving large majorities in the House this evening, we are simply proposing to protect people's lives and to protect people's livelihoods.

I ask you, Mr Deputy Speaker, how is it that Members in this House can look at their constituents and say to them that they should not have the right to an ambulance if they have a heart attack, a stroke or a serious illness? Why should that be left to a matter of chance, depending on their postcode as to whether those vital services turn up? Furthermore, after years of disruption through covid, why should our children have to miss school? Why should it be that people who work for themselves and rely on their own ingenuity to get their jobs and to take home money be denied over months and months the opportunity to get to work? We move this Third Reading this evening because we care about people in our workforce and their livelihoods and about our constituents and their ability to access vital services. That is why I commend this Bill to the House.

10.53 pm

Angela Rayner: I thank all the Members who spoke so passionately for the Opposition Front-Bench amendments tonight. The Secretary of State has turned up for Third Reading and tries to provoke, but once again, as I said in the previous debate in Committee, the way in which he wants to portray our key workers, who make those concessions and who ensure life and limb cover, is disgusting and disgraceful, and he should be ashamed of himself.

We have heard time and time again that this Bill is impractical and insulting. It is a vindictive assault on the basic freedoms of British working people. It is full of holes and it has been rushed through on the hoof with no real time for scrutiny. I rarely find myself agreeing with the right hon. Member for North East Somerset (Mr Rees-Mogg), but this Bill is incompetent. It is badly written, it uses bad parliamentary and constitutional practice, and it is wrong that the Government are trying to bypass scrutiny. The Opposition have been clear throughout that we will oppose this sacking nurses Bill. If it passes, the next Labour Government will repeal it. It threatens key workers with the sack during a workers' shortage and crisis, and it mounts an outright assault on the fundamental freedom of working people while doing nothing to resolve the crisis at hand.

Let us look at what the Bill is really about: a Government who are playing politics with key workers' lives because they cannot stomach negotiations; a Government who are lashing out at working people instead of dealing with 13 years of failure; and a Government and Prime Minister who are dangerously out of their depth and running scared of scrutiny. We on these Benches will vote against this shoddy, unworkable Bill. I urge hon. Members on both sides of the House to stand up for our key workers, stand up for the British freedom to withdraw labour, and stand up for good faith negotiation by joining us tonight and voting down the Bill.

10.55 pm

Alan Brown: As we have heard, the Government still have not listened, because they would not accept any amendments. The Secretary of State rehashed some of the old arguments: he said the Bill was about health and safety, but he then used the example of teachers. Teachers are not childminders—they are there to provide education—but he is using them as an excuse to allow other people to get to work. He talked about protecting ordinary workers, but what about rewarding the ordinary key workers who are providing vital services, instead of waging a culture war on them?

The Government have not listened to the fact that the ILO does not actually back their legislation. They have ignored the fact that European trade unionists have stated that the UK already has the most draconian strike legislation. They refused to acknowledge the point of my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) that the only other countries in Europe that allow Governments to stipulate minimum service levels and penalise workers by sacking them for not complying are Russia and Hungary. That is the company that the UK Government are looking to keep.

The Government try to tell us that workers such as nurses cannot get sacked, but the explanatory notes say clearly in their overview of the Bill that it will

"restrict the protection of trade unions under the 1992 Act from legal action in respect of strikes relating to certain services and the automatic protection of employees from unfair dismissal".

[Alan Brown]

That makes it clear that workers can get sacked if they do not comply with the work notices when they are told to work, even if they do not want to and they want to adhere to the strike.

The Government also have not listened to the right hon. Member for North East Somerset (Mr Rees-Mogg), who pointed out how badly written the Bill is and the unlimited powers that it gives to the Government. I note that he is suddenly in favour of the Lords amending legislation, which is a change in tune from recent years, when he was against that. It shows how bad things are when, yet again, we are relying on the unelected Lords to amend the Bill.

Mr Rees-Mogg: I am grateful to the hon. Gentleman for giving way. I am in favour of their lordships doing their proper job, which is revising legislation to make this legislation, which is very good, perfect—that is what they are there for.

Alan Brown: The right hon. Gentleman did not say that when it came to the European Union (Withdrawal) Act 2018 during Brexit.

The Bill allows individual workers and trade unions to be targeted. It is an assault on the devolution settlement. Employment law should have been devolved to the Scottish Parliament but, as I said earlier, Labour opposed it being devolved. Even worse, the powers in the Bill allow the UK Government to amend devolved legislation, which is an assault on the devolved nations. I am disappointed that Labour did not back the SNP amendment, which would also have protected the Welsh Government. I do not know why Labour sat on its hands about that.

The Bill is an assault on devolution, an assault on workers and an assault on trade unions. That is why we oppose it and why we need independence to get away from this institution.

10.59 pm

John McDonnell: Briefly—I do not want to delay the House—I say to the Government that bringing forward this legislation during the current industrial relations climate demonstrates a lack of appreciation on their side for the strength of feeling of the nearly 1 million people who are taking industrial action and the millions who support them. The Bill is provocative: it will ensure that the current disputes are more bitter and last longer, and it will inspire other disputes. I hope that the other place brings forward amendments that will ameliorate it, but I warn the Government that, when the first trade unionist is sacked or fined, they will regret the reaction from the trade union movement, because it will damage our economy and our society as a result of their irresponsible and provocative actions tonight.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 315, Noes 246.

Division No. 166] [11 pm

AYES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, rh Kemi
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
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Browne, Anthony
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James
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
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip

Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
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
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
Norman, rh Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Pawsey, Mark
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
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Robinson, Mary
Rowley, Lee
Russell, Dean
Rutley, David
Sambrook, Gary
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shapps, rh Grant
Sharma, rh Sir Alok
Shelbrooke, rh Alec
Simmonds, David
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
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Throup, Maggie
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Walker, Mr Robin
Wallace, rh Mr Ben
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
Wood, Mike
Wright, rh Sir Jeremy
Young, Jacob

Tellers for the Ayes:
Andrew Stephenson and Nigel Huddleston

NOES

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
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Sir Chris
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
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creasy, Stella
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Davey, rh Ed
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)*
Doughty, Stephen
Eagle, Dame Angela
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
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hamilton, Mrs Paulette
Hanna, Claire
Hanvey, Neale
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera

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, Darren
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Navendu Mishra)*
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Maskell, Rachael
McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
McMahon, Jim
McMorrin, Anna
McPartland, rh Stephen
Mearns, Ian
Miliband, rh Edward
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John *(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
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Reeves, rh Rachel
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Andrew
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Noes:
Liz Twist and
Gerald Jones

Question accordingly agreed to.

Bill read the Third time and passed.

DEPUTY SPEAKERS

Motion made, and Question put forthwith (Standing Order No. 9(6)),

That paragraphs (1) and (2) of the Order of 19 December 2022 relating to the appointment of Sir Roger Gale as Deputy Speaker and to the exercise of the functions of the Chairman of Ways and Means shall continue to have effect for the period up to and including 3 March 2023.—*(Penny Mordaunt.)*

Question agreed to.

PARLIAMENTARY WORKS ESTIMATES COMMISSION

Ordered,

That—

(1) Dame Rosie Winterton be confirmed as a member of the Parliamentary Works Estimates Commission under Schedule 3 to the Parliamentary Buildings (Restoration and Renewal) Act 2019, in place of Dame Eleanor Laing for the period ending 3 March 2023, and

(2) Dame Eleanor Laing be confirmed as a member of the Parliamentary Works Estimates Commission commencing on 4 March 2023.—*(Penny Mordaunt.)*

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Civil Contingencies

That the draft Civil Contingencies Act 2004 (Amendment of List of Responders) Order 2023, which was laid before this House on 6 December 2022, be approved.—*(Steve Double.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Animals

That the Plant Health and Trade in Animals and Related Products (Amendment) Regulations 2022 (SI, 2022, No. 1367), dated 19 December 2022, a copy of which was laid before this House on 19 December, be approved.—*(Steve Double.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Legal Aid and Advice

That the Plant Health and Trade in Animals and Related Products (Amendment) Regulations 2022 (SI, 2022, No. 1367), dated 19 December 2022, a copy of which was laid before this House on 19 December, be approved.—*(Steve Double.)*

Question agreed to.

PIP Breast Implants

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

11.14 pm

Fleur Anderson (Putney) (Lab): I know, Mr Deputy Speaker, that despite this late hour you will be very interested to hear the shocking story I am about to tell, in this first ever parliamentary debate on a health scandal that is affecting at least 47,000 women across this country in one way or another. When I told people that I had secured this debate, it seemed that most, like me, remembered stories about the breast implant scandal from quite a few years ago. Like them, I thought the issue had been dealt with, and that the women had been recalled and supported, and the breast implants removed if necessary. But no.

A few months ago, local resident Jan Spivey from Putney came to my surgery with her shocking story. She is a victim of the Poly Implant Prothèse breast implant scandal, and she has had years of illness as a result. She also leads the national PIP Action Campaign, and I will start by thanking Jan, Louise, Wendy and Diane for all the work they have done to lead the campaign. I also thank all the women who wrote to me in advance of this debate telling me their stories, the relatives of the young women who have died as a result of this scandal, and the journalists who have exposed it.

Doctors estimate that, unless action is taken, there will be a peak of implant-related cancer deaths in 2026. Thousands of women and their families have been failed, by the implant companies that knew they were dangerous; by the Medicines and Healthcare products Regulatory Agency, which should never have allowed it to happen; by the medical clinics that restructured to avoid their duty of care towards PIP patients, and got away with it; and by the Government, who failed to take action over a decade ago when all the evidence was there. This just makes me angry. This is a women's health issue, and I do not think it would have happened if it was men who had been affected. I think action would have been taken by now, but instead women have been suffering and dying in silence.

PIP stands for Poly Implant Prothèse, which was once the third biggest supplier of breast implants in the world, making an estimated 2 million sets of implants over 20 years. Following reports of abnormally high rupture rates, it was found in 2010 that the manufacturer had been filling implants with a sub-standard silicone gel made of a cocktail of chemicals intended for mattresses and not cleared for human use. The company went into liquidation in 2010, and its founder, Jean-Claude Mas, was convicted of aggravated fraud and sentenced to four years in prison in 2013. The French Government offered to pay for the removal and replacement of all PIP implants fitted in France, and after a decade-long battle, in 2021 a French court ruled that 2,500 victims are owed compensation. At the same time, 47,000 women in the UK have had PIP implants, but they have not been contacted to be told about the risks. Some have been offered and undergone removal, but many more have not been told about the risks of other illnesses and the links to cancer. They have not had the options.

Sarah Champion (Rotherham) (Lab): I am incredibly grateful to my hon. Friend for securing this debate, because I do not think the general public know of the risk. But those 47,000 women do know, so does she share my concern that the mental health toll that is putting on them is almost as bad as the health risks they have?

Fleur Anderson: I absolutely agree. Someone knowing that they potentially have a ticking time bomb inside their body that might be causing poison is extremely worrying and causes huge anxiety. Many women have also not been told about the impact. For example, they have not been told by their GP of the links between having that in their body, and what they are experiencing.

Victims have reported a range of mental and physical health issues, including extreme pain, inflammation, headaches, infections, anxiety, digestive issues, sight issues, severe exhaustion and low energy. Many women suffered for years before realising that their health issues were a direct result of their faulty implants. GPs often are not putting the two together, and there is not the right information for them. One woman—she is an example of the many stories I heard—told me:

> "I had the PIP implants placed in January 2009. Within a very short time I suffered from shortness of breath, heart palpitations, extreme fatigue, and my joints were swelling up to name a few symptoms. I was in and out of hospital for breathing difficulties and pains in my chest. At no stage were any of my symptoms ever recognised and I was told to take painkillers or, 'It's just your age'. I had the implants replaced in 2013 at my expense from the same company because they would not take any responsibility."

She still has most of the capsules from the PIP implants, and she believes that they are still affecting her today. Her health has been compromised and the hazardous chemicals that remain inside her chest have taken a toll on her quality of life.

Women said to me that they were told that their implants were water-based and absolutely safe, and then they were not being listened to about their illness. They were often misdiagnosed and in so much pain. One woman told me of her "17 years of hell", including that she could barely walk for two years. She also had sight loss and digestive issues. She felt that she was slowly dying inside from 2004, when the implants were put in. That was until September 2021, when the capsules were removed and she had her life back.

A serious impact is the link with cancer called breast implant-associated anaplastic large cell lymphoma, which is a rare type of cancer of the immune system. Susan Grieve, a mother of two young children, was the first person in the UK to have been recorded as dying from BIA-ALCL in 2013. As of 31 December 2021, the Medicines and Healthcare products Regulatory Agency has received 81 reports of confirmed BIA-ALCL. My first ask of the Minister is to review the link with cancer and to review the NHS website guidance. A long list of peer-reviewed papers—too long to include in my speech—evidences the link with cancer in the UK and internationally. However, the NHS website mentions six times that there is no cause for concern for women with PIP implants. It does say that there is a high risk of rupturing, but it should clearly explain the link with cancer to avoid GPs and PIP victims missing that important link and making a diagnosis too late.

One such diagnosis came too late for 36-year-old Lydia Bennett, who died from BIA-ALCL in 2019. Lydia's family were not informed that she had died from breast cancer until 2022. The MHRA set up the plastic, reconstructive and aesthetic surgery expert advisory group and, based on the group's advice, issued several

[Fleur Anderson]

medical device alerts stating that patients undergoing breast implants for any reason should be warned about BIA-ALCL before the operation. However, that does not go far enough. By contrast, in 2021 the US Food and Drug Administration made the links clear and placed so-called "black box" labels on breast implants, warning that they have been linked to a host of chronic medical conditions including autoimmune disease, joint pain, mental confusion, muscle aches and chronic fatigue, as well as to lymphoma.

In replying to my written questions on concerns about PIP implants last November, the Minister cited two reports from the MHRA in 2010 and 2012, which seemed to be the basis for deciding that there was not a risk and putting that guidance on the website. However, so much more evidence has come to light since then. Does she have a view on the new evidence and why that has not been taken into account? Evidence buried away on the website contradicts the view that people with PIP breast implants do not need to worry. The risks are clear and well evidenced, and women should be told the truth.

My second ask is that there needs to be a register, and it needs to be used. The Government's initial response to the scandal in 2010 was to issue a medical device alert to all UK clinicians and cosmetic surgery providers, asking them to cease use of the implants but not proactively to offer advice, removal or support for women who had had the implants. That support has fallen short ever since. The Government conducted the Howe report into PIP breast implants in 2012 as well as the Keogh review of the wider system of regulation for cosmetic interventions and whether a breast implant registry could be put in place. Both reviews promised action that has not been taken, and neither addressed the need to recall the PIP implants and let women know about the risks, let alone went into the area of compensation for the women affected.

All the women affected should be on a register and should be contacted proactively. There is no central register now. Since 2016 there has been a breast and cosmetic implant registry, which collects data for England and Scotland, but the problem is that it does not include women who had their PIP implants removed or replaced up until 2016. In the Government's February 2014 response to the Keogh review, three recommendations were singled out for agreement, one of which was

"creating a breast implant registry to reassure women that if problems arise they can be contacted, kept informed and called in for treatment if necessary".

Even the limited new register has not been used to proactively contact all women on the register to offer them medical check-ups, advise them of the links with cancer and other illnesses and, if suitable, offer them removal of implants.

Officially, as I think the Minister is about to tell me, anyone who has a PIP breast implant can request that it be removed, but that has not been the experience for many women with PIP implants—even those who know that their implants have ruptured. Many applications have been turned down, leaving women with a ticking time bomb in their body. They are unable to afford to get their implants removed privately, are worried that they will rupture further, and are experiencing clear side effects. Not only are they suffering through no fault of their own, but they are costing the NHS more because of the treatments that are needed.

Another shocking fact is that for those PIP victims who had their implants privately, all the major clinics that treated them have avoided paying compensation by "financially restructuring"—changing their name and reopening with another name on the same premises, with the same staff and the same medical records for the same patients. How can that be allowed? I know that many women affected by the issue will be watching or reading this debate; I urge them to contact the patient safety commissioner and tell her what they have experienced.

I know that the Minister was not in post when the scandal initially happened, but the support that victims are receiving now can be changed. I know that she is professionally experienced in the area, and I thank her for her interest so far. I fervently hope that she will take a personal interest in looking into the scandal and the reality of how women affected can be supported. I hope that justice can be done, and that the deaths from cancer that have been predicted can be prevented. I ask the Minister to follow up on this debate by meeting me and members of the PIP Action Campaign group.

I will end with a list of nine actions that I would like the Government to take—I have quite a few more questions, but I will save them for our meeting. First, in the light of this scandal, will the Government please review and act on the Paterson inquiry and the Cumberlege review and their recommendations about patient information, complaints, recall, ongoing care and compensation? Secondly, will they please look at funding research into BIA-ALCL and creating and maintaining a national tissue bank of BIA-ALCL cases, including full genome sequencing, as recommended by the plastic, reconstructive and aesthetic surgery expert advisory group? Thirdly, will they please ask the MHRA to further investigate the evidence of the cancer link and change its guidance accordingly?

Fourthly, will the Government change the guidance on their website to give women all the information they need? Fifthly, will they change the guidance on the implants themselves so that they carry stronger warnings? Sixthly, will they set up a register for all women affected and proactively use it to offer them a full medical check-up and advice about their implants and tell them about all the risks of cancer and all other illnesses?

Seventhly, will the Government offer women removal of the implant and capsules? I know that that surgery carries risks, and that there is a balance of risk to be reached, but women need information and options. Eighthly, will the Government pursue companies for compensation for the women affected and stop the loophole that allows companies to shut down in one name without being liable and then carry on operating in the same building with the same patients? Lastly, will they hold an inquiry into how the whole scandal happened, so that the best support and treatment can be given now to women who were affected, and so that this can never happen again?

I am grateful to the Minister for the interest that she has taken in the matter. I hope that this debate will be the start of real action, taken at speed, to make up for the years of failure.

11.29 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Maria Caulfield): I congratulate the hon. Member for Putney (Fleur Anderson) on securing this important debate. Let me begin by expressing my sympathy for the women who have suffered as a result of exposure to substandard PIP implants.

As soon as it was found that PIP had fraudulently changed the filler material used in its implants, they were withdrawn from use in the United Kingdom, back in 2010. It is true—as with all medical devices—that there are some risks associated with any breast implant, but the Medicines and Healthcare products Regulatory Agency, the UK regulator for medicines and medical devices, monitors all incidences reported to it, ensuring that they are investigated fully and any necessary action is taken. At the time, the MHRA worked with the NHS and other health partners to ensure that this specific issue was thoroughly investigated. It has undertaken extensive engagement work with PIP campaign groups such as PIP Action Campaign, and is committed to ongoing engagement with affected patients.

PIP implants were found to involve a higher risk of rupture than other implants, with a rupture rate roughly twice that of other types of implant. Ruptures often lead to unpleasant symptoms such as pain, hardness of the breast and swollen lymph glands, as well as many other side-effects to which the hon. Lady referred, although there is no evidence that ruptured implants—PIP implants or other types of implant—can cause serious long-term health risks.

Sarah Champion: I thank the Minister for engaging with this topic. I am aware that she knows about the field. Can she please explain why, more than a decade ago, both France and Sweden withdrew this device and facilitated the change in the process?

Maria Caulfield: I will come on to that. As I said earlier, we stopped the use of these implants immediately in 2010. As for the 47,000 women who were given PIP implants, mainly in private clinics, they are now able to come forward and have those implants removed on the NHS if their doctors agree. Many women have done that, either to avoid the risk of rupture or to prevent it from happening if they fear that it might.

The hon. Lady asked for an inquiry. As she mentioned, independent reviews have been conducted, expertly led by Lord Howe in 2012 and by Sir Bruce Keogh in 2012 and 2013. The Department has led a programme of work to ensure that the recommendations from all those reviews have been implemented, including a set of actions to prevent this from happening again. We have ensured that cosmetic surgery is effectively regulated, and that only doctors who are registered with the General Medical Council can perform surgical procedures. We have introduced a number of measures requiring all surgeons offering cosmetic procedures to follow the guidelines. The Care Quality Commission now has a duty to rate and assess the performance of providers of surgical cosmetic procedures to ensure that they meet fully the standards of safety and quality expected of them, and enforcement action is taken when they do not.

As the hon. Lady also mentioned, the Breast and Cosmetic Implant Registry was established in 2016. It collects detailed information on every implant, so that affected women can be traced and contacted in the event of a product recall or safety concern. The difficulty involved in doing that retrospectively is that many of the procedures took place in private clinics where there was no access to that information, either because it was not recorded at the time or because it was recorded but difficult to access. However, the registry covers both the NHS and the private sector, so that would not happen today, and it covers England, Scotland and Northern Ireland.

The lessons learned from the work on PIP and the recommendations made by Baroness Cumberlege in her report on medical devices have been used to drive wider-ranging improvements. NHS England now has speciality-level clinical steering boards for the top 10 medical devices implanted, which represent around 80% of the implants now used. The boards drive forward improvements for implants used in a range of medical devices, and are developing the medical device registry to ensure that the relevant patients can be traced and contacted if problems exist.

The MHRA intends to further drive forward this issue by improving the traceability of medical devices through the unique device identifier and implant cards. Again, those were not available when the incidents happened. The Medicines and Medical Devices Act 2021 introduced powers to allow the MHRA to improve transparency on medical device safety issues. As the hon. Lady indicated, we now have the plastic, reconstructive and aesthetic surgery expert advisory group, which looks for future issues around implants or other medical devices used in aesthetic surgery in a way that was not available back in 2010.

The breast cancer element is important for women to know. I take the hon. Lady's point about making that information more readily available. I also take her point about the black box labels that the FDA is using in the US, to see if we need to improve the information available for women. Any breast implant has the potential to cause a very rare form of non-Hodgkin's lymphoma called breast implant-associated anaplastic large cell lymphoma. It is not breast cancer but a rare form of non-Hodgkin lymphoma that grows in response to the body's reaction to a breast implant. It is not specifically related to PIP; there is a small risk from any breast implant. The MHRA has issued guidance for people with breast implants, but I take the hon. Lady's point that women need to be informed of that small risk when deciding to go for a cosmetic procedure. We will follow up on that after this debate.

Fleur Anderson: I thank the Minister for her reassurance about what will happen now. I am thinking back to those women who have been affected; I take the point that it is hard to trace them. Could the Minister look at asking GPs if they know whether women have had implants, so that they can be contacted and informed about the links with the cancer, through those means if no other?

Maria Caulfield: Absolutely. It is important to ensure that women who have had PIP breast implants in the past are reassured and have the opportunity to come forward. As part of the women's health strategy this year, we are developing a space on the NHS website—a go-to, informed place—specifically for women's health. I am happy to raise this issue with officials to make sure that the information is there. PIP implants have a higher

[Maria Caulfield]

risk of rupture, but not necessarily a higher risk of the lymphoma that we have talked about. There is a small risk with any breast implant. We need to make that clear to women.

The company that produced the implants was the third biggest supplier of breast implants in the world. It went into liquidation in 2010. The founder was convicted of aggravated fraud and sentenced to four years in prison. The company had to take responsibility for its actions. I take on board the point that women who have had those implants can have them removed, but they need to know that that is available to them. I am happy to work with the hon. Lady to see whether we can improve that advice and information for women.

I reassure the House that the Government and I have patient safety and women's health as a top priority. We will continue to keep current initiatives under review. We have put safeguards in place. I do not want to tempt fate, but we are not likely to see the same incident again, where we cannot trace women who have had the implants. We need to support those women who have been affected, and I am happy to work with the hon. Lady to make sure that that happens.

Question put and agreed to.

11.39 pm

House adjourned.

Westminster Hall

Monday 30 January 2023

[Mr Virendra Sharma *in the Chair*]

Immigration Fees for Healthcare Workers

[Relevant documents: Third Report of the Health and Social Care Committee, Workforce: recruitment, training and retention in health and social care, HC 115; Summary of public engagement by the Petitions Committee on immigration fees for healthcare workers, reported to the House on 24 January 2023, HC 73.]

4.30 pm

Tonia Antoniazzi (Gower) (Lab): I beg to move,

That this House has considered e-petition 604472, relating to immigration fees for healthcare workers.

It is an honour to serve under your chairship, Mr Sharma. It is a privilege to introduce this petition and give voice to the thousands of healthcare workers for whom this discussion is an opportunity to raise an issue that has not only a significant detrimental impact on their lives and careers, but a huge impact on the availability and quality of healthcare in the United Kingdom. Although the petition is focused on changes that are within the remit of the Home Office, to understand the reasons behind it and why this is such an important issues for the petitioner, Mictin, and tens of thousands of his NHS colleagues, we have to understand that the most British of institutions, the national health service, would collapse without staff who are not British nationals.

According to the House of Commons Library, about 16.5% of NHS England staff are not British nationals. Of those 220,000 staff, more than half—just under 120,000—are from outside the European Union. Let me break that down a bit. Figures from the General Medical Council tell us that in 2021, more than half of new doctors working in the NHS came from overseas. There are 146,664 internationally trained professionals on the Nursing and Midwifery Council register—almost one in five of the nursing workforce. The Royal College of Radiologists' recent workforce census found that in England, 27% of the clinical radiology consultant workforce and 20% of clinical oncology consultant workforce gained their primary medical degree in non-European economic area countries.

The list goes on across roles and specialisms, and that is before we even get to the healthcare workers who work in social care and provide support as home carers or in nursing homes.

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): Although it is welcome that the scheme has been extended to care workers under a 12-month trial, they are some of the lowest paid in the sector. The at-home care area of healthcare is facing some of the biggest difficulties of any across the UK. Does the hon. Lady share my concern that the costs are completely unaffordable for care workers?

Tonia Antoniazzi: I agree with the hon. Lady. The scheme has been extended by 12 months, but care workers are the lowest paid, and these are some of the biggest costs.

The numbers tell only part of the story. Although it is essential that we know the facts and figures, I would like hon. Members to think about what those numbers translate to for patients. Those clinical oncologists are helping to reduce the backlog of patients awaiting checks, scans and treatment, and are delivering life-saving care to cancer patients. Those midwives are guiding mothers through pregnancy and helping to bring their children into the world. Those doctors and nurses gave so much during the covid pandemic, worked all hours, did not see their own families, saved lives and comforted those who could not be with their families in their final hours.

Janet Daby (Lewisham East) (Lab): During the pandemic, I was involved with GMB's campaign for NHS cleaners and carers to be granted indefinite leave to remain after the sacrifices they made. Does my hon. Friend agree that we need to lower the cost of indefinite leave to remain and show the same level of gratitude to health workers who had to work during one of the most severe crises that our NHS has experienced?

Tonia Antoniazzi: It is true that these have been the most challenging of times, and indefinite leave to remain is one way of addressing that.

As we discuss the petition, I urge hon. Members to remember that when we talk about health and care workers, we are not talking in the abstract. We must remember the very real impact that Government decisions have on people's health and wellbeing. There is little argument that workers from overseas are not essential to the running of our healthcare system. In fact, NHS trusts actively recruit from around the globe.

The health and care worker visa we are discussing was introduced to speed up processes to ensure that much-needed health and care staff could work in the United Kingdom. Despite broad agreement that there is obvious need in our overstretched health and care sector for overseas professionals, the current system is failing to retain these key workers. The expensive, drawn-out indefinite leave to remain process is pushing many key workers away, creating financial and bureaucratic barriers for those who wish to stay and to continue working in this country.

A greater number of healthcare workers settling in the UK would only benefit the health system. Not only does better access to ILR make the UK more attractive to the international workforce; better staff retention provides employers with greater long-term security for workforce planning, which I know at first hand is a key issue. Indefinite leave to remain allows for greater mobility between sectors and employers, as well as greater flexibility to deploy internationally recruited workers where need is greatest, rather than being hamstrung by restrictive visa requirements.

The financial barrier is high. The Migration Advisory Committee has highlighted the general high cost of these fees compared with other countries. The cost to apply for ILR sits at £2,404 per person. However, the latest visa and transparency fees data suggests that the estimated cost of an ILR application is just £491. In the context of a decade of pay erosion and the cost of living crisis, ILR fees may simply be unaffordable for many healthcare workers.

In the online survey of petitioners run by the Petitions Committee, respondents said they found it difficult to save up for indefinite leave to remain fees because of

[Tonia Antoniazzi]

low salaries and a high cost of living, especially where they would need to pay ILR fees for multiple family members. One nurse who answered the survey said,

"I work as a deputy sister. I'm a single mum and my 2 kids have recently joined me in the UK. I cannot afford the ILR fees for me and my 2 children. With the salary of nurses and the cost of living here, a single mum like myself cannot afford it."

A medical practitioner who responded said,

"As with current pay and cost of living crisis, it's impossible to save this much. I am forced to buy used and second hand items only. I buy the cheapest groceries. Try and only use heating when absolutely required…I am forced to work weekends to save. I am hardly spending time with family. My mental health is affected. It feels like I'm a slave forced to labor…I don't understand why the government would keep a fee that would force workers to leave NHS and UK…I survived through all waves of covid and staffing pressure. Had multiple illnesses because of my work. I don't think I'll survive this one. I believe these fees will break me."

The fee is not the only cost; it is in addition to other substantial visa fees paid in the years prior to eligibility.

Workers without ILR are also subject to the no recourse to public funds policy. The cost of living crisis brings into sharp focus the potential financial hardship that internationally educated workers who are unable to access public funds could face. Members of the Royal College of Nursing consistently report the negative impact that the policy has had on their lives and the lives of their families. The covid-19 pandemic has exacerbated the challenges that individuals with no recourse to public funds were already facing, with these families identified as being at high risk of living in insecure and crowded housing.

Making the ILR process more accessible would bring significant benefits to individual workers who report that their mental health is suffering as a result of the financial pressures they are facing to try to meet the costs of ILR. A healthcare assistant who responded to the Committee survey said

"With the ever rising cost of living, [saving for ILR] becomes mentally draining for an already overwhelmed health worker. Reducing the cost shows the government care about the wellbeing of health workers and promotes work life balance because families have to work odd hours to meet up with the fees."

The RCN also reports that nurses sponsored under the health and care visa often have difficulty reducing their working hours because of the minimum salary threshold —£20,480 per annum—that is applied to their visa. Given that there is no provision for that to be applied pro rata for part-time staff, the RCN understands that the policy often conflicts with nurses' caring responsibilities.

Better settlement pathways can help to tackle abusive labour practices, reducing the ability of predatory employers to use immigration status to tie staff into exploitative situations. This is particularly relevant in the care sector, where the director of labour market enforcement has identified workers as being at high risk of exploitation. The RCN is aware from member reports that employers will, on occasion, use threats of deportation to coerce staff into paying extortionate repayment fees should they choose to leave employment early.

The current policy means that the UK is already losing overseas healthcare staff to other countries.

"I couldn't raise the money [for ILR] for the last 2 years to apply, so I've gotten a better salary offer in New Zealand…so I'll be leaving the UK."

Those are the words of one nurse who responded to the petition. A trainee doctor told us:

"With paying for exams and training, I don't have enough money to apply for an ILR, which makes me think to leave the UK and work in Australia after I qualify as a GP."

The petition is not simply asking for a reduced fee for those health and care workers seeking ILR; it is asking for a joined-up approach from Government, and for a better system that will improve the lives of those using it and enable us to provide a strong and sustainable health sector.

Earlier, I told hon. Members that it was essential to remember that behind the figures, statistics and costings, we are talking about people, so I will finish by telling hon. Members about the person who kicked this all off—the petitioner, Mictin, who is here today with his family—and why he started the petition. Mictin was actively recruited to the NHS from India, as NHS trusts use local agents to recruit for them. Of the 23 other overseas workers who started with him when he came to Leicester, only six are still working in the trust. The costs of pursuing ILR were too much for many of them and some have found new work abroad—skilled workers who have left the United Kingdom because we have made it too difficult to stay.

We ask people to make the choice to come to the United Kingdom, but we have not ensured that we have a system that makes that choice an easy one. We force difficult choices on the workers we need. Mictin and his wife have made the choice to stay, but we have not made it easy for them. Mictin's parents-in-law have never seen their grandchild, because the cost of taking him to India would mean greater delays in applying to ILR. Mictin started the petition because he knows he is not the only one making these difficult choices. While our health sector desperately needs more Mictins, we have to ask why we are making the choice to stay so difficult.

4.43 pm

Rob Roberts (Delyn) (Ind): It is an honour to serve under your chairmanship, Mr Sharma, and a pleasure to speak on a topic that I suspect will have agreement from Members on all sides of the House, with the possible exception of the Minister; we cannot have everything, I suppose.

I thank the Petitions Committee for bringing forward the debate on such an important and timely topic. The issue is close to my heart; I declare an interest as my partner is a healthcare worker from the Philippines and is intrinsically involved in the system we are debating. The debate is also timely, as I have a ten-minute rule Bill on this very topic coming before the House in the next few weeks.

I have spoken on this topic several times in the past, both in Westminster Hall and the Chamber. Last year, I tabled an amendment to exempt NHS clinical workers from paying the fees associated with applying for indefinite leave to remain to the Nationality and Borders Bill. I discussed the amendment with the Minister at the time, the now Minister for Disabled People, Health and Work, the hon. Member for Corby (Tom Pursglove) and his hon. Friend, the Member for Torbay (Kevin Foster), who had responsibilities in that area. I was told that my amendment, which was unusual in this House as having signatures and support from Members from six different parties,

was not acceptable to the Government because, "We couldn't go making special cases out of certain groups of people."

Shortly afterwards, as the Bill was making its way through the House of Lords, the Government announced that armed forces veterans would be exempt from paying fees for ILR applications, which I thought was interesting given that NHS workers were not worthy of special consideration just a couple of months before. The Home Secretary at the time, the right hon. Member for Witham (Priti Patel), said:

> "Waiving the visa fee for those Commonwealth veterans and Gurkhas with six years' service who want to settle here is a suitable way of acknowledging their personal contribution and service to our nation."

Taking nothing away from veterans who have put their lives on the line in the service of this country and the Commonwealth, I think one would be hard pressed to find many members of the public who did not believe NHS clinical staff should be worthy of the same consideration.

Margaret Ferrier: Some 28% of respondents to the Petitions Committee's survey on this issue said that they had delayed applying for indefinite leave to remain in the UK due to the high costs. If the public sentiment is that fees should be lowered to resolve the crisis, does the hon. Gentleman share my concern at the Government's reluctance to do so?

Rob Roberts: Completely; this is something I have debated. As I say, my partner is from the Philippines and, because of that, I now have a big extended family and friends who are Filipino and are overseas. They are all in the same boat. As I will explain in a moment, the type of things they have to go through, and the debts they get into, are ridiculous. I completely agree with the hon. Lady.

The NHS has played a vital role. Although the whole NHS deserves our thanks and gratitude, they should in particular go to our NHS workers who have come from overseas. They have travelled huge distances to be here, often separated from their families and putting their own lives at risk to help and save our lives—citizens from a different country to their own. Regardless of their or our citizenship, the duty to care and contribute to the wellbeing of others always comes first with them. It is amazing, and we as a society should highly commend it.

I welcome the number of steps the Government have already taken for foreign NHS workers, including the health and care worker visa and exemption from the immigration health surcharge, but we need to do more than that. These people want to make the UK their home. They put down roots—we have a duty to put in place a framework to allow them to do that without thousands of pounds in costs just to stay in a country to which they have already contributed so much.

Janet Daby: So many of my constituents have contacted me to say that these fees are absolutely too expensive for those in the healthcare profession. Why does the hon. Gentleman think the Government have kept the fees so high and have not lowered them?

Rob Roberts: The hon. Lady imputes to me knowledge that is far above my pay grade, but I am sure the Minister will be delighted to answer her when he takes to his feet later. I have no clue, but it is ludicrous. As the hon. Member for Gower (Tonia Antoniazzi) said earlier, the cost is £420-odd to process these things. I will come to the fees in a minute, but there cannot be any justification for that cost. Going back 15 years, it was a fraction of what it is now; the fees have increased at an exponential rate over the past five or six years. I am sure that the Minister can enlighten us on that later; I look forward to the answer.

Of course, it is worse in the part of the world of the hon. Member for Lewisham East (Janet Daby). The cost of living in my constituency in north Wales is significantly less than it is down in the London boroughs. The extra pressures and the compounding of that problem are much worse: I completely agree.

As we have mentioned, fees for ILR are over £2,400. Citizenship, 12 months later if so desired, costs another £1,800 or so, plus a few £100 for biometrics, English language tests and all the other supplementary things that have to be done. The naturalisation process costs more than £4,000. That is one of the most expensive in the world. The process of becoming a citizen for NHS workers is costly and challenging.

The process includes the ridiculous "Life in the UK" test. I am not sure whether anyone is familiar with that test: it is a wonderful thing. It asks questions such as, "Which palace was a cast-iron and plate glass building originally erected in Hyde Park to house the Great Expedition of 1851?", "In which century did the first Christian communities appear in Britain?" and, "Which two British film actors have recently won Oscars?" Quite how anyone can be expected to properly integrate into British society without that pivotal knowledge, I have no clue, but there we are. They have to pass that sensible test.

In similar debates, I have told the tale of Carrie, a real-life case using a different name. She moved to the UK in 2016, leaving her husband and four-year-old child back home in south Asia. It took another year for her husband and daughter to join her because of the cost involved in a dependant visa. They could be together again as a family only once she took out a loan, which she paid for over the next three years. She had to get another loan three years later because she was due for a renewal of that visa, adding a load more fees.

In 2021, Carrie was entitled to apply for ILR. With loans still ongoing from previous renewals, what choice did she have? What could she do? She had to take another loan—even bigger than before—just to have the right to occupy a space in this country and call it home. She pays her taxes every month; she has done for years. She works in an intensive care unit. She has spent all her working life in this country saving lives, especially during the pandemic. As I have said before, she should not be in debt. We should be in her debt.

It is our duty in this place to create a new route for citizenship for NHS workers that will not leave them in debt, in poverty or—as the hon. Member for Gower said—in mental anguish with the constant worry of funding the next application. By reducing the costs associated with ILR and citizenship, and in time abolishing them completely, we can help to do just that.

I am proud that our NHS attracts global talent and recruits from around the world. Quite frankly, we would be—I was going to swear there—we would not be able to run it without them. We would be in difficulty. In

[Rob Roberts]

2021, over 160,000 NHS staff stated that they were of a non-British nationality, from over 200 different countries. That accounts for nearly 15% of all staff for whom a nationality is known. However, the current fees and process are a huge barrier to both future NHS workers, who are put off coming because they do not feel they will be able to stay long term, and to current NHS workers, who are unable to afford the final step to have the permanent residency that they have earned through service to our country.

Residency and citizenship should not be about cost. They should be about contribution and inclusion in our communities. NHS workers have perhaps given the biggest contribution of all by saving our lives and keeping us safe. If they are not citizens, they cannot be fully part of the communities in which they live and work, despite being such valued members. Without ILR, individuals face barriers to home ownership, as it is almost impossible to get a mortgage without it. It is difficult in the job market and higher education. There are barriers wherever we look. Reducing the fees, or even scrapping them entirely, would not only make residency and citizenship more achievable, but create a more diverse and, crucially, a more integrated society. People from other countries who have worked in our NHS during the pandemic and throughout their lives deserve to be able to call the UK their home, and actually feel like it is.

The pandemic has been horrendous, but it has had one benefit. It has highlighted what many of us already knew: our NHS workers, whether British or not, are the backbone of our health service and our country. Those who have come here to provide such incredible care should not be penalised for it, but the high application fees do just that. It is time to reduce, if not entirely abolish, the fees for ILR and citizenship for those who work in our NHS so that those who spend time helping and treating us can finally feel like they belong and are welcomed with open arms.

4.55 pm

Bell Ribeiro-Addy (Streatham) (Lab): It is a pleasure to serve under your chairmanship, Mr Sharma. I congratulate my hon. Friend the Member for Gower (Tonia Antoniazzi) on the way she laid out the debate.

Everybody should realise that the NHS has always relied on staff from all over the world. It literally would not exist without the contribution of doctors, nurses and NHS staff from outside the UK, starting with the Windrush generation, who were also treated terribly by this Government's Home Office.

The NHS is currently in a dire state, and the industrial action being taken by care workers is a clear example of that. At the heart of the crisis facing our health service is the struggle to recruit and retain healthcare staff, and the cost of living makes that even worse. Some healthcare workers who are paid less are having to use food banks, and in-work poverty is even greater for migrant workers due to the cost of living.

Reducing the cost of visa applications for overseas healthcare workers seeking indefinite leave to remain is not only just and fair, particularly for their families, but it would address the recruitment and retention crisis in the NHS by encouraging overseas workers to remain in the profession. It lacks humanity and economic sense to leave those key workers living in perpetual uncertainty about whether they can remain in the UK. They have to pay extortionate fees to do so, but they are working and contributing to the economy of this country.

The Government have repeatedly argued—the hon. Member for Delyn (Rob Roberts) said this too—that not giving special treatment to NHS workers is about creating a level immigration system, but our immigration system has never been equal and the people making applications have never been treated the same. That is reinforced by the Government's points-based system. A millionaire who wants permanent residency in the UK can move things along a lot faster just by putting millions in a bank account in the UK. There is a shortage occupation list. There are thresholds for being able to bring family members over. We differentiate between people who have ILR and certain visas on the basis of whether children they have here are automatically granted British citizenship. We have never treated everybody equally, and on top of that we charge some the immigration health surcharge—even NHS workers.

Several healthcare professionals from across the country, both from migrant backgrounds and not, support this petition. I will talk about what one of them said to me. It costs £2,400 for an ILR visa, but he is being asked to pay 10 times more for his family. That family of four is being asked to pay £12,000 just to have indefinite leave to remain. He said:

> "NHS staff get recruited to work in terrible conditions. We can't pay our bills, and then we're charged thousands of pounds just to stay here and work. Given the terrible NHS staff shortages, this policy reaches next-level stupidity."

I agree with that doctor. We cannot afford to lose doctors such as him, especially when other countries are taking steps to attract them. We have already heard about how some people are leaving us. Given the shortages of NHS staff in this country, we simply cannot afford that. We will tackle the chronic shortages only by treating all staff decently.

The Government have explained again that they are maintaining their hostile environment—I know they call it something else—to make the country less attractive to people who want to enter it illegally. Obviously, I take issue with the people they term "illegal", but they are also making it hostile for people who, by their own definition, are legal. How does that make any sense? Those people have been asked to come here to support our services. We are not talking about people who are visitors, or who want to take from our country. We are talking about people who are saving people's lives—who are working in our NHS daily, who saw us right through the pandemic. Those people have left their own countries to come and serve ours, and they are doing a fantastic job.

Janet Daby: My hon. Friend is making an excellent speech. Does she agree that the Government are behaving in a rather ironic way by encouraging people from skilled professions and backgrounds to come to our country to work, but then making it very difficult for them to settle?

Bell Ribeiro-Addy: My hon. Friend is absolutely right. Why are we making overtures to people in other countries and waiting for them to come here, only to treat them with complete contempt and disrespect and leave them

in really serious situations where they are trying to support their families, and also making it difficult for their families to remain here? We all understand how important it is to have our families around us, but as we have already heard, some people have to leave their families behind and then face unreasonable barriers to bringing them into the country.

These people are doing so much for us, coming to our country to serve us as NHS workers at all levels: doctors, nurses, cleaners and porters, and let us not forget our social care workers. We need to make sure that we are treating them with the respect they deserve, no matter where they happen to have been born.

5.1 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is good to see you in the Chair, Mr Sharma, and it is a pleasure to take part in this debate. I thank the hon. Member for Gower (Tonia Antoniazzi) for introducing the subject so comprehensively and eloquently, and I also thank her and her colleagues on the Petitions Committee for bringing it before us for debate in Westminster Hall. The Committee also did a great job in carrying out the survey that has helped inform some of the contributions that have already been made, and which I will come to shortly. I thank colleagues for those contributions, which have all been very powerful.

As colleagues have said, the starting point of this debate must be praising the international NHS staff. We have heard about the extraordinary contribution of those overseas nationals who come to join with UK nationals in order to keep our national health services "brilliant"—to use the word that the petitioners have used—and we have heard facts and figures about how significant the contribution of those overseas nationals is. Around one in six NHS staff members in England is non-British, and if I have understood the figures correctly, it is pushing on one in three doctors and one in four nurses. Overall, there are over 200,000 overseas NHS staff, coming from over 200 countries. GP practices are no different: we had a very constructive debate in Westminster Hall a couple of months back about some of the problems with keeping international medical graduates here as GPs, and the Minister took some points away from that debate. It will be interesting to see whether there has been any progress in the work being done to encourage more of those graduates to stay, because there is a gap in how the visa process works in relation to people wanting to stay on as GPs.

In particular, we should all recognise the extraordinary role that overseas workers in our NHS played during the pandemic, and indeed the sacrifices they made in protecting us from covid and treating those who suffered from it. I think I am right in saying that overseas nationals were disproportionately represented in the number of health workers who lost their lives during the pandemic.

The next part of the equation is, of course, that the NHS continues to face unparalleled challenges, particularly in terms of vacancies. Despite the huge contribution of the overseas workforce, figures also show that massive vacancy rates remain. As of September, NHS England had a growing vacancy rate of just shy of 12% for registered nursing staff: full-time equivalent staff vacancies in NHS trusts in England increased from about 133,100 in June to 133,400 in the quarter to September 2022, which I think is a five-year high. Overall, the vacancy rate in the quarter to September 2022 was 9.7%—again, a five-year high.

The important point, putting aside all the numbers, is what those vacancy rates mean in practice. Last year, a RCN survey found that only a quarter of nursing shifts have the planned number of registered staff on duty, which means that three quarters of shifts are going ahead with a shortage of nurses. In the ideal world, even if some nursing staff had to call in sick, we would have enough nursing staff to cover for them, but even with the full complement on, we are still short-staffed—we spend £3 billion every year on agency staff.

It is absolutely valid to say that the answer has to be partly about improving training and recruitment locally and ensuring that we can rely on the domestic workforce much more in the longer term. However, as the Health and Social Care Committee recently pointed out, overseas workers are essential to the health and social care system in the short term and in medium to long term: any move to shift to more domestic supply is likely to take time. We will have to continue to rely on overseas nationals filling those jobs in the years ahead.

Margaret Ferrier: Although health policy is devolved, visa and immigration policy is not, which means that the decisions of Ministers here in Westminster are having a direct impact on the devolved Administrations' ability to build resilience in healthcare staffing and to resolve the crisis. Does my hon. Friend know how Ministers have sought to engage with the Scottish Government on this issue?

Stuart C. McDonald: I do not, but I would be interested to hear from the Minister about that. I will come shortly to how visas will impact on the Prime Minister's and the UK Health Secretary's own plans for turning the NHS around, but to put it succinctly: we can have all the action plans in the world, but they will be made significantly more difficult to implement if the recruitment shortages are allowed to continue.

The argument made a few times in Government responses during similar Westminster Hall debates is that the Home Office does not make a profit on ILR visas. That seems to defy the normal understanding of the word "profit". The fact that the Home Office reinvests into other border and immigration functions is utterly irrelevant. The Home Office charge for that type of leave is several times the cost of processing the ILR application: it is a profit. Those profits have been increasing exponentially in recent years. Research by the Migration Observatory at the University of Oxford shows that since the £155 fee was introduced in 2003, it had risen to £840 by 2010 and now stands at £2,404. At one point during the debate, the question of why that is was asked: I will be brave enough to hazard a guess. To my mind, the reason is quite simply that the Home Office is one of the unprotected Departments sat right in the eye of the storm of austerity. Baroness Williams, a former Minister of State, pretty much said that in an answer to a written question:

"Application fees have increased in recent years as the Home Office aims to reduce the overall level of funding that comes from general taxation."

The long and short of it is that the Home Office is struggling for money and has therefore been ramping up fees in an extraordinary manner over the past 10 to

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15 years. As we have heard from various hon. Members today, that profit margin is having hugely negative impacts, including the uncertainty that it causes staff on the front line and the effect it has on their health and wellbeing, particularly during this cost of living crisis. We even heard about the dangers of debt and exploitation as a result. Ultimately, all that impacts on patient care. How can we look after patients properly when we are struggling to recruit staff while making it more difficult to retain the excellent staff we have already managed to recruit?

The Doctors' Association UK has pointed out that the fee is more than many health professionals will make in a month and that it is pushing skilled staff to consider careers outside the United Kingdom instead. I turn to the survey of the Petitions Committee, which showed that 71% of foreign healthcare workers did not intend to apply for ILR because of the cost, with a further 28% saying, as has been pointed out, that they had delayed their application due to the costs involved.

Rob Roberts: Does the hon. Gentleman agree that it is not just the cost of the applications themselves, but all the supplementary stuff that goes with it? When my partner applied for ILR 18 months ago, he had to do the IELTS English language test again, which he had had to do when he came into the country. I am not sure that anyone will be able to convince me that his standard of English will have gone down since he passed the test on coming into the country. Why would he have to do it again? Going from doing an ILR application to citizenship 12 months later, he had to do biometrics twice and pay for them twice—often £100 or £200 just to go to an office, hand over documents and have someone say, "Thank you very much—we'll be in touch." Those other supplementary bits make such a huge difference.

Stuart C. McDonald: I absolutely agree. In terms of financial cost and complexity, it is so easy to put a foot wrong. Far too often in the process, when a foot is put even a tiny bit out of place it can result in someone losing their leave altogether, falling off the conveyor belt to settlement and not being able ever to get back on it. It can have dire consequences for people if they make one mistake in this complicated process. The hon. Gentleman makes a very powerful point.

In light of the Petitions Committee's survey, the question is whether the Home Office and the Department of Health and Social Care agree that the fees are having such an impact. Are people deciding not to apply for ILR, or to put off their applications for it? If the Home Office does not agree that that is the implication of the high fee, on what basis does it reject that? Has it done research and decided that the fee does not have that impact? If so, can we see that research? If it accepts the implications of the Petitions Committee's report, what is it going to do about it?

Otherwise, the Home Office is providing another reason for medical professionals to decide that it is no longer worth remaining in the UK, and to take their expertise elsewhere. There is evidence that recruitment agencies in Australia, Canada and elsewhere are aware of those challenges and are proactively advertising here to attract medical professionals. The British Medical Association believes that one in three junior doctors is considering a move abroad. That is all a function of the Home Office handing skilled staff an incentive to leave rather than stay.

That brings me to the point about fees in general—but this fee in particular. Our whole process of setting immigration fees has become absolutely obscure and is not subject to enough scrutiny. That is another reason the Petitions Committee should be praised for bringing the subject to the Chamber for debate. As it stands, the Home Office can lawfully take into account only the following criteria when it sets fees: processing costs; the benefits that will accrue to the applicant and others; the costs of other immigration and nationality functions, hence its profit; economic growth; international comparisons; and international agreements. There are problems with that framework that we should revisit, but we will come to that another day. There are problems with how it is applied in cases regarding children and families.

In another debate a couple of years ago, the point was made that it is the other way around with visit visas. We actually subsidise them. It will be interesting to know whether people who are applying for a visit visa are still paying less than the cost of processing that visa. It would be quite extraordinary if we were taking money from healthcare professionals and using that to subsidise folk to come visit. I understand that the Home Office wants to encourage visitors, but I think we would struggle to justify that arrangement.

Even if we just apply those factors to the visa for healthcare workers, it still makes sense to set a greatly reduced fee. We know that the processing costs are a fraction of the fee. As for the criterion about benefits that will accrue to others, the NHS is in crisis—what bigger benefit could there be than people to help get us out of the crises that we face?

We are also supposed to consider international comparisons. It would be interesting to hear what work has been done there. For example, on citizenship fees, the UK is a wild outlier in how much we charge folk for citizenship. I do not know whether the same is true of permanent resident fees. I suspect that it is, but I would be interested to know whether the Home Office has done research on that—otherwise I am sure that hon. Members will do that themselves.

We also have to speak about Brexit. My party thought that Brexit and the end of free movement was an utterly awful event. It does make a difference, because it makes it particularly difficult to attract NHS workers from the European Union. A talented doctor or nurse from any one of our neighbours has 27 other countries they can go to with barely the need to fill out a form, never mind pay a fee. The NHS visa helps—it is right to acknowledge that—but it does not change the fundamental position that we are less competitive in attracting people from our nearest neighbours. Until we fix those problems, we are going to struggle to recruit the people we need. All the action plans in the world— announced by the Prime Minister, the Health Secretary or anybody else—whatever their merits, are going to struggle to be fulfilled until we resolve that issue.

It is not just about the fees; other things have been raised. For example, my hon. Friend the Member for Rutherglen and Hamilton West (Margaret Ferrier) mentioned social care workers. We had a debate on the functioning of GP visas for international graduates; I would be interested

to hear what further work has been done on that. We heard about families; that was not something I had thought about, but how we treat families is really important. We expect people to come and work, but to leave their families behind sometimes. That is completely illogical and counterproductive.

Some steps have been taken, which should be welcomed. The existence of the NHS visa is of course one of them. The non-application of the immigration health surcharge is another. I thought that this was a really powerful point: by taking those steps, we have encouraged people to come here to work; why do we now discourage them from staying? That seems utterly illogical. The Home Office has gone halfway down the road of treating NHS staff in a fair and supportive manner; let us just complete that journey.

A powerful case has been made by the petitioners. I acknowledge that this is not a straightforward matter for the Home Office. There are arguments as to whether a similar case can be made for others. But the hon. Members for Delyn (Rob Roberts) and for Streatham (Bell Ribeiro-Addy) made powerful points. The Home Office does make special rules for special categories all over the place. This is the most special of categories and it requires a bespoke response—something that the Home Office itself has argued by coming this far. Let us just complete that journey. The Home Office needs to look at the matter very carefully, because real damage is being done to the NHS now by persisting with this high fee, so I hope that the Minister will be open to engaging on the matter and will look again at the fee and listen sympathetically to the case that the petitioners are making.

5.16 pm

Stephen Kinnock (Aberavon) (Lab): It is a real pleasure to serve under your chairship, Mr Sharma. I add my tribute to my hon. Friend the Member for Gower (Tonia Antoniazzi) and the rest of the Petitions Committee for initiating this important debate today. I congratulate my hon. Friend on a very eloquent and powerful speech.

I also thank my hon. Friends the Members for Lewisham East (Janet Daby) and for Streatham (Bell Ribeiro-Addy) for their eloquent contributions. They made crucial points. In particular, the points about the Windrush generation were very apposite and also prompted me to think that it was quite disgraceful that the Home Secretary made an announcement under the radar, really, about dropping so many recommendations from the Williams review, without even having the decency to bring that to Parliament. My hon. Friends made important points in that context.

I also thank the hon. Member for Delyn (Rob Roberts), who made a very eloquent and powerful case for the points that he clearly holds dear, both personally and more broadly. Of course, 34,392 members of the public signed this petition, and that is really important in terms of the engagement in our democratic process. I again congratulate the Petitions Committee for selecting this matter; and of course I congratulate Mictin, who is in the Chamber today and has done so much to organise and drive the whole process forward.

The petition before us reflects two important policy considerations within the British Government's system of work-based migration. The first is the fact that our national health service relies heavily on the vital contribution of migrant workers—a contribution that I am sure we in this room are all very grateful for—but that reliance is of course also a reflection of the Government's failure to recruit and train home-grown talent here in the UK. Secondly, today's debate is about whether current policy reflects the level of respect and gratitude that we have towards migrant health workers and ultimately, therefore, whether the fees that migrant health workers are required to pay are fair and just. With your permission, Mr Sharma, I will address that first point by saying a few words about Labour's approach to work-based migration.

The key point to make is that we support the principle of a points-based system for migrant workers. It was of course the Labour party, a Labour Government, that introduced the points-based system for non-EU citizens back in 2008. Under the incoming Labour Government—when we enter government—there will be no return to the EU's freedom of movement. In government, Labour will build on the points-based system that is currently in place, but we will make sure that it is a fair, firm and well-managed system that balances the requirements of businesses and public services with the need to provide the right levels of training and support for home-grown talent while recognising the critical role that immigration can play and ensuring that we treat migrant workers with the dignity and respect that they deserve. Labour's long-term ambition is to make sure that all businesses in every sector, and our public services, recruit and train more home-grown talent to fill vacancies before looking overseas as the default position.

Rob Roberts: I appreciate all the things the shadow Minister is saying about home-grown talent. What is his and his party's opinion about having much more of an emphasis on non-degree-based routes into things such as nursing? Cousins of mine who have been nurses for an awfully long time say, "Thirty-odd years ago, we just learned as we went. You learned on the job. You had a mentor and could learn all the skills that you needed in role, without needing academic qualifications and book smarts to be able to complete a degree." What is his party's opinion of that method of training?

Stephen Kinnock: The hon. Member raises a very important and interesting point. Of course, on education, it prompts me to think about how mad it was for the Government to cancel the nurses' bursary. It is very good that it is now being reinstated, but terrible damage was done by that. However, I agree with him that we need a more vocational route into healthcare, health work and, indeed, many other professions. For too long we have not had parity of esteem between academic and vocational routes, and the fact is that we have a vast number of vacancies in our NHS and care system, so we need to take a broader and more inclusive approach. I agree with the hon. Member in principle, but the devil is in the detail. We have to make sure that we have people who are qualified, given that they do such important work looking after the nation's health. We must make sure that they have the right qualifications, but I agree with the principle behind his point.

As I was saying, Labour's long-term ambition is to maximise opportunities for home-grown talent, but we recognise that if we simply turn off the tap to foreign labour without the appropriate workforce structures and terms and conditions, and without adequate training in place, our public services will deteriorate further and

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our businesses will struggle. That is why we as a party will undertake a comprehensive review of the points-based system this year, based on real dialogue with business, trade unions, the public sector, the private sector, communities and other key stakeholders, such as the Migration Advisory Committee, to ensure that we are ready to upgrade the system and make it more fit for purpose when we enter government. The current immigration system exists entirely in isolation from long-term workforce planning, but a Labour Government would seek to connect immigration to wider workforce planning, productivity strategies and training and recruitment strategies, all the way from jobcentre reform to getting people off the record-high NHS waiting list of 7.2 million and back into work.

Presently, healthcare is one of the professions where migrant labour plays an absolutely critical role in filling vacancies, which is why our shadow Health and Social Care Secretary, my hon. Friend the Member for Ilford North (Wes Streeting), has already committed to delivering a long-term workforce plan for the NHS. It will be paid for by scrapping non-domiciled status, which will enable us to double the number of medical school places to 15,000 per year, and to create 10,000 more nursing and midwifery clinical placements each year, as part of setting a long-term NHS workforce plan for the next five, 10 and 15 years to ensure that we always have the NHS staff we need, so that patients can get the treatment they need on time. Not only will that provide good jobs for British workers and fill shortages in our NHS, it will also prevent us from having us to do the morally dubious deals that are going on with some of the poorest countries in the world, which involve recruiting medical professionals from impoverished communities that desperately need that medical knowledge to stay in-country, as is the case in countries such as Nepal, Kenya and, to some extent, the Philippines, where lifesaving talent plays a very important role. There are some morally dubious deals taking place with some of the so-called red list countries, as defined by the World Health Organisation.

Migrant workers' contribution to and importance in our healthcare system is even more reason to treat them with the highest level of respect and dignity. It is important that their contribution is reflected within the specific policy that we are debating today: the fees charged to healthcare workers who apply for indefinite leave to remain.

As has been said, under the current Government arrangements, introduced in August 2020, healthcare visa applicants pay a fee of either £247 or £479 depending on whether they intend to stay in the UK for up to three or five years, and they are exempt from paying the immigration health surcharge, which is right and fair. However, the petition points out that despite the contribution that our international healthcare workers make, to apply for indefinite leave to remain they still face the eye-wateringly high fee of around £2,404.

Let us not forget that an individual on a skilled worker or tier 2 visa, such as a healthcare worker, who is applying for indefinite leave to remain must already demonstrate that they have lived and worked in the UK for five years, that they meet certain salary requirements and that there is a continued need for them to continue in that role. In effect, the Government are saying, "We still need you, we want you to stay in Britain and your job is critically important to us, but your time is up and you need to pay us £2,404 if you want to stay."

UK Visas and Immigration transparency data shows the estimated unit cost to the Government for each indefinite leave to remain application is £491 as of November 2022. The data published in February 2022 estimated that cost to be £243, which is the figure referenced in the petition. I am sure the Minister will recognise that even the more recent figures show a huge mark-up in difference between the cost and the charge. That cost has to be shouldered by the hard-working international health and care workers who do so much to support our NHS and our care system. The Government claim the Home Office does not make a profit from those applications and that the money funds part of the wider border and migration system, but the mark-up on the fees is enormous by any benchmark.

We recognise the budgeting implications of any change to the current policy, and therefore Labour will need to look at it closely when we enter government. As a party that believes in the sound management of public finances, we have no choice but to take a cautious approach given the extent of the financial and fiscal mess that we will inherit.

To help us develop our thinking, I am keen to hear from the Minister on the following points. First, does he think that the current system and the fees associated with it are fair, given the extent of the mark-up? Does he have any plans to review that?

Secondly, have the Government undertaken an impact assessment on reducing the fees, not just as regards the border and immigration budget but looking at the wider benefits that a reduced turnover of migrant workers would bring to the healthcare system and community integration more broadly? That would also allow migrant workers more money in their pockets that they would spend in the local economy.

Thirdly, does the Minister feel that some of the language used in recent months by the Home Secretary about certain types of migrant—the use of the word "invasion" springs to mind—will be a help or a hindrance in persuading much-valued, hard-working migrant workers to spend £2,400 to continue supporting our country's creaking health and social care system?

Fourthly, when will the Government publish their response to the Migration Advisory Committee's April 2022 report into adult social care and immigration?

Finally, when will the Minister and this Government follow the Labour party's lead in bringing forward a long-term NHS workforce plan that will encourage nurses to train up and stay in post, ease the burden on staffing, significantly reduce our record high NHS waiting times, reduce our dependence on recruitment from overseas and bring the quality of health and care that the British public truly deserve?

5.29 pm

The Minister for Immigration (Robert Jenrick): I am grateful to the hon. Member for Gower (Tonia Antoniazzi), who opened the debate with a characteristically constructive tone, and to the Petitions Committee for sponsoring the debate. It gives us the opportunity to discuss this important issue, and I recognise the high degree of interest evidenced by the thousands of people who signed the petition. Like

the hon. Member, I welcome Mictin to this Chamber, and thank him and others for creating the petition and bringing it to our attention.

The Government provided their initial response to the petition in February 2022 and I am pleased to respond again today, having listened carefully to the many thoughtful contributions. Let me say from the outset that we are extremely grateful for the contribution to the national health service and the whole country made by the many NHS workers who have come here from all over the word—not just in recent times, but from the very foundation of the NHS, as was rightly said earlier, including the early generation of Windrush arrivals.

Although we want to see better domestic recruitment, training and retention of healthcare workers—as others have said, it is essential that we build more healthcare places at UK universities and colleges in the years ahead—it is fair to say that international workers will continue to play a significant role in the NHS for many years to come. It is for that reason that the Government have taken a number of steps to support those individuals coming to the UK, and their employers here in their efforts to recruit them. We want to ensure that the UK is a welcoming place for them and that they are provided with all the support they need as they enter the UK, make their significant contribution to the NHS and, in many cases, choose to make a life here with their families, moving through our immigration system from indefinite leave to remain to citizenship in the years that follow.

Janet Daby: I hope the Minister will come on to the point of biometric residence permits, but I want to draw his attention to the fact that when NHS workers come and their biometrics keep being delayed, it prevents them from engaging in society, such as being able to open a bank account or get their kids into school; there is such a knock-on effect. Could he say something about the Home Office's ability to manage and speed up that work, so that there is an immediate effect for NHS workers?

Robert Jenrick: I would be more than happy to say something on that now in answer to both the hon. Member and the hon. Member for Delyn (Rob Roberts). As I understand it, the Home Office is meeting its service standards on biometrics, but none the less I have had correspondence from a small number of colleagues across the House who have said that recent arrivals in the UK are struggling to obtain appointments. I have taken the matter up with my officials, and have asked them to improve the quality of the service. If the hon. Lady has specific constituents who are struggling to get the service they want, I would encourage her to come to me. The hon. Member for Delyn made the point about individuals repeatedly providing their biometrics with each application. I am told that although the Department is increasingly using more robust biometrics, we have started reusing biometrics to reduce the need to reprocess them time and again, so I hope that issue will decline over time.

Let me turn to the main point of the petition: the cost of indefinite leave to remain. ILR is one of the most valuable entitlements we offer, and the fee for the application generally reflects that. Fees are set in line with the charging principles set out in the Immigration Act 2014, which include the cost of processing the application, the wider cost of running the migration and borders system, and all the benefits enjoyed by a successful application. The Home Office does not profit from these fees. All income generated above the estimated unit cost is used to fund the wider migration and borders system and is vital for the Home Office to run a sustainable migration and borders system that keeps the UK and all of us safe and secure.

The published full operating cost of our migration and borders system in 2021-22 was £4.8 billion. The fees under debate today are significantly lower, but they make an important contribution to the whole body of work that goes into an efficient and safe borders system.

Rob Roberts: I used to work in financial services, and this term is commonly used in financial services. Is the Minister seriously telling me that NHS workers are being used to cross-subsidise other areas of the system? Have we got nowhere else that we could potentially draw additional funds from, other than levying higher fees on NHS workers to subsidise others? Is that really what he is saying?

Robert Jenrick: The hon. Gentleman makes an emotive point, but the reality is that we must fund our immigration and borders system somehow. We can either do that through general taxation, the fees that we levy through all the points of entry into the UK and our visa system, or we can find it through other means undetermined. We have chosen to do a combination of general taxation and the fees that we charge for our visas and immigration services. That is right, because we do not want to put further unsustainable pressure on the general taxpayer.

In a moment, I will come to the specific support that we have provided to health and social care workers, and how that sets them apart from almost all other recipients of our system. We have to fund this substantial cost one way or another, and it is right that a significant proportion comes from those who benefit from it. It is also important that we fund it appropriately, because it is in all our interests that the system operates efficiently. We have seen in recent years—as we have been in the long shadow of covid—how challenging it is when we are not processing visas and immigration applications appropriately. We also see every day how important it is to have a safe and secure border and a well-resourced Border Force and Immigration Enforcement system.

Stuart C. McDonald: At the crux of the matter are the figures produced by the Petition Committee's survey, which suggested that significant numbers are deciding not to apply for ILR—that healthcare workers and others are putting off applications. Is that a problem that the Home Office recognises? If not, on what basis is it refusing to recognise that as a problem? If it does recognise that as a problem, surely it has to think again about the fee and its implications.

Robert Jenrick: I will come to that point in a moment, because I would like to answer it directly. We have given it careful thought and responded to it in recent years.

The petition rightly notes that the Government have taken significant measures to ensure that health and care staff are supported. Those measures have included automatically extending visas at no cost, refunding fees to those who have already paid to extend their visa, and a

[Robert Jenrick]

bereavement scheme that allowed relevant family members of NHS care workers who passed away as a result of contracting covid-19 to be granted ILR free of charge. As with any other visa or immigration product, we also provide a route for those in exceptional circumstances who cannot meet the costs.

Further to that, the Government introduced the health and care visa itself—the subject of the debate—back in August 2020, and extended the commitment in January 2021. It is a successful visa route in its own terms. The most recently published statistics say that 61,414 visa applications were made, which account for around half of all skilled worker visa applications to the UK in that period. The package of support we have built up since we introduced the route has made it substantially quicker and easier for eligible people working in health and social care to come to the UK with their families and, in time, to extend their leave.

The Home Office has worked closely with the Department of Health and Social Care to ensure that this support is as flexible as it can be. In my previous role—by happy coincidence—as the Health Minister responsible for the recruitment of nurses, care workers and clinicians to the NHS, I saw that at first hand when we met representatives of organisations from the UK and other countries with whom we were transacting. On that point, I would simply say that we take seriously our responsibility to avoid depleting of those individuals countries with most need of healthcare professionals, and have focused our efforts on countries that are able—where we can verify that—to export trained individuals to the UK.

A previous debate, which has been referenced, on barriers to the visa process focused particularly on GPs and smaller GP practices, which might struggle to navigate the system. My officials have followed up on these issues and are now working with the Department of Health, the BMA and others to explore whether there is demand for and practicality in pursuing an umbrella route for that area of the health service.

The application fee for a health and care visa is significantly cheaper than for wider skilled worker routes, with a visa for up to three years costing £247 and one for more than three years costing £479 for both the main applicant and their dependants. That amounts to around a 50% reduction on the equivalent skilled worker fees. There is also no requirement to pay the immigration health surcharge. The subject of dependants was raised earlier; the same reduced fee and faster processing times apply for dependants of health and social care visa holders, and dependants have access to all the other benefits as well. The offer was further improved when we added care workers to the list of eligible occupations in February 2022, based on a recommendation from the Migration Advisory Committee. I refer hon. Members to the delivery plan for recovering urgent and emergency care services, which was published today, and the work that the Home Secretary and I have been doing with the Health Secretary to deliver that.

The hon. Member for Gower referenced those who have sadly left the country in part because they could not afford the fees for ILR, which the hon. Member for Delyn restated in his intervention. When we introduced the points-based system, we removed the limit on time that an individual could spend on the skilled worker route. Under the old system, a person needed to be able to apply for settlement after six years, or they had to leave the UK. Under the current system, if a person is unable to apply for settlement for any reason—including, potentially, that they cannot afford to apply—they have the option to continue being sponsored until they are able to meet the requirements for settlement. There is absolutely no reason why an individual should feel compelled to leave the UK if they are not yet able, for whatever reason, to begin an ILR application.

Rob Roberts: The Minister is being generous with his time. There are other reasons, though—it is not just cost. People on a series of temporary visas cannot get a mortgage; they need full right to remain. There are various things that people without permanent residency cannot do in the financial system. It is about not just being allowed to stay, but being allowed to stay and fully take part in society. That is what is missing in the Minister's answer.

Robert Jenrick: Although I appreciate the hon. Gentleman's point, I do think it is an important to clarify that no one listening to or reading this debate should feel that they will need to leave the UK at any point; they can continue to remain here for as long as they are able to be sponsored, and should demand for health and social care services remain as high as it is today, it is very likely that they will be able to do so. However, I appreciate the wider point that those who come here for a sustained period of time and feel committed to the United Kingdom will want to progress to indefinite leave to remain and, indeed, citizenship. We in this Government and, I think, Members across the House do not take a passive view of ILR or citizenship; we want to encourage people to ultimately commit to the UK to the extent that they choose to become permanent residents and, indeed, citizens.

The proposal to waive fees for ILR, which is the substance of the debate, would clearly have a significant impact on the funding of the migration and borders system. As I said, we have in recent months been able to negotiate funding from the Treasury for a significant reduction in the initial visa fee, but any further reduction in income would have to be reconciled with additional taxpayer funding, reductions in funding for public services such as the NHS, or increases in other visa fees. Therefore, as much as one would want to do so, I am afraid that it would be very challenging for the Government to progress that proposal.

Stuart C. McDonald: The hon. Member for Delyn (Rob Roberts) made a very valid point: we have to look at the wider picture. As I mentioned, £3 billion is being spent on bank nurses to backfill vacancies, so by losing some money from the Home Office budget, we could be saving money for the NHS. We should not just look at this in isolation. There should be a cross-Government review of the implications for taxpayers.

Robert Jenrick: It was for that reason that we took the decision to apply a 50% discount to the initial visa fee, taking into account the broader benefits for the public sector and the taxpayer of bringing more people into the country through a faster, simpler route. I have not seen evidence that individuals are leaving the country because they cannot access ILR at the present time, but

if the hon. Gentleman has research suggesting there is a material issue, I strongly encourage him to bring it to my attention or that of the Department of Health and Social Care.

Janet Daby: Will the Minister give way on that point?

Robert Jenrick: I am happy to give way, but I should then draw my remarks to a close.

Janet Daby: Two weeks ago, I met second year medical students studying in our country. The majority said they are not planning to remain in the UK to practise as doctors because of the various pressures and strains on the NHS, feeling undervalued and so on. It is therefore likely that we will continue to need people from overseas to work in our NHS, so—on the same thread on which the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) spoke—we need to do more and make it easier for people to support our treasured NHS.

Robert Jenrick: The hon. Lady makes a valid point. Of course, we want to retain as many NHS professionals as possible, whether they grew up in the UK or have come subsequently from overseas. There is a significant challenge with individuals choosing, for a range of reasons, to go to other countries; of course, we in Government have to balance that with broader affordability, taking into account the cross-Government cost and how we would replace that income from general taxation.

Turning to international comparisons, the fees that we charge are broadly comparable with those of other developed countries. There are, of course, competitor countries that charge less, as there are those that charge more. Taking as examples some countries that, anecdotally, doctors and nurses frequently go to as opposed to working in the UK, our ILR fee is higher than that of New Zealand, but lower than that of Australia. It is not clear that the fee in the UK is substantially higher than in those destinations that healthcare professionals might otherwise go to. The hon. Member for Delyn implied that there had been a substantial increase in our fees over recent years, but that is not in fact the case. The ILR fee has increased by £15 between 2018 and the present day, so we have tried, as far as possible, to keep the costs under control in recent years.

The hon. Member for Delyn also asked about the "Life in the UK" test, but I am afraid disagree with him on that point. Integration into UK society, knowledge of our history and pride in our country are extremely important. The previous Labour Government's decision to introduce the "Life in the UK" test was right, and we have supported it consistently in government. Long may that continue, because it does make a small contribution to encouraging people to better integrate and understand the country to which they are committing.

I again thank the hon. Member for Gower for introducing the debate and all hon. Members who spoke. There is no doubt that we are in agreement on the importance of the NHS and its workforce. We care deeply about those individuals who choose to come here from overseas; I pay tribute to them and thank them for their service. I hope I have set out some of the ways the Government are working to ensure that their time in the UK is as fruitful as possible, and that, if they choose to make a life here, that is as seamless as it can be within the confines of our fiscal situation and affordability for the taxpayer. I assure all hon. Members that we will reflect carefully on the points that have been raised in the debate, and that we will continue to do what is necessary to support our fantastic NHS.

5.51 pm

Tonia Antoniazzi: I thank the Minister for his remarks, but they are disappointing. I share the concerns of the hon. Member for Delyn (Rob Roberts)—this is probably the only time that I have shared his views—about the cross-subsidisation of the cost. I understand the theory behind it, but I do not think it makes Mictin and his family, and others like them, feel any better. I know the Minister cannot respond now, but the fact that £140 million has been spent on the Rwanda scheme, which is not even up and running, sticks a bit. When people learn that that money is cross-subsidised, it hurts—I know it will hurt those listening to the debate.

I appreciate the Minister saying that he and his officials will listen to what has been said today, but good governance would be to reflect and amend, if possible, the current legislation. I appreciate what has been done, but more can be done. I have listened and spoken to Mictin and his family, so I know it is about the cumulative cost of everything. It is about the ongoing financial pressure that those people face when their families are settled here. The United Kingdom is a great place to live and grow up, and it is where we want people to live their best lives. Those who have served in the NHS—I use the word "served", because to work in the NHS as a healthcare worker, especially given what we have been through in the past few years, is a duty—deserve better.

Question put and agreed to.

Resolved,

That this House has considered e-petition 604472, relating to immigration fees for healthcare workers.

5.54 pm

Sitting adjourned.

Written Statements

Monday 30 January 2023

HOME DEPARTMENT

Investigatory Powers Tribunal Judgment

The Secretary of State for the Home Department (Suella Braverman): Today I wish to notify Parliament of a recent Investigatory Powers Tribunal (IPT) judgment regarding compliance issues identified within a specific MI5 technology environment, and outline the handling of those issues once identified by MI5 and the Home Office.

The IPT judgment in this case has found that MI5 unlawfully held data within the relevant technology environment between late 2014 and April 2019, and that the relevant Home Secretaries acted unlawfully for the period from December 2016 to April 2019, by approving warrants concerning material held in the technology environment in which applicable statutory requirements had not been complied with and failing to make adequate inquiries of MI5, despite being presented with compliance risks. During the proceedings, MI5 and the Home Office conceded a breach of article 8 of the European Convention of Human Rights—regarding privacy rights—and, consequently, of the Human Rights Act 1998. Further to this, the tribunal has noted that it was not the case that MI5 should never have held the material at all, only that some small part of it had been retained for too long, and that the material had been used for valuable national security purposes.

When the scale of the issue became clear in 2019 the then Home Secretary, my right hon. Friend the Member for Bromsgrove (Sajid Javid), established an independent review conducted by Sir Martin Donnelly. His compliance improvement review identified three areas where improvements could be made. These were improvements to support an effective compliance culture across MI5; improvements to ensure more effective sharing of information between MI5 and the Home Office to identify emerging issues; and improvements to ensure increased legal input to the MI5 management board and ensure closer joint working between MI5 and Home Office legal advisors. The review made a total of 14 recommendations to address these issues. The then Home Secretary and the director general MI5 agreed with the review's conclusions and immediately began a programme of work to address them.

In 2021 Mary Calam independently verified the implementation of Sir Martin's recommendations. She concluded that

"a huge amount of work has been done through the [compliance improvement] programme and the remediation work. Not all Sir Martin's recommendations have yet been fully implemented, but significant, measurable progress is evident. MI5 have used the [compliance improvement"] review to make fundamental changes across the whole organisation and develop a new legal compliance operating model intended to cope with future changes in technology and data."

Today, all 14 of these recommendations have been addressed and MI5 continue to work on further improving their legal compliance. DG MI5 and I discuss this every quarter at the ministerial assurance group, the setting up of which was one of Sir Martin's recommendations, and my officials maintain close contact with their MI5 counterparts in respect of legal compliance.

While the judgment is clear that there has been unlawfulness by MI5 and former Home Secretaries in the past, this relates to the period between late 2014 and April 2019 and between December 2016 and April 2019 respectively. There have been two programmes of work undertaken within MI5 focused on legal compliance: the introduction of further governance structures to ensure a more open and robust relationship between MI5 and the Home Office, and changes to the Investigatory Powers Commissioner's Office's inspection regime since the compliance issue came to light. The effort to address the compliance issues has been consistent and sustained since 2019.

I am aware the judgment has found that former Home Secretaries unlawfully approved warrants between December 2016 and April 2019, and I know this will trouble members of the House. However, all data obtained was in good faith and it was considered necessary and proportionate for the purposes of national security and the department took swift action in conjunction with MI5 in 2019 once the issues were identified.

I would also like to reassure Members that while this case has outlined widespread corporate failings between the Home Office and MI5, these issues are historical and the Home Office has taken steps internally to increase collaboration with MI5 and ensure there is appropriate resourcing in place within the relevant Home Office teams responsible for investigatory powers.

I also wish to be clear that there has been no finding by the tribunal that MI5 misused the data in question, nor any suggestion of this at any time during this process. As the former Home Secretary, my right hon. Friend the Member for Bromsgrove, noted in 2019, none of the risks identified relate in any way to the conduct and integrity of the staff of MI5.

Finally, l would like to reference the endorsement the tribunal has provided on the robustness of the oversight regime and safeguards contained within the Investigatory Powers Act 2016, including the adequacy of the measures available to the Investigatory Powers Commissioner.

MI5 carries out a challenging mission to protect national security and has made significant progress in respect of legal compliance since the issues were identified by the Investigatory Powers Commissioner in 2019. Its officers work on extremely complex and often fast paced issues to keep this country safe and I am grateful for their continued dedication and professionalism. I would like to reaffirm to Parliament that they have my full support and I am committed to continuing to drive forward change in this area to ensure the use of investigatory powers by ail relevant agencies is as compliant as possible.

[HCWS532]

LEVELLING UP, HOUSING AND COMMUNITIES

Building Safety

The Secretary of State for Levelling Up, Housing and Communities (Michael Gove): It is a basic requirement of a modern society that people should feel safe in their own homes. For too many people this has not been the case. It is not the responsibility of Government alone to

keep watch and to ensure that homes are fit for habitation, and that people can sleep safely; it is the responsibility of the industry that builds them, too. For too long, we know, that responsibility was not upheld by all in the way that it should have been; too many people have suffered and continue to suffer as a result.

One year ago, we set about righting those wrongs with what should have been a statement of the obvious: the moral duty to pay the cost of replacing unsafe cladding belongs not just to Government but to those developers, product manufacturers and building owners that put unsafe materials on people's homes and continue to profit from them—and not the innocent residents living inside them.

One year on, the laws passed by this Parliament and the actions taken by this Government have systematically broken impasses that were considered intractable.

Leaseholders have been given legal protections from unfair remediation bills for the first time, thanks to the Building Safety Act 2022.

Leaseholders can sell affected properties and move on with their lives, or know that they have the freedom to do so when they choose: earlier this month Colleagues across the House joined me in welcoming the statement from the six major mortgage lenders confirming that they would once again consider mortgage applications on properties that are covered by the leaseholder protections in the Building Safety Act, or where the building is eligible for a Government or developer remediation scheme.

The Building Safety Act created new powers to compel the owners of unsafe buildings to ensure properties are fixed, and to require those who are responsible for their defects to pay for their errors and corner-cutting. These powers are available not only to Ministers, but to fire services, councils, and most importantly to leaseholders. The Government are continuing to work closely with fire services and councils to ensure that building owners are being held to account for their actions, and that, where required, enforcement action is being taken against them. Developers and building owners responsible for unsafe buildings should be under no doubt: there will be significant consequences if they fail to comply with their legal obligations.

The developer contract

In April last year, I announced that the largest house builders had signed a non-binding pledge outlining their intention to fix all life-critical fire safety issues in buildings over 11 metres which they had a role in developing or refurbishing in England. I welcomed their constructive engagement, as I do again now.

I am today publishing the contract that will legally commit developers to delivering on their word; a commitment worth more than £2 billion that will protect leaseholders in hundreds of buildings.

Developers will also be required to reimburse the taxpayer where public money has already been used to make their buildings safe. While there is much more to do, today is a major step towards putting leaseholders' minds at rest.

Once the contract is signed by these developers, leaseholders and owners in affected buildings will benefit from a common framework of rights and responsibilities that will get buildings fixed without cost to leaseholders. The contract confirms that the developers will inform residents in affected buildings how they will be meeting these commitments. I am grateful to those developers who have got on with assessing and remediating their buildings without waiting for the contract.

I expect developers to sign the contract within the next six weeks, by 13 March. This includes every company that signed the pledge, as well as several companies that have regrettably not done so. If you built unsafe buildings over 11 metres but did not sign the pledge, I am putting you on notice: expect to be asked to step up in the near future. Now is the time to make a binding commitment. In signing this contract, developers will be taking a big step towards restoring confidence in the sector and providing much needed certainty to all concerned. They will confirm that they are responsible companies. I know, from the positive discussions I have had, that many will be keen to do so. This contract will allow those developers to plan for the future in the knowledge that they understand the full extent of their legal obligations.

The Responsible Actors Scheme

Using powers provided in the Building Safety Act, I will lay regulations this Spring to create a Responsible Actors Scheme, and make sure that eligible developers that do not sign up are prohibited from carrying out major development, and from receiving building control sign-off for buildings already under construction.

The regulations will set out eligibility criteria for the scheme and will require members of the scheme to enter into and comply with the terms of the developer remediation contract we published today.

Major developers who have built defective buildings need to sign the contract and comply with its terms. This is not up for debate. Any eligible developers who refuse to sign the contract and join the statutory scheme will be subject to the prohibitions.

I am looking at expanding the scheme in due course. I want to capture all those who built unsafe buildings over 11 metres and should be paying to fix them. If that is you, you should expect to be invited to step up and join the scheme in the near future.

Holding wrongdoers to account

My department's Recovery Strategy Unit (RSU) has spearheaded legal action against recalcitrant freeholders and is actively investigating the concerning conduct of various companies across the built environment, including contractors and construction product manufacturers.

To those freeholders holding back work to make buildings safe, even where the Government has made sufficient money directly available through its building safety fund: you must fix your buildings or we will take action, including through the courts. This legal action has already started, and leaseholders have already secured the first successful remediation contribution order. I would encourage others to use these new powers to challenge bad behaviour.

I have heard with great concern from residents and leaseholders about the actions of some property funds that are delaying vital remediation work. My message to them is clear: if you cannot fulfil your responsibilities and make these buildings safe, you should sell them to

someone who will. We are also backing councils to boost their enforcement action against freeholders unacceptably delaying works to make their buildings safe, with more than £8 million committed to support local authorities in the areas most affected by building safety issues.

Building insurace

At my request, the Financial Conduct Authority (FCA) reviewed the buildings insurance market for multi-occupancy residential buildings. Its report highlighted serious issues relating to commissions and other payments being shared with property managing agents, landlords and freeholders by insurance firms, with such payments making up at least 30% of leaseholders' insurance premiums on average. The FCA also identified concerning obstacles faced by some leaseholders in trying to understand or challenge their insurance bills. This is not acceptable, and we must act.

I can confirm today that I will take action to ban the unacceptable practice of managing agents, landlords and freeholders receiving commissions and other payments from insurers and insurance brokers. I will replace these payments with more transparent fees and over the coming year I will press insurance brokers, managing agents and freeholders to change their practices as a matter of priority. I will also arm leaseholders with more information, enabling them to better scrutinise costs. I will also ensure leaseholders are not subject to unjustified legal costs and can claim their legal costs back from their landlord. These steps will ensure that leaseholder insurance costs are fairer and more transparent and will rebalance the legal costs regime to give leaseholders greater confidence to challenge their costs.

I am pleased to see that the FCA has committed to investigating broker practices and consulting on regulatory changes to further protect and empower leaseholders. While this is a positive first step, leaseholders require meaningful change to ensure that they are better protected in the future. Leaseholders also need insurance premiums to reduce significantly and urgently, but it is clear that the quality of data in the insurance sector must improve to make this possible. I expect the FCA to ensure that industry implements its new data collection code for fire safety, to report on what actions it will take to ensure a fairer and more competitive market by the summer and to continue monitoring this sector.

I also welcome continuing work by the insurance industry on launching a UK-wide scheme to reduce the most severe premiums for leaseholders in buildings with significant fire safety issues, but I must stress the urgency: leaseholders need this support now.

Transforming the built environment

We are creating a culture of high standards that will transform the sector and ultimately the built environment, working closely with those who do that building. Together we will put standards and safety first, and must recognise that when these interests of those who live in homes and those who build them are aligned, everyone will benefit in the long run. The Government will play their part in that not only through clear regulation, but through leadership that holds wrongdoers to account.

The new Building Safety Regulator will oversee this culture of standards. The Government will be taking forward an ambitious programme of secondary legislation over the next year to set the regulator on firm foundations. Building owners and managers should already be preparing for the first requirement due to come into force soon—the requirement to register higher-risk buildings with the regulator. I will be working closely with the regulator to ensure that we have the world-leading regime that residents and leaseholders deserve, and I look forward to approving their first strategic plan in the coming months.

A copy of the contract will be deposited in the Library of both Houses and is available at: www.gov.uk.

TRANSPORT

CAA Annual Progress Report

The Minister of State, Department for Transport (Jesse Norman): My noble Friend the Parliamentary Under Secretary of State for Transport, Baroness Vere of Norbiton, has made the following written ministerial statement:

The airspace modernisation strategy (AMS) refresh, published on 23 January 2023, sets out, through nine elements, the ways and means of modernising airspace, focusing on the period until the end of 2040.

The Civil Aviation Authority (CAA) must report to the Secretary of State annually on the delivery of the AMS, through an annual progress report. This report details the progress made by industry, as well as work the CAA have conducted against each of the AMS's elements. For 2022, the progress report reports on the previous AMS's 15 initiatives.

In total, six of the 15 initiatives are assessed as "requiring attention", two are on track, one has been implemented and six initiatives have been assessed as having 'major issues'.

The Department continues to work with the CAA to ensure greater progress is made in implementing the airspace modernisation programme. Ministers are giving the programme the urgent attention it requires and are committed to delivery of the AMS.

Areas of progress

Free Route Airspace (Initiative 2) was implemented in Scotland in 2021 and remains on track for deployment in Q1 2023 across southwest England and Wales. This will see airlines being able to fly more direct routes in upper airspace reducing aviation's carbon emissions and will save CO every year equivalent to the power used by some 3,500 family homes—12,000 tonnes CO a year.

The Airspace Classification Review (Initiative 10) has made significant progress with the publication of the findings into the review of the Cotswold region. This work has identified where airspace can be opened up for all airspace users to use—e.g., general aviation.

Under the Deployment of Electronic Surveillance Solution (Initiative 11), DfT and the CAA established the surveillance standards taskforce, developing national, voluntary specifications for Electronic conspicuity. This is a key enabler in the refreshed AMS, bringing together current and new airspace users, such as drones, in order to promote a safe and integrated lower airspace.

Areas assessed as having major issues

There are a number of initiatives assessed as having "major issues", in part because of covid recovery and the complexities of the airspace changes in the London cluster. However, formal acceptance of the Airspace Change Organising Group's (ACOG) Masterplan Iteration 2 in January 2022 was a critical milestone. This was enabled in part to £9.2 million funding by Government. Iteration 3 will be published later this year following a number of public engagement exercises.

Of the six initiatives requiring attention, timescales and delivery plans have been re-assessed and re-baselined as a result of publication of the refreshed AMS.

[HCWS528]

Maritime and Coastguard Agency Annual Report and Accounts 2021-22

The Parliamentary Under-Secretary of State for Transport (Mr Richard Holden): My noble Friend the Parliamentary Under Secretary of State for Transport, Baroness Vere of Norbiton, has made the following written ministerial statement:

I am proud to announce the publication of the Maritime and Coastguard Agency's annual report and accounts for 2021-22. The MCA does vital work to save lives at sea, regulate ship standards and protect the marine environment. The agency has been playing its part in encouraging and enabling the industry to move towards zero carbon emissions from shipping and to prepare the way to regulate the safety of autonomous shipping.

The annual report and accounts consists of:

Performance report—how the MCA performed against its key performance indicators, and highlighting success;

Accountability report—including the corporate governance statement and the certificate and report of the Comptroller and Auditor General to the House of Commons; and

Financial statements—statement of financial position and notes to the agency's accounts. During January 2022, the MCA celebrated 200 years of HM Coastguard undertaking crucial rescue activities. The last reporting year saw the coastguard respond to more than 36,000 incidents around the coast, an increase of around 2,500 from the previous year. There was a significant rise in cases of illegal migrants crossing the channel in unseaworthy small boats. The coastguard continues to work closely with the French coastguard to respond to these incidents. On 13 December 2022, the Government also set out their plans to tackle illegal migration and criminal gangs who exploit our system.

MCA continued to raise the profile of the UK ship register during the last reporting year, with the launch of the concierge service. MCA also played a major role in supporting the decarbonisation of shipping.

The UK Maritime Administration was subject to an audit of the IMO Implementations Code during 2021-22. This audit resulted in one of the best reports the International Maritime Organization has ever issued, validating our work to be a world leading organisation.

The MCA has let the UK's Second-Generation Search and Rescue Aviation programme. This will take account of how demands on aviation services and technology have evolved and will create a new service for the next 10 years.

The annual report and accounts will be available on www.gov.uk and copies will be placed in the Libraries of both Houses.

[HCWS529]

WORK AND PENSIONS

Universal Credit Administrative Earnings Threshold Level

The Minister for Employment (Guy Opperman): The Government laid regulations to amend regulation 99(6) of the Universal Credit Regulations 2013 to raise the administrative earnings threshold (AET) level to £617 for individual claimants and £988 for couples in Great Britain from 30 January 2023. This builds on the administrative earnings increase which took place on 26 September 2022.

The new AET levels are equivalent to an individual working 15 hours per week at the national living wage or claimants in a couple working a total of 24 hours per week at the national living wage.

Increasing the threshold will bring an estimated 120,000 claimants into the intensive work search regime from the light touch regime. This change will allow our work coaches to support those claimants with very low incomes to access opportunities to increase their earnings. This could include developing their skills, progressing in their current role, or by changing their job.

The change in the AET level will complement the new in-work progression offer that is being rolled out to all jobcentres throughout 2023. Through this new offer, more people who are in work and on low incomes will be able to access work coach support to increase their earnings and move into better-quality jobs.

Corresponding legislation for Northern Ireland was laid in parallel to this instrument.

We will communicate the rise in the AET to claimants through national press coverage. In addition, claimants impacted by the rise in the administrative earnings threshold level will be contacted by the Department for Work and Pensions through their universal credit journal. Our work coaches will then review and agree new claimant commitments, providing support and setting appropriate requirements to help claimants access opportunities to increase their earnings.

[HCWS530]

Ministerial Correction

Monday 30 January 2023

JUSTICE

Draft Legal Aid, Sentencing and Punishment of Offenders Act 2012 etc Order 2023

The following is an extract from the Eighth Delegated Legislation Committee on the Draft Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Family and Domestic Abuse) (Miscellaneous Amendments) Order 2023.

Mike Freer: We have implemented the Bellamy review and, apart from **one** item—**pages of prosecution evidence**—the fee uplifts have gone through.

[Official Report, Eighth Delegated Legislation Committee, 26 January 2023, Vol. 726, c. 8.]

Letter of correction from the Parliamentary Under-Secretary of State for Justice, the hon. Member for Finchley and Golders Green (Mike Freer).

An error has been identified in my response to the hon. Member for Cardiff North (Anna McMorrin).

The correct response should have been:

Mike Freer: We have implemented the Bellamy review and, apart from **two** items—**prison law and some elements of the LGFS**—the fee uplifts have gone through.

ORAL ANSWERS

Monday 30 January 2023

WRITTEN STATEMENTS

Monday 30 January 2023

MINISTERIAL CORRECTION

Monday 30 January 2023

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

not later than
Monday 6 February 2023

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