

**Wednesday
6 December 2023**

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Wednesday 6 December 2023

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

The Clerk at the Table having informed the House of the unavoidable absence, through illness, of the Speaker from the sittings of the House this week, the Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3).

Oral Answers to Questions

WALES

The Secretary of State was asked—

Inflation and Public Spending

1. **Beth Winter** (Cynon Valley) (Lab): What assessment he has made of the impact of inflation on public spending in Wales. [900416]

The Parliamentary Under-Secretary of State for Wales (Fay Jones): May I say how sorry I was to learn of the death of Baroness Kinnock? I met her when I was an intern in the European Parliament many years ago, and I have never forgotten how fearless, remarkable and determined she was. I send my deepest condolences to the hon. Member for Aberavon (Stephen Kinnock) and the wider Welsh Labour family, who also mourn the death of Allan Rogers, who served in this House as the Member for Rhondda for 19 years.

The UK economy has outperformed expectations this year, and the Prime Minister has delivered on his pledge to halve inflation. Following the Chancellor's announcement at the autumn statement, the Welsh Government will receive £305 million in additional funding, which can be used to support public services in Wales.

Beth Winter: Tory inflation and austerity mean that the Welsh budget is worth £900 million less than it was when it was set, and the autumn statement consequential do not make up for that. The Institute of Welsh Affairs has called the autumn statement "a return to austerity" with

"tax cuts at the cost of cuts to public service delivery."

It is the people of Wales who are suffering poverty and cuts to public services, so I ask the Minister: instead of the autumn statement tax handouts to the wealthy in London and the south-east, will the Secretary of State not urge the Chancellor to tax the wealthy to better protect Welsh public services?

Fay Jones: The House will not be surprised to learn that I completely disagree with the hon. Lady's assessment. It is not the amount of money the Welsh Government are receiving but the way in which they are mismanaging public services that is the problem. The 2021 spending

review delivered the Welsh Government a record settlement of £18 billion a year, so I think that she needs to recognise that the problem is on her own side in Wales.

Madam Deputy Speaker (Dame Eleanor Laing): I call the shadow Minister.

Jo Stevens (Cardiff Central) (Lab): I welcome the hon. Lady to her role and thank her for her tribute to Baroness Kinnock and to Allan Rogers. Glenys Kinnock was an inspiration to our Labour movement, to her many friends and colleagues around the world, but most of all to her family. As the Kinnock family grieve, we send them our love and deepest sympathy.

On public spending in Wales, the Prime Minister promised, when abandoning HS2, that the north Wales main line would be electrified, at a cost of £1 billion. In the past eight years, construction costs have increased by 7% a year, because of the Government's economic mismanagement. Will the Minister confirm that the last time any cost assessment was done on electrification was in 2015 and that the scheme will now cost between £1.5 billion and £1.8 billion?

Fay Jones: I join the hon. Lady in her comments about the Kinnock family.

It is important to recognise that this Government are the first in many decades to commit to that project. I am sorry that she appears to agree with her colleagues in the Welsh Labour Government in Cardiff Bay, who seem to say that this is not a priority; Conservative Members feel that electrification and economic growth in north Wales is a priority, and I am sorry that she cannot agree with that.

Jo Stevens: If it is such a priority, why has nothing been done since 2015, when the cost assessment was undertaken? The hon. Lady's Government promised to electrify the south Wales main line, but they did not do so. They promised to improve journey times and connections between south Wales and London, but they did not do that either. She has not given an answer on whether the Government will fully fund electrification, so how can she stand there and claim to the people in north Wales that this project has any prospect whatsoever of being completed by this hapless Government?

Fay Jones: I say again that the hon. Lady's party has already dismissed this project as not a priority. I also say again that north Wales is a priority for this Government; we are determined to level up right across this country and especially to focus on areas that the Welsh Labour Government, in south Wales, have completely ignored.

Hywel Williams (Arfon) (PC): I add my condolences and those of my party to the Kinnock family on their sad loss.

Wales's public services, assailed by inflation and austerity, now face the further difficulty of recruiting the skilled migrants who have become so vital to caring for our ageing population, as the family threshold is to rise to £38,700. That is £8,000 higher than the average wage in Gwynedd, with many of my constituents earning significantly less. Will the Minister tell me what representations she—or, rather, the Secretary of State—has made to the Home Secretary on the effects of the new threshold on Welsh public services?

Fay Jones: As the hon. Gentleman will know, the Secretary of State has regular discussions with his Cabinet colleagues about the issue. It is absolutely vital that we take tough measures to make sure that we sustain sensible levels of migration. That is exactly what the Home Secretary has announced this week.

Hywel Williams: The change in the salary threshold will affect real people with real families and real people receiving care. My constituent Daniel Griffith was due to marry his Brazilian partner next year. They intend to make their home in Wales, but it is far from clear at present whether they will be able to do that under the new income rules. Why should Daniel, unlike the Secretary of State, the Minister and everyone else in this Chamber, have to choose between his wife and his country?

Fay Jones: Some of the policies put in place by the Welsh Labour Government, aided and abetted by Plaid Cymru under the co-operation agreement, are disadvantaging Wales, putting off investors from creating investment and jobs in Wales. Again, I say to the hon. Gentleman that it is his colleagues in Cardiff Bay who need to have a look at what they are doing.

Narrow Gauge Railway Tourism

2. **Michael Fabricant** (Lichfield) (Con): Whether he has had discussions with the Welsh Government on promoting and supporting narrow gauge railway tourism in Wales. [900417]

The Parliamentary Under-Secretary of State for Wales (Fay Jones): Narrow gauge and heritage railways are important for our tourism sector. Although tourism is, of course, devolved, the UK Government have demonstrated their support for the sector. The Secretary of State saw that at first hand on 2 June, when he opened Corwen station, which was partly funded by the UK Government's levelling-up fund.

Michael Fabricant: First, I welcome my hon. Friend to the Dispatch Box; it is a pleasure to see her there.

A little while back, a friend of mine from Rouen, Thierry Fontenay, came over to Tywyn in Gwynedd. I asked myself, "How can I amuse him?" I took him on the Tallyllyn railway, and we went from Tywyn to Abergynolwyn. He was over the moon—he took photographs of the engine and went on to the footplate. He told me that there are no narrow gauge railways like that, if at all, in France. What can we do to promote in Europe these wonderful narrow gauge railways that we have in Wales?

Fay Jones: My hon. Friend is, of course, right: Wales's narrow gauge railways are part of our unique tourism offer, so it is vital that they are marketed to the world. That is why Visit Britain works to ensure that Wales's brand values are reflected in the broader GREAT campaign. Let me do Visit Britain and Visit Wales's job for them and warmly invite Monsieur Fontenay to come and see the premier narrow gauge railway—the Brecon Mountain railway.

Impact of Autumn Statement

3. **Sarah Atherton** (Wrexham) (Con): What assessment he has made of the impact of the autumn statement on the Welsh economy. [900418]

The Secretary of State for Wales (David T. C. Davies): The autumn statement set out the UK Government's plans to grow the economy and incentivise work so that economic growth can be felt throughout the United Kingdom. That will include a national insurance tax change from January, which will put £324 back into the pockets of 1.2 million workers across Wales.

Sarah Atherton: North Wales has always been the poor relative to south Wales, where the Welsh Labour Government in Cardiff fund their voter bases. However, thanks to the foresight of this Conservative Government, money is now flowing from Whitehall to Wrexham—£13 million from the levelling-up fund, £20 million from the towns fund, £24 million from the shared prosperity fund and the prospect of a £160 million investment zone. We are working on a civil service hub. Does the Secretary of State agree that, after 20 years of neglect from the Welsh Labour Government, this Conservative Government have put Wrexham firmly on the map?

David T. C. Davies: I am absolutely delighted to agree with my hon. Friend: the UK Government are putting Wrexham on the map. I was, of course, delighted with the £160 million investment zone across Wrexham in Flintshire, which was marked by a visit from the Chancellor to the area. The £20 million towns fund for Wrexham will ensure long-term certainty and investment for the area and for the growth deal. I believe that the freeport in north Wales will also benefit my hon. Friend's constituents.

Richard Thomson (Gordon) (SNP): According to research from the Bevan Foundation, nearly one in four Welsh children have reported having recently been worried about being cold, and around one in eight have worried about being hungry. What are the Government going to do about that?

David T. C. Davies: The UK Government have spent £96 billion on measures to help the least well off across the United Kingdom throughout the difficult times brought about by the covid pandemic and the war in Ukraine. On top of that, in the autumn statement we were able to announce a cut in national insurance, which will put more money into people's pockets. I hope that the hon. Gentleman will be talking to his constituents, who are no doubt hit by the highest taxes in the whole United Kingdom as a result of the policies of the Scottish National party Government.

Madam Deputy Speaker: I call the shadow Minister.

Jessica Morden (Newport East) (Lab): May I join others in paying tribute to Glenys Kinnock, who was much loved by us all?

Earlier this year, the Secretary of State told my hon. Friend the Member for Cardiff Central (Jo Stevens) that his Government would prioritise helping the most vulnerable, yet Welsh households still face the consequences of 13 years of his Government's economic failures, with a historically high tax burden and his own constituents

paying on average £240 more each month on their mortgages. Can he explain, then, why his Conservative colleagues in the Senedd are calling for the Welsh Government to withdraw their £40 million mortgage support scheme for those at risk of repossession?

David T. C. Davies: The UK Government have already brought forward a mortgage charter to support anyone getting into difficulties. I hope that the hon. Lady agrees that the fact that the Government have delivered on their pledge to halve inflation over the past year will mean that everyone in Wales is better off; that the cut to national insurance will mean that everyone in Wales is better off; and that the increase in the living wage as well the Government's commitment to ensuring that pensions and benefits are uprated in line with inflation will mean that everyone on low salaries is better off.

Tourism Sector Visitor Levy

4. **Kevin Foster** (Torbay) (Con): What recent discussions he has had with the Welsh Government on the potential financial impact of proposals to implement a visitor levy for Wales on the tourism sector. [900419]

The Secretary of State for Wales (David T. C. Davies): The UK Government are investing in Wales and in the Welsh tourism industry, which has been evidenced most recently by the decision to allocate £500,000 to the Hay Festival—a project championed by my hon. Friend the Under-Secretary. It is a pity that the Welsh Government are not taking the same view about the importance of the tourism industry and are introducing a tax that signals that Wales is closed for business.

Kevin Foster: I thank my right hon. Friend for his answer. It is no surprise that hitting tourists with a tax is likely to deter them from wanting to visit Wales, despite the natural beauty of places such as Snowdonia and the attractions of visiting locations such as Anglesey. Alongside highlighting the folly of this move from the Welsh Labour Government, will he ensure that anyone advocating for a tax on tourism anywhere else in the UK is reminded of the negative impact that it would have on our tourism sector?

David T. C. Davies: I can assure my hon. Friend that not only will I be reminding the Welsh Labour Government about the importance of supporting the tourism industry and the folly of introducing a tax, but my Conservative colleagues in the Senedd will also be making that point. I hope that the Welsh Labour Government will listen to them and also listen to the Wales Tourism Alliance, which has said that this tax will be a tax on jobs and a tax on an industry that employs one in 10 people in Wales.

Rural Communities: 20 mph Speed Limit

5. **Virginia Crosbie** (Ynys Môn) (Con): What recent discussions he has had with the Welsh Government on the potential impact of the 20 mph speed limit on rural communities. [900420]

14. **Bob Blackman** (Harrow East) (Con): What recent discussions he has had with the Welsh Government on the potential impact of the 20 mph speed limit on rural communities. [900429]

The Secretary of State for Wales (David T. C. Davies):

All of us support speed limits in places where there is a risk to life. I have supported speed limits outside schools, hospitals and other places in my constituency, but the Welsh Labour Government's policy of bringing in a 20 mph speed limit on all 30 mph roads—a blanket speed limit—is damaging for the economy. By their own figures, they have suggested that it could create a £4.5 billion hit to the Welsh economy. They need to think again.

Virginia Crosbie: I thank the Secretary of State for his answer. More than 8,700 people on Ynys Môn and almost half a million across Wales have signed the Senedd petition to rescind and remove the disastrous 20 mph law. In fact, more people have signed the petition than voted for Labour in the last Senedd election. Unlike the Welsh Labour Government, will the Secretary of State listen to people across Wales and join me in calling for the Welsh Labour Government to reverse this new, disastrous 20 mph law?

David T. C. Davies: I absolutely agree with my hon. Friend and call on the Welsh Labour Government to rescind the policy of a blanket 20 mph speed limit across Wales. At the same time, I call on them to rescind their policy of building no new roads ever again in Wales, and I call on them to scrap their policy of bringing in road charging for using the motorway network. Is it not interesting that not one Labour Member present is willing to stand up to defend their own Senedd Government policy?

Bob Blackman: We have already heard about the importance of tourism to the Welsh economy. Has my right hon. Friend made any assessment of the impact on tourism, which will disappear from Wales as a result of this blanket ban?

David T. C. Davies: My hon. Friend makes an interesting point. People will now not only have to pay extra money to come into Wales as a result of the Welsh Labour Government's tourism tax, but find it a lot slower to get around Wales as a result of the Welsh Labour Government's speed limits. In my constituency of Monmouthshire, the Labour council has recently decided for the first time ever to bring in charges for people who want to use the shops on a Sunday over the Christmas period, meaning that it wants us to slow down, but not to stop.

Richard Foord (Tiverton and Honiton) (LD): Local authorities in Wales have had the opportunity to exempt roads and villages from the blanket application of a speed limit. Devon County Council has had less discretion. In May this year, 105 parishes in Devon applied to the county council to have a 20 mph limit, but only six applications were granted. Does the Minister accept that an opt-in system for 20 mph zones depends on local authorities having enough funding to exercise discretion?

David T. C. Davies: The hon. Gentleman's party is in charge in Powys—I am not sure whether he is aware of that. The reality is that local authorities across Wales need more funding to implement such policies, which have cost £30 million. The Welsh Labour Government are diverting money from local authorities so that they can spend it on their pet schemes, including extra Senedd Members.

Impact of Autumn Statement

6. Ruth Jones (Newport West) (Lab): What discussions he has had with Cabinet colleagues on the impact of the autumn statement on households in Wales. [900421]

The Secretary of State for Wales (David T. C. Davies): I have regular discussions with Cabinet colleagues regarding UK Government support for households in Wales, so I was absolutely delighted that in the autumn statement the Chancellor announced a 9.8% rise in the national living wage, providing an extra £1,800 to the annual earnings of full-time workers.

Ruth Jones: We are all thinking of the lovely Glenys Kinnock and her family, especially my hon. Friend the Member for Aberavon (Stephen Kinnock), at this sad time.

The number of emergency food parcels distributed by the Trussell—[*Interruption.*]

Madam Deputy Speaker: Order. Does it occur to hon. Members when they are conversing in a normal speaking tone, rather than whispering, while a Member is asking a question that it is really rude and discourteous?

Ruth Jones: Thank you, Madam Deputy Speaker. The number of emergency food parcels distributed by Trussell Trust food banks in Newport West is on the rise. In 2018, the number of parcels distributed was 1,971. In the same period this year, over 3,000 were distributed to families. There was nothing in the autumn statement that would make that situation better. Why not?

David T. C. Davies: With respect, I disagree with the hon. Lady. The fact that inflation has been halved will be of benefit to anyone receiving food parcels. The fact that there has been a cut in national insurance will be beneficial for people. The fact that there has been an increase in the living wage will be beneficial for people. The fact that pensions and benefits are going up in line with inflation is going to be beneficial for people in her constituency. What is not going to be beneficial for her constituents is the Welsh Labour Government wanting to spend over £100 million creating extra Senedd Members.

Sir Oliver Heald (North East Hertfordshire) (Con): The Minister will be aware that the UK-EU Parliamentary Partnership Assembly has been meeting in Westminster this week. It was made clear by the co-chair, Natalie Loiseau MEP that Glenys Kinnock had made a huge contribution in the European Parliament, particularly in advocating for women's rights. That was something that she wanted to record, so it is not just in this Parliament that Glenys Kinnock will be remembered for her role in politics.

Does my right hon. Friend agree that the cut in national insurance contributions, the improvement in the national living wage and the cutting of inflation are crucial to Welsh households, as they are across the UK?

David T. C. Davies: I agree with my right hon. and learned Friend on all those points—first, that Glenys Kinnock made an enormous contribution to politics in this country, as has her husband, to whom we send our

condolences, and as does her son who, at this very moment, is working hard to support steelmaking in south Wales. It is a pleasure to work with him on the transition board in Port Talbot, even though we have disagreements from time to time on political matters. May I add to the tributes and support everything that my right hon. and learned Friend said?

I agree that the recent changes in the autumn statement will be beneficial for people in Wales.

Floating Offshore Wind: Celtic Sea

7. Selaine Saxby (North Devon) (Con): What discussions he has had with Cabinet colleagues on expediting the development of floating offshore wind in the Celtic Sea. [900422]

The Secretary of State for Wales (David T. C. Davies): I have regular—in fact, frequent—conversations with Cabinet colleagues and stakeholders to support the floating offshore wind industry, which will create high-quality jobs in Wales. The Government fully support plans for up to 4 GW of floating offshore wind in the Celtic sea, and we are working to bring forward an additional 12 GW through the 2030s, with the potential to bring forward up to £20 billion-worth of investment.

Selaine Saxby: Previous offshore wind developments on England's east coast have shown that appropriate planning is needed to minimise disruption to communities. Does my right hon. Friend agree that the development of floating offshore wind in the Celtic sea should mean single-cable corridors—one to his side of the water, and just one to the north coast of Devon or Cornwall—to reduce environmental and societal disruption?

David T. C. Davies: I know that the electricity systems operator is currently reviewing the design of connections for offshore wind projects. Last week—or possibly earlier this week—I met the Crown Estate, and I have been meeting National Grid to discuss some of the issues around cabling and the reconfiguration of the grid. The decision as to where the cables will go and how many of them there will be is a fairly technical one that I fear I am not qualified to take a view on, but I can assure my hon. Friend that the Crown Estate and National Grid would be more than happy to talk to her about that.

Jim Shannon (Strangford) (DUP): Any onshore and offshore wind in the Celtic sea will affect fishermen in Northern Ireland as well. Can the Secretary of State assure me that, when it comes to plans for offshore wind, the fishing organisations in Northern Ireland, Scotland and Wales will all have input on where it happens, so that fishing will not be affected?

David T. C. Davies: The hon. Gentleman makes a good point. In sparking a floating offshore wind industry, certain challenges need to be dealt with together with various other Government Departments—he has made reference to one challenge. I can assure him that I have already had informal discussions about that, and will be looking to have more such discussions with the Department for Environment, Food and Rural Affairs and other Government Departments to ensure that we overcome all the challenges and create a vibrant, sustainable industry for the future.

Energy Bills

8. **Alex Cunningham** (Stockton North) (Lab): What recent discussions he has had with Cabinet colleagues on the cost of energy bills in Wales. [900423]

The Secretary of State for Wales (David T. C. Davies): I have regular discussions with Cabinet colleagues on a variety of issues, including the cost of energy bills. The Government recognise the challenges posed by cost of living pressures, which is why we are providing on average £3,700 per household from 2022-23 to 2024-25 to support households and individuals with the cost of living.

Alex Cunningham: The Minister may not be aware of the very successful Warm Wales programme in the noughties, which saw tens of thousands of homes have their cavities and lofts insulated, saving residents in Neath, Port Talbot and Wrexham hundreds of pounds every year. Do the Government recognise that concentrated schemes of that nature have a major impact on fuel poverty, and will Ministers steal our plans, which would see hundreds of thousands more households benefit?

David T. C. Davies: I am well aware that there are a number a renewable energy schemes that could have a positive benefit on householders in Wales, which is why the UK Government have been so supportive of the potential for floating offshore wind in the Celtic sea, and why, in the last round, we arranged higher strike prices for tidal energy. We are looking at a wide range of renewable energy systems that can bring benefits to people in Wales. At the same time, in recognising the cost of living pressures, the UK Government ensured that we were paying around half the average fuel bills for homeowners during the last winter period.

Farming

9. **Alexander Stafford** (Rother Valley) (Con): What steps he is taking to support farming in Wales. [900424]

The Parliamentary Under-Secretary of State for Wales (Fay Jones): Last week, I had the pleasure of talking to farmers at the Royal Welsh Agricultural Society winter fair, and at livestock markets in Sennybridge and Talybont in my constituency. The UK Government are committed to backing Welsh farming, most notably by allocating more than £900 million to the Welsh Government. That delivers on our manifesto commitment to maintain funding for farmers and land managers at 2019 levels.

Alexander Stafford: Farmers across the UK—from those in the country of Wales to those in the village of Wales in Rother Valley—face increasing pressures. The Minister will know that I am holding my next farmers' forum with the Minister for Food, Farming and Fisheries, my right hon. Friend the Member for Sherwood (Mark Spencer), early next year in Rother Valley. What is my hon. Friend doing to support farmers in the country of Wales, farmers in the village of Wales in Rother Valley and farmers across the whole of the UK?

Fay Jones: I congratulate my hon. Friend on his work to ensure that the voice of farming is heard by the Minister. Like me, he understands that farmers across

this country are the beating heart of the rural economy, driving growth in rural constituencies such as mine. I must say, that attitude stands in stark contrast to that of the Labour party in Wales, which has already cut £37 million from the Welsh agriculture budget. We wait with trepidation to see what damage Labour will do to Welsh farmers next week.

Madam Deputy Speaker (Dame Eleanor Laing): I call Stephen Doughty—[*Interruption.*] Order. That just proves the point: Members are not paying the least bit of attention to a colleague who is about to speak—he could not even hear his name being called. It is rude to keep talking when someone is trying to ask an important question.

Rail Infrastructure

11. **Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): What discussions he has had with Cabinet colleagues on the adequacy of rail infrastructure in Wales. [900426]

12. **Chris Elmore** (Ogmore) (Lab): What discussions he has had with Cabinet colleagues on the adequacy of rail infrastructure in Wales. [900427]

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Thank you for your generosity, Madam Deputy Speaker. I, too, pay tribute to my very good friends in the Kinnock family after the loss of Glenys, who was a dear friend to all of us, and note the sad death of the former Member for Rhondda.

I ask the Secretary of State—

Madam Deputy Speaker: Order. Let the Minister respond to the question.

The Parliamentary Under-Secretary of State for Wales (Fay Jones): The UK Government are committed to building a strong rail infrastructure network across Wales, which will improve connectivity and drive economic growth.

Stephen Doughty: My constituents want the parkway station to be built at St Mellons. That will require important work on the south Wales main line for relief lines. Will the Minister meet me and colleagues, with the rail Minister—the Minister of State, Department for Transport, the hon. Member for Bexhill and Battle (Huw Merriman)—to ensure that this important national investment is made, so that the station can go ahead?

Fay Jones: I will be delighted to meet the hon. Gentleman to discuss that and the investment that the UK Government are already putting into rail infrastructure in Wales.

Chris Elmore: The Secretary of State and the Minister should know that I have campaigned for years to close the dangerous level crossing in Pencoed in my constituency. No levelling-up funding or transport bid funding has been approved for any of the applications. Will the Minister please talk to Department for Transport officials to resolve this, rather than allowing DFT officials to keep announcing more and more rail services, which means closing the crossing more by stealth? That is not acceptable to my constituents.

Fay Jones: I worked well with the hon. Gentleman when I was in the Government Whips Offices and I very much look forward to doing so again. I will write to him to offer a meeting about that.

Madam Deputy Speaker: Before we proceed to Prime Minister's questions, many colleagues have asked me to pass on their best wishes to Mr Speaker in his absence. I am happy to inform the House that, although Mr Speaker has tested positive for covid and therefore cannot be present in the Chamber, he is rapidly getting better. Just as soon as that little test shows negative, he will be straight back here in his Chair.

PRIME MINISTER

The Prime Minister was asked—

West Midlands: Economic Growth

Q1. [900527] **Michael Fabricant** (Lichfield) (Con): Whether he has had recent discussions with the Mayor of the West Midlands on economic growth in that region.

The Prime Minister (Rishi Sunak): I welcome you to your place, Madam Deputy Speaker. I know that the whole House wishes Mr Speaker a speedy recovery. Before I answer my hon. Friend's question, I also know that the whole House will want to join me in offering our condolences to the family and friends of Alistair Darling, Glenys Kinnock and Lord James Douglas-Hamilton. They each made an enormous contribution to public life and will be deeply missed.

The Hillsborough families have suffered multiple injustices: the loss of 97 lives, the blaming of the fans and the unforgivable institutional defensiveness of public bodies. I am profoundly sorry for what they have been through. Today, the Government have published their response to Bishop James Jones's report to ensure that the pain and suffering of the Hillsborough families is not repeated. I am immensely grateful that they shared their experiences. I hope to meet them in the new year, and the Lord Chancellor and Secretary of State for Justice will make an oral statement after PMQs.

Turning to the question asked by my hon. Friend the Member for Lichfield (Michael Fabricant), the Government continue to work closely with the Mayor of the West Midlands to develop fully his plan to deliver growth.

Michael Fabricant: I join the Prime Minister in his comments about the Hillsborough families.

It is thanks to Margaret Thatcher and her robust treatment of militant trade unions in the west midlands, and to her contribution of £10 billion at today's prices to the motor industry in the west midlands that iconic names such as Jaguar and Land Rover still exist. Does the Prime Minister share my boundless joy that on the road to Damascus and in recognition of her great heritage and all that she achieved, another fanboy has joined in her great belief—the Leader of the Opposition?

The Prime Minister: My hon. Friend is a fantastic champion for his area, and because of the pro-business policies of this Government, I am delighted to see that Jaguar Land Rover has invested billions of pounds in its move towards electrification in the region. He is absolutely right: I am always happy to welcome new

Thatcherites from all sides of this House, but it says something about the Leader of the Opposition that the main strong female leader that he could praise is Margaret Thatcher, not his own fantastic deputy.

Engagements

Q3. [900529] **Sarah Champion** (Rotherham) (Lab): If he will list his official engagements for Wednesday 6 December.

The Prime Minister: This morning, I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Sarah Champion: The Government are set to close the household support fund in March, cutting off crucial free meals for 12,000 of Rotherham's children in the lowest-income families. With the Government's cost of living crisis in full swing and energy prices about to increase again, how does the Prime Minister justify taking food from the mouths of my poorest children?

The Prime Minister: What we are doing is ensuring that no child should grow up in poverty. That is why we have not only provided considerable cost of living support this year, worth over £3,000 to a typical household, but provided more support this winter for pensioners, a record increase in the national living wage, and a full indexation and uplifting of welfare for the next financial year. When it comes to children and food, not only do we fund free school meals for almost 2 million children, but we introduced the holiday activities and food programme. That programme provides not just food but enriching activities to deprived children up and down the entire country, including in the hon. Lady's local authority.

Q2. [900528] **Caroline Ansell** (Eastbourne) (Con): If there is one place where everyone should feel safe, it is in their own home, but the reality is that for some of the most vulnerable people, home is precisely where they can be most at risk. They are terrorised by criminals who target them, move in, take control, and set up a base camp from which they sell drugs or facilitate prostitution in a horrendous form of exploitation known as cuckooing. It has happened in Eastbourne, and it is happening across the country. It is not an offence, but it should be; it was not cited in the Criminal Justice Bill that we debated last week, so will my right hon. Friend and the Home Secretary meet with me and concerned colleagues to further discuss the issue?

The Prime Minister: I agree with my hon. Friend that cuckooing is an abhorrent practice that often preys on the most vulnerable in society. As part of the Government's antisocial behaviour action plan, the Home Office engaged with relevant stakeholders about whether a new criminal offence was necessary. The results of that engagement demonstrated that a range of existing powers can be used to disrupt that activity, but of course I will ensure that the relevant Minister meets with my hon. Friend and updates her on the work we are doing to share effective practice to tackle this abhorrent problem.

Madam Deputy Speaker (Dame Eleanor Laing): I call the Leader of the Opposition.

Keir Starmer (Holborn and St Pancras) (Lab): It is very good to see you in your place, Madam Deputy Speaker. We wish Mr Speaker a speedy recovery.

This week, we lost two giants of the Labour family, and I thank the Prime Minister for his comments. Alistair Darling was a man of unassuming intelligence, warmth and kindness. He brought a calm expertise and, in private, a cutting wit, and his devoted love of his family was ever present. Our thoughts are with Maggie, his wife, and Calum and Anna, whom he loved so dearly.

Glenys Kinnock was a passionate campaigner for social justice who changed lives at home and abroad. She was a loving and supportive partner and mother, and her death is a huge loss to all of us. We are thinking of Neil, Stephen, Rachel and all the family. I also echo the Prime Minister's comments in relation to Lord Douglas-Hamilton.

In relation to the Hillsborough families, they deserve justice. In a previous capacity, I worked with the families. They waited a very long time for the findings, thanks to people in this House, and they have waited a long time for this response, but I am glad it is now coming.

If the purpose of the Rwanda gimmick was to solve a political headache of the Tories' own making—to get people out of the country who they simply could not deal with—then it has been a resounding success. After all, they have managed to send three Home Secretaries there—an achievement for which the whole country can be grateful. Apart from members of his own Cabinet, how many people has the Prime Minister sent to Rwanda?

The Prime Minister: As I have been clear before, we will do everything it takes—*[Interruption.]* We will do everything it takes to get this scheme working so that we can indeed stop the boats. That is why this week we have signed a new legally binding treaty with Rwanda, which, together with new legislation, will address all the concerns that have been raised. Everyone should be in no doubt about our absolute commitment to stop the boats and get flights off, because—this is the crucial point that the right hon. and learned Gentleman does not understand—deterrence is critical. Even the National Crime Agency has said that

“you need an effective removals and deterrence agreement”

if you truly want to break the cycle of tragedy that we see. What we heard this morning from his own shadow Ministers was that they would scrap the scheme even when it is operational and working. Once again, instead of being on the side of the British people, he finds himself on the side of the people smugglers.

Keir Starmer: When the Government first announced this gimmick, they claimed Rwanda would settle tens of thousands of people—tens of thousands of people. Then the former Deputy Prime Minister quickly whittled it down to mere hundreds. Then the Court of Appeal in June made it clear there is housing for just 100. The current number of people sent there remains stubbornly consistent—zero. At the same time, article 19 of the treaty says:

“The Parties shall make arrangements for the United Kingdom to resettle a portion of Rwanda's most vulnerable refugees in the United Kingdom”.

So how many refugees from Rwanda will be coming here to the UK under the treaty?

The Prime Minister: Madam Deputy Speaker—*[Interruption.]*

Madam Deputy Speaker: Order.

The Prime Minister: The treaty, as I have said, addresses all the concerns of the Supreme Court, but it is a point of pride that we are a compassionate country that does welcome people from around the world. Let me just get the right hon. and learned Gentleman up to speed on what we are doing: we have reduced the number of illegal arrivals from Albania by 90%; increased the number of illegal working raids by 50%; and because of all the action we have taken, the number of small boat arrivals is down by one third. But what is the right hon. and learned Gentleman's plan? What it comes down to is that he simply does not have a plan to address this problem. *[Interruption.]* No, no, I am probably being unfair, because he does have a plan: it is to cook up a deal with the EU that would see us accept 100,000 illegal migrants.

Keir Starmer: Migration has trebled on the Prime Minister's watch, and all he can do is make up numbers about the Labour party. It is really pitiful. I am not actually sure the Prime Minister can have read this thing. Article 4 says the scheme is capped at Rwanda's capacity—that is 100. Article 5 says Rwanda can turn them away if it wants. Article 19 says we actually have to take refugees from Rwanda. How much did this “fantastic” deal cost us?

The Prime Minister: As the Home Secretary was crystal clear about, there is no incremental money. *[Interruption.]* There is no incremental money that has been provided. This is about us ensuring that the concerns of the Supreme Court have all been addressed in a legally binding treaty that will allow us to operationalise the scheme. But I am glad the right hon. and learned Gentleman raised the topic of legal migration, which I agree is absolutely far too high. That is why this week we have outlined a plan, bigger than that of any other Government before, to reduce the levels of legal migration by 300,000. It is an incredibly comprehensive plan, so if he cares so much about it, the simple question for him is: does he support the plan?

Keir Starmer: He clearly hasn't read it. Annex A says that, on top of the £140 million he has already showered on Rwanda, when we send people there under this treaty, we will have to pay for their accommodation and upkeep for five years. And that is not all: a Minister admitted this morning that anyone we send to Rwanda who commits a crime can be returned to us. I am beginning to see why the Home Secretary says the Rwanda scheme is—it was something to do with bats, wasn't it?

What does the Prime Minister think first attracted Mr Kagame to hundreds of millions of pounds for nothing in return?

The Prime Minister: I have slightly lost the thread of the question. The simple point is that if you believe in stopping the boats, as we on this side of the House do,

you need to have effective deterrence and a returns agreement. It is as simple as that.

The right hon. and learned Gentleman is not interested in stopping the boats, which is why he is not interested in the Rwanda plan. In fact, we know they do not want to tackle this issue, because even when this Government were trying to deport foreign national offenders from this country, they opposed it. Multiple shadow Front Benchers signed a letter to me to that effect, but I do not need to tell him that, because he signed it too! *[Interruption.]*

Madam Deputy Speaker: Order. That is enough.

Keir Starmer: I would say that this treaty has more holes than a Swiss cheese, but I do not want to wind up the Prime Minister by talking about a European country again.

I have to give credit to the Rwandan Government. They saw the Prime Minister coming a mile off. I can only imagine their delight and sheer disbelief when, having already banked £140 million of British taxpayers' money without housing a single asylum seeker, the Prime Minister appeared again with another offer they cannot refuse—a gimmick will send taxpayers' money to Rwanda and refugees from Rwanda to Britain, and will not stop the boats. There was mention of Margaret Thatcher earlier—[HON. MEMBERS: "More!"]

Madam Deputy Speaker: Order. There is understandable excitement about the mention of the name, but the House must listen to the Leader of the Opposition.

Keir Starmer: How did the Tory party go from "Up yours Delors" to "Take our money, Kagame"?

The Prime Minister: When it comes to this European thing and Margaret Thatcher, this is the week that the shadow Foreign Secretary did not rule out rejoining the European Union. The Leader of the Opposition can roleplay Margaret Thatcher all he wants but, when it comes to Europe, his answer is the same: "Yes, yes, yes."

Keir Starmer: Forget the private jet; the Prime Minister is obviously on a private planet of his own. *Daily Mail* readers learned this week that he has begun to feel sorry for himself. He has even been heard comparing his plight to his beloved Southampton football club. I think that is a bit harsh, because the Saints have been on an 11-game unbeaten run while, as the song has it, the Prime Minister gets battered everywhere he goes.

If we want the perfect example of how badly the Tories have broken the asylum system, last week the Home Office admitted that 17,000 people in the asylum system—*[Interruption.]*

Madam Deputy Speaker: Order. Come on now.

Keir Starmer: Thank you, Madam Deputy Speaker.

If we want the perfect example of how badly the Tories have broken the asylum system, last week the Home Office admitted that 17,000 people in the asylum system have disappeared. These are its exact words, and they are hard to believe:

"I don't think we know where all those people are".

Now, you might lose your car keys, you might lose your headphones, you might lose your marbles, but how do you lose 17,000 people?

The Prime Minister: On the topic of football teams, the right hon. and learned Gentleman used to describe the Rwanda policy as immoral, yet his football team have a "Visit Rwanda" badge on the side of their shirts. In the week when he made his big economy speech, we are still waiting to hear how he is going to borrow £28 billion and still cut taxes and reduce debt. It is the same old thing: the sums do not add up. While the Opposition are struggling with their calculator, we are getting on and delivering—a new treaty with Rwanda, the toughest ever measures to cut legal migration, our schools marching up the tables, and tax cuts for millions. Whether it is controlling our borders or lowering our taxes, just like the Saints, the Conservatives are marching on.

Q5. [900531] Tim Loughton (East Worthing and Shoreham) (Con): I am getting fed up of sitting in traffic jams in my constituency caused by contractors digging up roads, involving lane closures and temporary traffic lights, often invoking utility company emergency powers when it turns out not to be an emergency and often with no sign of anybody doing any work, particularly over weekends. I set up a campaign to name and shame these inconsiderate contractors, but it turns out that when they cause all this chaos and breach the rules of their permit, the maximum penalty is an £80 fixed penalty notice. Will the Prime Minister back my campaign and support better enforcement and realistic levels of fines?

The Prime Minister: My hon. Friend makes an excellent point. We have set aside £8 billion as a result of our plans on HS2, which is enough to resurface over 5,000 miles of road to improve journeys—a cornerstone of our plan—but we are also introducing a range of measures, as my hon. Friend says, to reduce congestion from roadworks. Contained in the plan for drivers is a scheme for greater fines and penalties to ensure that works finish on time. I will make sure that we look at his suggestion, and I wholeheartedly back his campaign.

Madam Deputy Speaker: I call the leader of the Scottish National party, Stephen Flynn.

Stephen Flynn (Aberdeen South) (SNP): Is the Prime Minister worried that he is projected to be the first Conservative party leader to lose a general election to a fellow Thatcherite? *[Interruption.]*

Madam Deputy Speaker: Order. We really must hear the Prime Minister, and we have a lot of questions to get through. *[Interruption.]* It is not the Prime Minister's opponents who are giving him trouble.

The Prime Minister: I say to the hon. Gentleman that Margaret Thatcher's view was to cut inflation, then cut taxes and then win an election, and that is very much my plan.

Stephen Flynn: Of course, it is not just in relation to Margaret Thatcher that the Tory and Labour leaders appear to agree; the same is true of the Government's latest migration policies. Those of us on these Benches

are not afraid to say that we believe migration is a good thing. It enriches our communities, it enriches our economy, and it enriches our universities, our schools, our health service and, of course, our care sector. Why does the Prime Minister think it is acceptable to ask people to come to these shores to care for our family members, while we show complete disregard for theirs? What has become of this place?

The Prime Minister: That is completely wrong. As we have already said, we have a proud track record of welcoming those who are most vulnerable around the world—over half a million over the past few years from Syria, Afghanistan, Ukraine, Hong Kong and elsewhere—and that is what this country will always do. But at the same time, when it comes to economic migration and other forms, it is absolutely right that we take strong action to curb the levels that we have seen, because they are simply far too high and place unsustainable pressure on our public services. I make no apology for saying that or, indeed, for saying that it is important that those who come here contribute to our public services.

Q8. [900534] **Chris Loder** (West Dorset) (Con): I welcome the Government's significant funding increase for two-year-olds' pre-schooling in 2023, but the illustrative 2024-25 Department for Education funding to Dorset Council for two-year-olds' pre-schooling looks to be a net 17p per hour less than it is today, and that is giving West Dorset preschools some nervousness about their sustainability. Will my right hon. Friend support me to ensure that educational funding formulas will take into account the challenges of rural living and allow excellent preschools to—

Madam Deputy Speaker: Order. I think we have got it.

The Prime Minister: In a couple of years' time, we will have increased spending to over £8 billion every year on free hours and early education, which will help working families with childcare costs; indeed, it is the single biggest investment in childcare in England ever. But my hon. Friend makes an excellent point, and that is why we will ensure that there is a discretionary supplement in the local authorities' local funding formula for rural communities to account for the smaller economies of scale, so that they can continue to deliver their vital work.

Stephen Farry (North Down) (Alliance): Nine months on from the Windsor framework, I thank the Prime Minister for his ongoing efforts to restore the Northern Ireland Assembly and Executive. However, if and when the institutions are restored, they will still be plagued by the same structural weaknesses that have seen repeated collapses and unfairness on things such as designations. This week, the Northern Ireland Affairs Committee published a report calling for a review of the Good Friday agreement. Many architects of the agreement, such as Tony Blair, John Major and Bertie Ahern, have recognised the case for reform. Will the Prime Minister commit to an early review of the agreement to improve its stability, effectiveness and fairness?

The Prime Minister: I recognise the hon. Member's campaigning on this issue and I have great respect for his position. Indeed, we have spoken on a number of

occasions both here and on my visits to Northern Ireland. My focus right now is on getting the institutions up and running, and my overarching priority is to get public services in Northern Ireland back on track, which I know is an ambition that he and I share. Any reform of institutions is best dealt with with the support of all parts of the community. When it comes to restoring the current institutions, the Government are doing everything they can to support efforts, and I know that the Secretary of State will be in touch for engagement with the parties imminently on that point.

Q12. [900538] **Nick Fletcher** (Don Valley) (Con): Yesterday, 13 men died by suicide; today, 88 men will die of heart disease; tomorrow, and every day, 90,000 men will wake up in prison; and today we have 2.2 million boys living at home with no dad. Thankfully, we have an excellent Cabinet Minister for women, and an excellent Minister for Women. Will the Prime Minister meet me to discuss the merits of a Minister for men and boys? As Warren Farrell has said, when one sex loses, "both sexes lose".

The Prime Minister: My hon. Friend should be commended for his tireless campaigning on this issue. He is particularly right to focus on suicide, and I am grateful for his engagement with the suicide prevention strategy, which sets out the actions that we will take to reduce suicides in the coming years. It was thanks in part to his campaigning that on International Men's Day we announced that we are appointing the first men's health ambassador and launching a men's health taskforce. I look forward to continued collaboration with him so that we can represent his concerns adequately.

Q4. [900530] **Simon Lightwood** (Wakefield) (Lab/Co-op): Convicted criminals are being held in police station cells across West Yorkshire because the Government have completely failed to deliver more prison places. Two thirds of prisons are overcrowded, criminals are let out early—if sentenced at all—only 2% of rapists reach court, serious violence is up by 60%, knife crime is up by 70%, and nearly 65,000 cases are waiting to be heard. How can the Prime Minister reassure the residents of Wakefield that they are safe on our streets?

The Prime Minister: We have a clear plan to protect victims, punish criminals and cut crime. We are in fact investing £400 million more in prison places on top of the £4 billion that I announced as Chancellor, which is delivering 20,000 new cells. We are also making sure that rapists serve every day of their sentences and ensuring that life means life for the worst offenders—something that I hope the Labour party will be supporting soon.

Sir Oliver Heald (North East Hertfordshire) (Con): My constituents Ceri and Frances Menai-Davis, who are in the Public Gallery, lost their son after a long battle with cancer, during which they visited him in hospital every day. They have set up a charity called It's Never You to help parents in that situation, and on Monday I intend to present a Bill that will ask the Government to report on what support can be given to those parents. I hope the Prime Minister might ask Ministers to discuss that with me so that we can find a way forward to help parents in that dreadful situation.

The Prime Minister: May I express my sympathies to my right hon. and learned Friend's constituents for what they have been through, and commend them for setting up the It's Never You charity? I will ensure that he and the organisers get the appropriate meeting with the Minister to discuss its important work. He is absolutely right that parents who are in that situation should have all the support they need, and we will make sure that that happens.

Q6. [900532] Rebecca Long Bailey (Salford and Eccles) (Lab): One in five of my residents lives in fuel poverty and, according to Cornwall Insight, this winter looks to be the most brutal yet, with the current trajectory in energy prices expected to be the new norm for the rest of the decade. As the Prime Minister will know, one of the best ways to support households is through the introduction of a social tariff. He promised a consultation by summer this year, but we are still waiting. When will the consultation be released?

The Prime Minister: We have also provided considerable support in the here and now for households with their energy bills: £900 of direct cost of living support this financial year on top of a record increase in benefits, along with winter fuel payments of up to £300 this winter for pensioners, because they are particularly vulnerable. We will continue to look at all the support we have to ensure that those who need it are getting the help they deserve.

Andrew Selous (South West Bedfordshire) (Con): During COP28, will the Prime Minister salute South West Bedfordshire's contribution to our nation's energy security for having had the tallest wind turbine in England, the largest battery in Europe and now the most powerful wind turbine in England, which has local support? Can we also ensure that my constituents now get cheaper energy bills for hosting this vital infrastructure?

The Prime Minister: We are looking exactly at how local communities can benefit when new infrastructure is in their vicinity, as part of our new plan for increased energy security. May I commend my hon. Friend's local area for the contribution it is making to our clean energy transition? It is a great example of this country's fantastic track record in delivering net zero and decarbonising faster than any other major economy, not something we will hear from the Labour party, but something that those of us on the Government Benches are very proud of.

Q7. [900533] Judith Cummins (Bradford South) (Lab): The Government failed in their legal duty to publish a report on spiking by April, stating that they were reconsidering whether their rationale for not introducing a specific offence for spiking was sound. Will the Prime Minister clarify when and if the spiking report will ever be published? Does he agree with me and colleagues right across the House that the only sound approach to this issue is to create a specific criminal offence for spiking?

The Prime Minister: This issue has been reviewed by legal police colleagues. My latest understanding is that existing laws did cover the offence of spiking, but I am happy, of course, to ensure that the hon. Lady gets a letter that explains the position.

Paul Holmes (Eastleigh) (Con): Not content with being the third-most indebted council in England, with a debt of £670 million, Liberal Democrat Eastleigh Borough Council recently refinanced its failed One Heaton Heath housing project to the tune of £148 million, with no houses built and interest payments of £386,000 per month. Will the Prime Minister now ask the Department for Levelling Up, Housing and Communities to intervene and independently investigate the development? May I ask for a meeting with the relevant Minister to discuss this terrible decision by Eastleigh Borough Council?

The Prime Minister: I am aware that some local authorities, including the one my hon. Friend mentions, have taken excessive risks with borrowing and investment practices. That is why we have taken a range of measures to strengthen the regulatory framework to prevent that from happening. They include new powers that make it quicker and easier for the Government to step in when councils take on excessive risk through borrowing. I will ensure that he gets a meeting with the relevant Minister to raise his concerns, because his constituents deserve better.

Q9. [900535] Mary Glendon (North Tyneside) (Lab): National Energy Action says that 13% of North Tynesiders are in fuel poverty, 3,000 homes have legacy prepayment meters and we are in the bottom 5% for energy efficiency, but the Chancellor announced no new funding to help people this winter. We are now in advent, so what Christmas message does the Prime Minister have for my constituents who are freezing in their homes?

The Prime Minister: As I outlined, we have provided considerable support for particularly vulnerable families this year and through this winter. We are also investing record sums in improving the energy efficiency and insulation of vulnerable homes through our home upgrade scheme and the warm home discount, which on average can save people hundreds of pounds on their energy bills when they receive that support. We are expanding those programmes across the country, including in the north-east.

Mrs Flick Drummond (Meon Valley) (Con): The prosecutor of the International Criminal Court, Karim Khan KC, has concluded his first visit to Israel and Palestine, and has said:

"We must show that the law is there, on the front lines, and that it is capable of protecting all".

What support will Britain offer the International Criminal Court to enable it to conduct investigations of the conduct of all parties in Israel, Gaza and the west bank before and since 7 October?

The Prime Minister: As is well known, we are a strong and long-standing supporter of the International Criminal Court. When it comes to the situation in Gaza, we have been consistent in saying that international humanitarian law has to be respected. All parties must take every possible step to avoid harming civilians, and I can say that I stressed that point specifically just yesterday to Prime Minister Netanyahu.

Q10. [900536] Mr Gregory Campbell (East Londonderry) (DUP): The Prime Minister is aware that the household tax known as the television licence fee is due to rise in

April in line with inflation. Given the ongoing household budget constraints with which all our constituents are faced, such as increasing childcare costs, as well as ongoing unresolved staffing issues at BBC Northern Ireland, national BBC television and national BBC radio, is this really the right time to proceed with an even larger £3.7 billion licence fee budget, enhanced yet again?

The Prime Minister: We have already agreed a fair settlement with the BBC that will see the licence fee remain frozen until 2024. However, the hon. Member has raised an excellent point. I have been clear about the fact that the BBC needs to be realistic about what is possible in an environment like this, and the licence fee should rise only at a level that people can actually afford. The Culture Secretary has said that “we are looking at” this issue right now, and she will set out more details in due course.

Jack Brereton (Stoke-on-Trent South) (Con): Longton, the largest town in my constituency, has not benefited from future high streets funding, from town deals, or from the latest long-term plan for towns. Will my right hon. Friend ensure that it can have some investment from the Government, and does he agree that some of the latest National Lottery Heritage Fund award to Stoke-on-Trent should definitely be invested there?

The Prime Minister: My hon. Friend is a tireless champion for his local community. I know that there has been considerable investment in his area over the past few years in plenty of ways, but he has made an excellent point about making sure that no one misses out on the considerable resources that are being invested in Stoke, and I will ensure that the Department for Levelling Up, Housing and Communities takes his concerns very seriously.

Several hon. Members *rose—*

Madam Deputy Speaker (Dame Eleanor Laing): Order. We are running way over time. I appreciate it would be a great disappointment to Members whose names are on the Order Paper if they were not called, so I am trying my best to call them all, but may I please make a plea for brevity?

Q11. [900537] **Kerry McCarthy** (Bristol East) (Lab): When the Prime Minister is taking a dip in his pool or is on the beach at his place in California, he does not have to worry about swimming in sewage. The rest of us do not have it so good, so why will he not back Labour’s plans for criminal liability for water company bosses who fail to clean up their act?

The Prime Minister: We have already brought in regulations that ensure there can be unlimited fines for water companies, and there have been dozens of criminal prosecutions. I would also say, however, that when we had a debate in the House on exactly a plan that would do all this, who did not show up to vote? It was the Labour party.

James Sunderland (Bracknell) (Con): In recent weeks I have seen at first hand the extraordinary work conducted by specialist care staff in accident and emergency units. As politicians, we are often guilty of using the NHS as a political football, but when it becomes personal, one is

reminded that what we have in the UK is very special. Will the Prime Minister join me in thanking our superb NHS staff in Bracknell, across Berkshire, in neighbouring Basingstoke and Frimley Park Hospitals, and beyond?

The Prime Minister: NHS staff are at the heart of what makes our health service work. There would not be an NHS without them—without their skill, their expertise and their dedication. I was delighted I could pay them my thanks last week in person. I join my hon. Friend in thanking NHS staff not just in his constituency but across the country for their dedicated hard work and public service.

Q13. [900539] **Dame Nia Griffith** (Llanelli) (Lab): It is now six years since Bishop James Jones published the Hillsborough report, and only today, finally, do we get the Government’s response. When will the Government introduce not just a voluntary charter, an independent public advocate or a code of ethical policing, but a full Hillsborough law to force those in public office to co-operate fully with investigations, and to guarantee fairer funding to enable those affected by a major tragedy to challenge public institutions?

The Prime Minister: As I have said, I am profoundly sorry for what the Hillsborough families have been through, and my right hon. Friend the Justice Secretary will be making a full statement immediately after PMQs.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): I refer Members to my entry in the Register of Members’ Financial Interests. Having worked as a junior doctor, I understand that it is a demanding job and have sympathy with the challenges they face. However, the strikes that are planned for the festive period threaten public safety and will delay treatment. Causing patients suffering in the pursuit of more money for oneself is, in my view, morally indefensible. What concrete steps is the Prime Minister taking to prevent the strikes, and will he bring forward minimum service legislation to protect patients in case they do go ahead?

The Prime Minister: My hon. Friend makes an excellent point and speaks from a position of experience on this issue. The Government have now reached settlements with every other part of the public sector, including, most recently, consultants, and I am grateful to them for their constructive engagement with the Government. The junior doctors are taking action in the face of a recommendation from an independent body of a 9% pay rise, on average—the highest increase across the entire public sector. The Government have gone beyond that in conversations with them, but they have still decided to take damaging strike action. It is wrong, and that is why we have introduced minimum service levels, to ensure that we can guarantee a safe level of care for patients across the NHS. It would be good to hear from the Labour party, at some point, whether they will get off the fence, condemn these strikes and back these minimum service laws.

Q14. [900540] **Kate Hollern** (Blackburn) (Lab): Universal credit is broken. One constituent told me that the Department for Work and Pensions is refusing to reimburse her childcare payment because it was four days late due to a phone being broken. She is down £1,200 and is

unable to pay for childcare. She has lost her job and will likely have to move house. With three weeks to go before Christmas, she is extremely anxious and distressed. Does the Prime Minister realise the real consequences for real people of this broken system?

The Prime Minister: I am sorry to hear about the circumstances of the hon. Lady's constituent. If the hon. Lady writes to me, I will make sure that we get specific support in place for her constituent and ensure that she can access what she needs. When it comes to universal credit, I strongly disagree with the hon. Lady. It was only because of the actions of my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) that universal credit was implemented, and the only reason we were able to get support to millions of vulnerable people during the pandemic was that we had replaced the legacy system with universal credit, and that was opposed at every step by the Labour party.

Simon Baynes (Clwyd South) (Con): It is always a pleasure to work closely with my right hon. Friend the Member for Montgomeryshire (Craig Williams) in delivering important projects, such as the Llanymynech-Pant bypass on the border with north Shropshire, and today is another example of our partnership. He is unfortunately unable to ask a question, given his role as the Prime Minister's Parliamentary Private Secretary, so will the Prime Minister join me in highlighting my right hon. Friend's work with the Famers Union of Wales in organising the terrific celebration of Montgomeryshire Day in the Jubilee Room straight after Question Time?

The Prime Minister: My hon. Friend is an excellent campaigner for his constituents, as indeed is my right hon. Friend the Member for Montgomeryshire (Craig Williams). It is fantastic to see these local projects being delivered in their area—and I am grateful to my right

hon. Friend for teaching me how to pronounce “Pant-Llanymynech” for my first Budget. I am delighted to declare from the Dispatch Box that today is now officially Montgomeryshire Day, and I look forward to everyone celebrating in the Jubilee Room straight after Question Time.

Q15. [900541] **Gerald Jones** (Merthyr Tydfil and Rhymney) (Lab): I beg your indulgence briefly, Madam Deputy Speaker, to wish my constituent who was attacked in yesterday's serious incident in Aberfan a speedy recovery. I thank the emergency services and school staff for their swift and professional response.

Britain is getting smaller on the world stage on this Prime Minister's watch. His climate failures mean that our children and grandchildren will bear the brunt of the costs. His plans are undermining Britain's energy security and bills are still sky high for working families, yet he is hiking the tax burden and real living standards are falling by more than 3%. Tinkering with a reset just does not compensate for 13 years of failure, does it, Prime Minister?

The Prime Minister: First, can I say that my thoughts are with the victim and her family after the awful incident that took place on the streets of Aberfan? We wish them a full and speedy recovery, and I join the hon. Gentleman in thanking the emergency services for their immediate response.

The hon. Gentleman talked about leaving our children and grandchildren with costs. He is right to raise that because it is important that we do not do that. The question, then, for him and the Labour party is: why do they want to embark on a green borrowing spree of £28 billion a year that will just mean higher taxes for our children and grandchildren and higher mortgage rates? It is the same old story: reckless borrowing and the British people paying the price.

Hillsborough: Bishop James Jones Report

12.46 pm

The Lord Chancellor and Secretary of State for Justice (Alex Chalk): With permission, Madam Deputy Speaker, I would like to make a statement on the Government's response to Bishop James Jones's report, "'The patronising disposition of unaccountable power'—A report to ensure the pain and suffering of the Hillsborough families is not repeated", and on the steps we will take to respond to the points of learning contained therein.

Bishop James has done our nation a great service and his report is an exceptional piece of work. I salute the Hillsborough families for the assiduous care they have given to help to create the report and forge the response that flows from it. I had the privilege of meeting many of the families in Liverpool in June this year, alongside the former Home Secretary. I was deeply moved to hear of their experiences, and by the dignity with which they shared them, but perhaps even more affecting was their unflinching determination to make sense of the senseless and bring about change for others. That is the true mark of compassion: campaigning selflessly for change, knowing that nothing that any Government can do will bring back their own loved ones or temper their grief.

The Hillsborough families have, through their determined efforts over decades, created a lasting legacy—a national legacy—that is a tribute to their loved ones. At the start of his report, Bishop James expressed his hope that "we might be a better nation for having listened to them."

We are, and they deserve the thanks of our nation.

I also pay tribute to those in this House who continue to campaign on behalf of the Hillsborough families and for families bereaved by other tragedies, including the right hon. Member for Garston and Halewood (Maria Eagle) and the hon. Members for Halton (Derek Twigg), for Wirral South (Alison McGovern) and for Liverpool, West Derby (Ian Byrne). I thank former members of the House who have given important support to the families, including Steve Rotheram and Andy Burnham, and I of course thank the former Prime Minister, my right hon. Friend the Member for Maidenhead (Mrs May). I also thank Glenn Taylor for his vital work on the ongoing independent forensic pathology review.

Quite apart from its important recommendations, Bishop James's report laid bare the truly devastating experiences of those bereaved by the Hillsborough disaster on 15 April 1989. An unimaginable tragedy unfolded: 97 innocent men, women and children ultimately lost their lives; hundreds more were injured and traumatised by what they saw. But for Hillsborough's bereaved and survivors, that terrible day was only day one of an enduring ordeal, and in the days and decades thereafter, it became clear that they suffered a double injustice. First, there was the abject failure of the police and others at the ground to protect their loved ones—failures described in Lord Justice Taylor's 1990 report as "blunders of the first magnitude".

Then, they faced years of unforgivable institutional defensiveness.

Secondly, the Hillsborough families and survivors suffered what can only be described as cruelty, as innocent fans were cynically blamed for their own deaths. But that, as was later to become clear, was a web of lies spun

by those seeking to protect their own reputations. I emphasise that point because although the disaster may have been more than 34 years ago, such baseless narratives inexplicably persist in some quarters today, so let me take this important opportunity to restate what is not a matter of opinion, but unassailable fact: fans attending Hillsborough stadium on 15 April 1989 bear absolutely no responsibility for the deaths and injuries that occurred. In making that statement, I echo what was said seven years ago by my right hon. Friend the Member for Maidenhead at this Dispatch Box when she read out the full findings of the second inquests—namely, that 96 men, women and children were unlawfully killed.

Since then, Andrew Devine, who suffered life-changing injuries at Hillsborough, passed away on 27 July 2021, becoming the 97th fatality of the disaster. I would like to place on record my deepest sympathies to Mr Devine's family and friends, and indeed to all those who lost loved ones.

The Government's response to Bishop James's report has been a long time coming—too long. For some of that time, it was necessarily held back to avoid prejudicing the outcomes of criminal trials, but there has been delay since and I recognise that this has only compounded the pain of the Hillsborough families and survivors. The Government apologise for that.

As the House will be aware, the Government's response follows that of the police, which was published in January this year. Today, the Chief Coroner is also publishing his response, which relates to his leadership role regarding the coronial service. Collectively, these responses address the points raised by Bishop James, but this does not stop here. We will, of course, continue to listen to the families of those involved in all major incidents and to their concerns.

Bishop James's report contains 25 points of learning. While he said that he considered each to be "vitally important", he was clear that three in particular were, to use his word, "crucial", so let me turn to those. First, he proposed the creation of a charter for families bereaved through public tragedy. Bishop James made it clear that he wanted to

"help bring about cultural change"

through commitments to change

"related to transparency and acting in the public interest."

It is worth reflecting that, in setting out point of learning 13 regarding the Hillsborough law, which I will come on to, Bishop James says that he has "drawn heavily" on that law's principles in the drafting of the charter, so it is worth taking a moment to consider the language of that charter. It commits signatories—the leaders of public bodies—to strive to place the public interest above the reputation of their own organisations; to approach all forms of public scrutiny, including public inquiries and inquests, with candour in an open, honest and transparent way; and to avoid seeking to defend the indefensible.

The Deputy Prime Minister has today signed what will be known as the Hillsborough charter on behalf of the Government. Other signatories to the charter include the National Police Chiefs' Council on behalf of all 43 police forces, the College of Policing, the Crown Prosecution Service, the National Fire Chiefs Council and others. We want the charter to become part of the

[Alex Chalk]

culture of what it means to be a public servant in Britain, so the Deputy Prime Minister will be writing to all Departments to ensure that everyone who works in Government is aware of the Hillsborough charter and what it means for the way they work. A reference to the charter will also be added to the central induction to the civil service for all new joiners. The Hillsborough charter and Bishop James's report have also been added to the curriculum for every recruit who joins the police. This charter will now be embedded in our public life.

The second crucial point of learning from Bishop James's report is what he described as the "pressing need" for the

"proper participation of bereaved families at inquests".

Inquests are, first and foremost, about answering four questions: who, where, when and how an individual has died. However, as Bishop James highlighted, the Hillsborough families were let down by the very process that should have given them answers during the first inquests, and they then had to endure a second, which had been ordered by my right hon. Friend the Member for Maidenhead. At the first inquests, the families were forced to fund their own legal representation, with a single barrister between them.

We recognise that proper involvement in an inquest will, in appropriate cases, mean that bereaved families should get legal representation, especially when the state is represented. That is why changes have been made such that, had the Hillsborough tragedy happened today, the families would have been eligible for free legal aid through the exceptional case funding scheme. The Government are determined to make this process as straightforward as possible, which is why in January 2022 the Ministry of Justice removed the means test for representation in relation to ECF cases and in September 2023 the means test was removed for legal advice at inquests. We want to build on this progress, so I can announce today that we will consult on an expansion of legal aid for families bereaved through public disaster where an independent public advocate is engaged—I will come back to that—or in the aftermath of a terrorist incident.

I acknowledge that Bishop James talks broadly about the proper participation of bereaved families at inquests where the state is represented. We will seek to further understand the experiences of these individuals, and I would welcome a conversation with Bishop James on that early in the new year.

We support the principle raised in Bishop James's report that public bodies should not be able to spend "limitless" public funds on legal representation. That is why we have, for the first time, set out a requirement on Government Departments to

"consider the number of lawyers instructed bearing in mind the commitment to support an inquisitorial approach."

We will now go on to set out that central Government public bodies should publish their spend on legal representation at inquests and inquiries, reaffirming that this spend should be proportionate, and never excessive.

We have also published a set of principles to guide how public bodies should instruct lawyers at inquests. These include a requirement to approach the inquest

with openness and honesty and to keep in mind that the bereaved should be at the heart of the inquest process. We will also publish guidance to set the clear expectation that central Government public bodies must instruct their lawyers in accordance with the principles of the Hillsborough charter, because how lawyers engage with the inquest process and with the bereaved families matters.

I shall turn to the third of Bishop James's three crucial points of learning: a duty of candour for police officers. As he described it, there is

"a gap in police accountability arrangements"

for officers who

"fail to cooperate fully with investigations into alleged criminal offences or misconduct."

That is why a new offence of police corruption, applicable to police and National Crime Agency officers was introduced in 2017, punishable by up to 14 years' imprisonment. In 2020, we updated the Police (Conduct) Regulations to introduce a new duty to co-operate for individual officers during investigations and inquiries. Failure to do so can result in disciplinary sanctions, including dismissal. Last month, we introduced legislation to place an organisational duty of candour on policing. Through the Criminal Justice Bill, we will place a duty on the College of Policing to issue a code of practice for ethical policing, and for that code to include a duty of candour. This duty is designed to promote a culture of openness, honesty and transparency, and chief constables will be held to account for their forces' performance against the code. The new code of practice has been laid in Parliament today.

We want to go beyond the police to consider healthcare settings too. In response to recent concerns about openness in those settings, we will be conducting a review into the effectiveness of the existing duty of candour for health and social care providers—the terms of reference for that have been published today.

I am aware that the Hillsborough law calls for a duty of candour on all public authorities. Since the Hillsborough disaster, a comprehensive framework of duties and obligations has developed, which covers public officials and the different official proceedings, such as inquests and inquiries. First, in central Government, the civil service code requires civil servants to act with honesty and integrity. A breach of the code can result in a range of sanctions, including dismissal. This sits alongside the Nolan principles providing that:

"Holders of public office should act solely in terms of the public interest."

Secondly, the legal framework surrounding criminal investigations, statutory inquiries, inquests and most other formal proceedings requires that all individuals, regardless of whether they are a public official, co-operate with them. For example, there is a duty of candour in judicial review, which amounts to a duty on public authorities to lay cards "face up on the table". When it comes to inquiries, importantly, these carry the potential for custodial sanction—prison sentences in plain English.

Thirdly, where a public official demonstrates a lack of candour, and where this forms part of their duty as a public office holder, they can potentially be guilty of misconduct in public office, which is a criminal offence. We will keep these changes under review to ensure that we achieve that culture of openness, honesty and candour, and we will not rule out taking further action if it is needed.

Today, the Government respond to all 25 points of learning, but I have focused this statement on those that Bishop James described as “crucial”. Very meaningful progress has been made, but we will not hesitate to go further if required. The discussions will continue, and the Government have committed to another debate in the new year to ensure that that dialogue progresses. I would also be happy to meet the Hillsborough families should they wish to discuss any aspect of the Government’s response.

Finally, I turn to improvements in the justice system. Bishop James made it searingly clear that the justice system, which should have supported victims and the bereaved after the tragedy, was not set up to do so. Our response sets out the steps this Government have taken to ensure that bereaved families and survivors in the immediate aftermath of a public tragedy are guided through what can be a difficult, complicated and forbidding process. Through the Victims and Prisoners Bill, we have introduced legislation to enable an independent public advocate. Once established, the IPA will be a strong voice for victims, the bereaved and whole communities affected by major incidents. The IPA, as promised by my right hon. Friend the Member for Maidenhead, will make sure that those affected by major incidents know their rights, can access support services, and have their voices heard at inquests and inquiries. Its design has been informed by the very difficulties that the Hillsborough families faced and our commitment to making sure that other families do not suffer the same injustices. That can include holding public bodies to account for their commitments to abide by the Hillsborough charter. I am also grateful for the contributions of some of the families of victims of the Grenfell Tower fire and of the Manchester Arena bombing, telling us what would have helped them most in the aftermath of those terrible events.

After listening to concerns of the Hillsborough families, set out so powerfully when I met them earlier this year, as well as contributions from colleagues across the House—I am looking at the right hon. Member for Garston and Halewood here—I decided that we must go further by establishing a permanent IPA. It is vital that the IPA can be deployed as soon as possible after disaster strikes and that they have time in advance to be as prepared as possible. A permanent advocate will be able to advise the Government on their response to major incidents, such as any subsequent inquiries or reviews, and will ensure that the views of families are heard. Importantly, they will also report independently to government about the experiences of victims and bereaved families, as well as publishing an annual report. All such reports will be laid before Parliament.

The Hillsborough families have been unrelenting in their pursuit of justice, and Bishop James has done essential work to support the families and has faithfully discharged the commission put upon him by the then Home Secretary and former Prime Minister to capture their perspective, so that it was not lost following the second inquests. Today is therefore an important day. It does not provide closure for the families, of course. As Bishop James himself wrote, “there can be no closure to love, nor should there be for someone you have loved and lost.”.

Grief is indeed a journey without a destination. But today is a milestone on that journey. It is a moment, I hope, when families will feel able to pause and take

quiet pride in the enormity of what they have achieved, not for themselves, but for others—for the British people. But I hope they will serve to cement and strengthen the Hillsborough families’ legacy—the changes they have made to benefit an entire nation and to help ensure that never again can our people be so betrayed by the very organisations and institutions meant to protect them. I commend this statement to the House.

Madam Deputy Speaker (Dame Eleanor Laing): I call the shadow Minister.

1.2 pm

Shabana Mahmood (Birmingham, Ladywood) (Lab): It is customary to thank the Government for advance sight of the statement, but given the gravity of this matter, the fact that the report being responded to has been with the Government for many years and the length of the Secretary of State’s statement this morning, I am disappointed to have received the copy of his statement much later than is customary.

To describe the events of 15 April 1989 as “far-reaching” is wholly inadequate. To say that they were “tragic” misses the point. The name “Hillsborough” stands to this day as an indictment of institutions, individuals and an entire culture in which transparency, accountability and even simple human compassion were absent. I was a child in 1989, when 95 people died at Hillsborough stadium in the worst sporting disaster in this nation’s history. Ten years later, alongside thousands of other law students, I learnt about the shockwaves that the events of that day were still sending through our courts, to the continuing pain of the families. That included the death in 1993 of the 96th victim, 22-year-old Anthony Bland, who spent four years in a persistent vegetative state before a court made legal history by agreeing that it was in his best interests to withdraw his feeding tube. Let us not forget that it was just two years ago that the disaster claimed its 97th victim, 55-year-old Andrew Devine, who had lived with a serious brain injury for more than three decades. It has now been 34 years, and to say that justice delayed is justice denied would be a significant understatement in this context. It is simply unendurable for any family to be made to wait this long for justice.

I wish to echo the words of the Secretary of State by paying tribute to Bishop James Jones; to the many campaigners, both inside and outside this House, who have worked for so long to establish the truth; and, above all, to the bereaved families. They have gone beyond what anyone should have to endure to secure justice not only for their loved ones but for the victims of future disasters. They are an inspiration, and I speak for the whole House in saying that all of us here know the debt we owe to all of them.

I turn to the detail of the remarks by the Secretary of State. The purpose of the Government’s response must be centred on the experience of the families, just as Bishop James’s report was, to ensure that their suffering is remembered and, crucially, is never repeated. That is the commitment that the Opposition, too, make: we will work to ensure that the Government’s proposals deliver meaningful justice. We welcome the commitment to consult on expanding legal aid for families bereaved in a public disaster, but there is nothing in what we have seen from the Government to date that goes as far as we believe is necessary to require public authorities to act with candour and transparency.

[Shabana Mahmood]

To the public, a duty on all public bodies to be forthcoming with the truth is a basic requirement if justice is to be done in the wake of terrible events that scar communities and change lives forever. Many will be shocked to hear that this does not already exist as a matter of law. The Hillsborough Law Now campaign which, as the Government know, includes bereaved families who are still fighting for accountability 34 years later, has told us that without an effective duty of candour in place, the risk is that reform will simply add another layer of bureaucracy to what victims must already endure. It is for this reason that over a year ago, the Leader of the Opposition committed to a Hillsborough law that would first and foremost impose a legal duty on public institutions, public servants and officials to act in the public interest and with transparency, candour and frankness when there has been a major incident.

The Secretary of State knows that we have sought to amend his recent Bill to introduce that more effective duty of candour during its passage through Parliament, but it is an approach that the Government have so far rejected. We will continue our efforts in that regard, because the Government's requirement for a code of ethics is not enough.

We also welcome the commitment to a standing, independent public advocate, and have supported the change to the Victims and Prisoners Bill. However, as the Secretary of State knows, we also believe—and have said to him repeatedly—that the duty of candour is the missing piece, and it is vital to add it to make effective the changes that have been introduced in respect of the independent public advocate.

This issue is above party politics, but we have a duty to say to the Government that what they have announced does not yet go far enough. They must deliver on that vital promise that what happened in 1989, and has continued to happen to the families for 34 years, will never happen again.

Alex Chalk: I thank the hon. Lady for her response, and I shall seek to address each point in turn.

On the issue of legal aid, we absolutely accept that in this particular case there was a manifest and completely unacceptable lack of equality of arms, because it was treated as an adversarial process, which was completely inimical to what the inquiry should have been designed to get to the bottom of. The culture was wrong, in terms of how the lawyers approached it, and the equality of arms was non-existent. We have sought to address that in two ways. First, in appropriate cases that become adversarial because people are defensive as they have probably got something wrong, it is necessary for the families to have the legal arms to take that on. That is why, if this happened today, that funding would be in place. This is not small amounts of funding; the total amount spent, quite properly—I have no complaints about this—in the second inquest was around £65 million. This is a very significant change that has already been made. As I say, we are consulting on whether we should go further still.

The critical issue is, of course, about candour. The importance of changing the culture runs through Bishop James Jones' report like a message through a stick of rock. Across the House—as the hon. Lady rightly pointed

out, this is not a party political issue—we must do everything possible to change that culture. On the IPA, it is important to note that in point of learning 1, which was about the charter, Bishop James said:

“I welcome the government's commitment...to create an independent public advocate to act for bereaved families after a public disaster. Once a public advocate has been appointed, I offer the charter to them as a benchmark against which they may assess the way in which public bodies treat those bereaved by public tragedy”.

before going on to talk about the text of the charter. We hope that it will play a very important part in embedding that culture and holding people to account, but this job is not over. We continue to have the discussion, and I look forward to engaging with the hon. Lady about it.

Mrs Theresa May (Maidenhead) (Con): I thank the Lord Chancellor for his statement and welcome the Government's response, although like him, I bemoan the fact that it has taken so long to respond to this report. Not only did I commission it when I was in office, but it reported when I was still in office.

What underpinned the approach of the organs of the state at Hillsborough was a desire to protect themselves and their reputation, rather than serve the public they were there to protect or, indeed, search for truth and justice. That attitude did not occur just on that day: it has continued from those public authorities through the decades since. Does my right hon. and learned Friend agree, therefore, that almost the most important point in the charter is that it requires organisations to place the public interest above their own reputation? What specific steps will the Government be taking to ensure that that culture is instilled across the whole public sector.

Alex Chalk: As always, my right hon. Friend gets to the heart of the matter. The critical and most important point in the charter is No. 2:

“Place the public interest above our own reputations.”

As my right hon. Friend has said, those are words; she has asked how they will be woven into the culture. One powerful example is that today, the code of practice for ethical policing is being published. That code states in paragraph 4.5 on page 7, under the chapter heading “Ensuring openness and candour”, that

“Chief officers have a duty to ensure openness and candour within their force, which will include the following. Implementing the Charter for Families Bereaved through Public Tragedy (see Hillsborough stadium disaster: lessons that must be learnt).”

It will be there at the point of training for officers and induction for civil servants. It is going to become part of the warp and weft of this country—part of the culture of what it means to be a civil servant in Britain.

Chris Stephens (Glasgow South West) (SNP): As someone with great affection for the people of Liverpool and Merseyside, I start by saying that our thoughts are once again with the Hillsborough families. I join the hon. Member for Birmingham, Ladywood (Shabana Mahmood) in her qualified thanks for advance sight of the statement. I was pleased that the Lord Chancellor thanked and congratulated hon. Members, as well as Andy Burnham and Steve Rotherham, for their work in this area.

I have three questions for the Lord Chancellor. First, the chief executive of the College of Policing has described Hillsborough as a touchstone for change, but in the years since, we have sadly seen a familiar culture of cover-up in relation to tragedies such as Grenfell and the infected blood scandal. The Lord Chancellor appears to accept the principle; does he also accept that at some point, the public will tire of hearing about promised cultural change without visible action accompanying it? Secondly, no police officer has been disciplined or convicted of any offence relating to the Hillsborough disaster. Does he agree that in cases where it is proven that false evidence was given or inaccurate statements were made, retrospective action up to and including prosecution must take place?

Finally, part of the reason why the police were able to avoid full scrutiny around Hillsborough for so long was irresponsible reporting of the disaster by sections of the media. Is the Lord Chancellor convinced that reforms in that area have gone far enough, or does he agree with many of us that more reform in that area is sadly needed?

Alex Chalk: I thank the hon. Gentleman for those helpful and pertinent questions. Let me turn first to the issue of the police. Yes, it is one thing to set the culture, which, I think it is reasonable to point out, will now be woven into police training, but accountability matters, too. One thing that matters is that schedule 2 to the Police (Conduct) Regulations 2020, which, of course, post-date the report, includes the following: police officers must be

“honest, act with integrity and...not compromise or abuse their position”,

and

“Police officers have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness.”

Those standards are in the regulations. Their breach would provide a powerful case, as the hon. Gentleman may think, for dismissal or other suitable sanction.

On the hon. Gentleman's point about retrospectivity, plainly, if evidence comes to light about behaviour at the time, it can be considered in the normal way. I hope that he will be encouraged by knowing that the offence of misconduct in a public office is being considered by the Law Commission, with its usual and typical diligence, and we will respond in the new year. It is reasonable to observe that it has not operated as we might have liked, and is susceptible to reform. We are giving that very active attention.

On the media and irresponsible coverage, my goodness, the hon. Gentleman has a point. I think that there still needs to be a live conversation about whether things have gone far enough.

Sir Robert Neill (Bromley and Chislehurst) (Con): The delay in the report has been unacceptable, but it is absolutely no fault of my right hon. and learned Friend the Lord Chancellor. I thank him for his statement, for its tone, which was characteristically generous-spirited, and for the work that he has done to expedite it.

Does my right hon. and learned Friend agree that it will be important to pick up on some of the learning from two Justice Committee reports on the coronial system

and on pre-legislative scrutiny of the draft Victims Bill? Does he agree that, to achieve the proper outcome of a legacy for the victims of Hillsborough, we should work to the position where it would be the norm for there to be proper legal representation for victims and bereaved families at inquests? That should be the norm rather than any form of exception.

Secondly, does my right hon. and learned Friend agree that the duty of candour should extend, in terms of legal representation by Government Departments, to the fullest and earliest possible disclosure of all relevant materials that are in the hands of Departments and their lawyers? Thirdly, does he agree that we should work with the excellent current Chief Coroner, whose predecessor gave powerful evidence to our Committee, to ensure that there is greater consistency in the standards and approach within the coronial system, which has not always been the case in the past? Does he agree that those are important matters, together with the assurance of equality of arms across the piece?

Alex Chalk: Those are very helpful points. First, I pay tribute to the Justice Committee for its work, particularly the work on coroners' inquests. Indeed, in preparation for this statement, I went back and re-read some of the evidence given by the then Chief Coroner, Mark Lucraft, in which he talked about this important issue of equality of arms. He made the point—from his position as Chief Coroner, no less—that, yes, there are of course cases in which it is important to have legal representation. We have made enormous strides, as has been indicated. Equally, there will be those in which legal representation sometimes does not help terribly. That is why we have to proceed with care.

The key issue is equality of arms, as my hon. Friend rightly points out. The business about candour as regards early disclosure is critical. One important point that can sometimes be lost is that, lest we forget, under section 35 of the Inquiries Act 2005, it is possible for someone to be held criminally liable, on pain of a custodial sentence, if they fail to act with candour in terms of producing information to an inquiry. That, it seems to me, is an important sanction, and I hope that judges will not hesitate to use it in appropriate circumstances.

Maria Eagle (Garston and Halewood) (Lab): Bishop James called his report “The patronising disposition of unaccountable power”—the key word is “unaccountable.” Thirty-four years after 97 men, women and children were unlawfully killed at a televised event, for which the public inquiry interim report pinned the blame on the police within four months, no one has been held accountable for what happened at Hillsborough, and now nobody will be. Accountability is key here. Although culture change is good, we need legal change, too. The failure to legislate for a full duty of candour for all public officials or to put the charter for families bereaved by public tragedy into statute is inexplicable. As the Lord Chancellor knows, I still think that the independent public advocate's powers need to be beefed up

As the Lord Chancellor knows, I still think that the independent public advocate's powers need to be beefed up to include an ability to compel transparency and be a data controller in order to torpedo attempts to cover up—what went wrong at Hillsborough was a cover-up, as much as anything. Will the Lord Chancellor reconsider

[Maria Eagle]

his apparent unwillingness to legislate to make it clear that this House and our nation require accountability, require candour and require public authorities and those who work for them to act in the best interests of those bereaved in the appalling public tragedies that have occurred and will continue to occur?

Alex Chalk: I thank the right hon. Lady and say, entirely fairly, I hope, that the merits in this response—and it can reasonably be observed that there are a great number—are due in considerable part to her efforts in engaging with me to make changes and improvements.

On the issue of the independent public advocate, for example, there is no doubt—others have fed in as well, not least my right hon. Friend the Member for Maidenhead (Mrs May), the former Prime Minister—that the IPA will be permanent. That was not the original proposal. It will be able to make reports of its own motion come before this House, and not just at the instigation of the state. It will also be able to make recommendations about what sort of inquiry should take place afterwards. That could be, as the right hon. Lady knows, some sort of independent panel along the lines of the ones set up by Alan Johnson as Home Secretary, or it could be a statutory or non-statutory inquiry. This IPA is of a different order of muscularity from the one originally envisaged, and the right hon. Lady has played an important part in that.

The right hon. Lady and I have discussed the Hillsborough law. There are countervailing considerations, as she knows, but the point is that my door remains open, the conversation remains live and we will have a debate about the issue, I hope, in the new year. I look forward to discussing these matters further.

Jackie Doyle-Price (Thurrock) (Con): My right hon. and learned Friend's statement goes some way to tackling the institutional behaviour that puts the reputational damage of organisations and public confidence in them ahead of the interests of the people they are meant to serve, but his comments have been very much in the context of major public incidents. How far does he think the expectations enshrined in the charter can be applied to individual cases? I speak with particular reference to suicide. Quite often, bereaved families attend inquests where the players are keen to avoid any suggestion of liability; that could conflict with what he has described in terms of a duty of candour.

Alex Chalk: I am so grateful to my hon. Friend for raising that critical point. The issue is not just about major disasters, important though they are. When something dreadful has happened, the victims and families do not want to find themselves in an unnecessarily adversarial situation or one where people are, frankly, trying to save their own skins and showing institutional defensiveness.

A lot of the issue comes down to culture, frankly; we are aware of that. There are two things to say. First, on the equality of arms, if exceptional case funding is involved—that is to do with article 2; there are certain thresholds—there will be legal representation. On culture, we have provided a new document, which includes the

principles guiding the Government's approach when they hold interested person status at an inquest. Those include approaching

“the inquest with openness and honesty, including supporting the disclosure of all relevant and disclosable information to the coroner.”

In other words, the state should not be in the position of being defensive, whether there has been a major disaster or the case relates only to an individual.

Ian Byrne (Liverpool, West Derby) (Lab): I thank the Lord Chancellor for his statement today and for the empathy and decency he has shown on the subject of Hillsborough. I also thank him for his words about football supporters not being to blame; that means a lot to a lot of people.

I am sorry, but that is where my thank you ends. Like many others, I feel let down today—as if we are a world away from the effective legislation that we desperately need. I am really worried that what has been decided will not prevent another Hillsborough-style state cover-up. Bishop James Jones called for a duty of candour on police officers, but the Government's Criminal Justice Bill mentions the duty of candour in clause 73 only in the context of a code of conduct. I feel that that is an insult to those affected by state cover-ups and to the memory of the 97. It does not establish or define the duty in law and provides no mechanism for compliance. Crucially, the Government will not today introduce a statutory duty of candour on all public officials, as demanded by Hillsborough Law Now campaigners and, thankfully, supported by my own party.

Secretary of State, without a legal duty of candour on all public servants hard-wired into our justice system, we will see continued injustices from public officials who lie on the stand, acting with impunity and no consequences. I had hoped that today the Secretary of State would push back against the powerful vested interests that do not want to see this accountability in law, but, sadly, I feel as though they have won once again. Will the Secretary of State reflect on the comments from across the House and work with us to ensure that we get a true Hillsborough law that the 97, and everyone else who has suffered injustice at the hands of the state, fully deserve?

Alex Chalk: I thank the hon. Gentleman for his words at the outset. I listened very carefully to what he said subsequently. He asked me if I will reflect. Of course I will reflect. I will listen very carefully to what has been said. We are here to respond to Bishop James's report, which was not principally about the points that have moved on since, which I know we all recognise. We want to change the culture. We remain committed to changing the culture, and I will continue to have conversations about how we achieve that most effectively.

Kevin Foster (Torbay) (Con): I was just reflecting on the fact that the last time we were here in the Chamber talking about this issue we were advised that the response would be produced in spring, so it is welcome to have it today. I welcome its general tone and nature. It was not just a lack of interest in finding the truth that was the issue; it was the fact that organs of the state set out to smear people, to lie and to cover up in order to save

their own skin. We can say that it was 30 years ago, but we saw worrying similarities at the Stade de France—although it is not in our jurisdiction—when there was an attempt to blame fans for a complete overreaction from the French law enforcement authorities to some incidents there.

I found it interesting when the Secretary of State talked about the spend on legal representation, which is often disproportionate. He says it will be proportionate. Who will determine that? Let us remember that some of the public bodies thought it was perfectly proportionate to waste millions of pounds on trying to save their own skins, rather than on finding justice.

Alex Chalk: That is an excellent point. My hon. Friend asks who will determine what is proportionate. The whole point about encouraging Departments to publish material is that the public can make an assessment of whether it is proportionate. Frankly, that is an ordinary English word and people should know what it means. If they do not, that will become clear.

Sir George Howarth (Knowsley) (Lab): I, too, thank the Lord Chancellor for today's statement, which, as he conceded, is long overdue. I add my tribute to my right hon. Friend the Member for Garston and Halewood (Maria Eagle) for the painstaking work she did to expose the evidence that existed but had never been taken into account. I also pay tribute to the right hon. Member for Maidenhead (Mrs May), who recognised that there was an injustice that had to be put right and who set up the process by which Bishop James was able to bring all the lies and cover-ups to light.

Following the Hillsborough disaster, I and two of my constituents—Mr and Mrs Joynes, who had lost a son at Hillsborough—attended part of the first inquest. I was shocked by the extent to which that inquest was such a travesty; it seemed to be aimed at blaming the fans, rather than the authorities, for what happened. One thing that came out of that—I have said this before—is that there was a massive effort to stereotype football fans as responsible for something they were actually victims of. I welcome the fact that there will be a public advocate, but to be absolutely certain, we need to put that role on the statute book.

Alex Chalk: I thank the right hon. Gentleman for the support he has given to his constituents. I can confirm that the IPA is being put on the statute book.

Mary Robinson (Cheadle) (Con): I am grateful to my right hon. and learned Friend the Lord Chancellor for bringing forward today's statement. Hillsborough is synonymous with cover-up. Innocent victims were blamed for the failures of the police and the emergency services, and whistleblowers were pivotal in bringing forward a lot of the evidence. It is important that we have a duty of candour within the police service. Right across public services, candour should be the golden thread that links them together. With whistleblowers being so important on this issue and others, will he also look at having an office for the whistleblower so that, rather than simply relying on the duty of candour, people in organisations would know where to go to raise an issue or to get help?

Alex Chalk: I thank my hon. Friend for that typically thoughtful and helpful suggestion. She makes an excellent point. Already in the civil service code, there ought to be arrangements for people to do precisely that, but, if we need to go further, let us discuss that. I would be happy to have that conversation with her.

Joanna Cherry (Edinburgh South West) (SNP): I wonder if I could explore with the Lord Chancellor what he said about Bishop James's recommendation on the pressing need for the proper participation of bereaved families at inquests. In the summer, the Joint Committee on Human Rights held an evidence session on a proposed Hillsborough law and strengthening human rights. We were particularly interested in the impact of the inequality of funding for legal representatives between the state and bereaved families at inquests and inquiries. In evidence, witnesses argued strongly that there should be proportionate equality of arms, distinguishing that from mere parity of arms, and they saw the wider use of exceptional case funding for article 2 cases as one way of achieving that. Does he agree with that evidence?

Alex Chalk: The hon. and learned Lady makes an excellent point. Of course, we think there should be equality of arms. The only point of potential hesitation comes from the evidence of the Chief Coroner—as I said, I was reading that in my preparation—who said that there are some cases where although the state is represented and is an interested party, adding lawyers would not necessarily assist. As he put it in paragraph 97 of his written evidence:

“There are also arguments which could be advanced that simply adding more lawyers in to the system would not necessarily, uniformly help bereaved families in all cases.”

In our view, it will depend on the case. There will be some cases—this is one—where it is manifestly necessary. There are others where there must be a more judicious approach.

James Sunderland (Bracknell) (Con): I am privileged to be able to watch regular football in Bracknell, Reading and Aldershot. Following the Lord Chancellor's statement, is he content that sufficient legal and institutional protections are in place to help prevent another event like Hillsborough?

Alex Chalk: I think that most recognise that significant changes have taken place. I hope we can feel confident that something like that could not happen, but, in the dreadful event that it were to, we need to be sure that the resources and support are in place so that families do not have to suffer as those years ago did.

Alison McGovern (Wirral South) (Lab): I thank the Lord Chancellor for the manner in which he opened his statement, but it is really not good enough that it has taken so long to get to this point. I want to put on record my deep disappointment that we have waited this long for today. I also think that to get the change that has been described, what is being proposed is not good enough.

To achieve what we want through the legal process requires, as the right hon. Member for Maidenhead (Mrs May) pointed out so correctly, public bodies to place the public interest—that of the citizens of our country—above the reputations of their own organisations.

[Alison McGovern]

As the Lord Chancellor said, it is not just about who is represented but about how lawyers engage in the inquest process and indeed with the bereaved families. It is about not just about establishing inquests and inquiries but the culture of candour day in, day out, which he talked about. I am not a lawyer—he is—but I think that lawyers respond to the law. That is at the heart of why we are so disappointed not to have a Hillsborough law. I do not want a debate in January; I want a law. Will he meet me and other Members of the House to discuss how we move forward from this point?

Alex Chalk: My door is always open. Of course, I will speak to the hon. Lady and others. It is also important to recognise that part of the statutory framework has moved on. I have talked about the Police (Conduct) Regulations 2020, for example, and I recognise, as did Bishop James Jones, that the key thing we want to do is to change the culture, and the law plays a part in that. There have been changes, so let us have a discussion in due course.

Derek Twigg (Halton) (Lab): We cannot repeat often enough, because I do not think it is understood, just what a web of deceit and lies was put forward by parts of the state, particularly the police and others, over the years. That had an effect on the families who lost loved ones. I was there on the day, in those terrible circumstances. We do not forget how bad it was. I sat through a number of days of the second inquest, and lies were still being told until the families' lawyers produced video evidence to say, "There you are. You didn't do what you said." I was astounded. All those years later and people stuck to those lies.

As I said to the Justice Secretary earlier, we can have a culture change, but what happened at that inquest, and all the way up to it, shows that the problem is so deep that it needs something stronger. That is why the duty of candour needs a basis in legislation. I understand that there are some issues, whether it be national security or confidentiality, but we can get round that. The Justice Secretary has indicated that he will listen, so will he listen and make sure there is a legal, statutory duty?

Alex Chalk: I thank the hon. Gentleman, who speaks with particular authority on these points. He talks about the second inquest, at which people continued to demonstrate a kind of institutional defensiveness. He may feel that what made a difference was that lawyers were there to hold people to account—that is the equality of arms point. I respectfully suggest that it is important to recognise that we are now in a situation where, in this kind of case, there will be lawyers to try to expose precisely that kind of defensiveness, which is extremely important. I deeply respect the points that he makes, but he knows there are countervailing issues, to which he briefly adverted. Of course, we will have a conversation in due course.

Christine Jardine (Edinburgh West) (LD): There are Members of this House who had not been born when Hillsborough happened, and we have all had lives, careers and families. For the families of the victims to have waited that length of time for justice is intolerable, and it has been compounded by not having the one

thing that would ensure they felt justice—the knowledge that it cannot happen again. Does the Lord Chancellor agree that perhaps the only way the families will ever feel they have justice is if we have a Hillsborough law to prevent it from happening again?

Alex Chalk: The critical thing, of course, is that we have to change the culture and ensure that people are held to account for that culture. There are important changes in these measures, as I hope the House will agree. I have indicated that I am prepared to discuss what further steps are required.

Stephanie Peacock (Barnsley East) (Lab): It has taken six years to get to today's Hillsborough charter but, like many, I ask why it is not a Hillsborough law. The delay for the families of the 97 has been completely unacceptable. Can I press the Lord Chancellor again on why the Government have launched a consultation on improving legal aid for victims of public disasters? Why not simply legislate to do it?

Alex Chalk: Because we have already taken very great steps. As I indicated, the sums involved are very significant. The second inquest alone was around £65 million. We are consulting on going further in respect of terrorism and cases where the IPA is appointed, but as no lesser authority than a former Chief Coroner has indicated, one has to proceed with caution in this space. We will have a consultation, and we will take sensible steps thereafter.

Kim Johnson (Liverpool, Riverside) (Lab): I start by paying tribute to the families and my city for their determination for justice, and to James Jones for his report. However, six years and seven Home Secretaries later, it does not go far enough. We need a duty of candour, so can the Lord Chancellor confirm that the families seeking justice for Grenfell and Manchester Arena will get the support and the justice they deserve?

Alex Chalk: I thank the hon. Lady, and she is absolutely right that there needs to be a duty of candour. Indeed, that is the single most important thing that comes out of the Hillsborough charter, and it will be buttressed and supported, and people will be held to account, by an independent public advocate.

Dame Diana Johnson (Kingston upon Hull North) (Lab): On the duty of candour set out in the "Code of Practice for Ethical Policing", which has been published today, why is the duty to "ensure openness and candour" only on chief officers? Why is it not on every individual officer?

Alex Chalk: Well, it is. There are two aspects to this. Under the code, it is right that chief officers should have to be responsible for the culture and practice within their organisation. But there is also a further duty that exists on police officers, through the 2020 regulations I referred to earlier, and those can of course sound in disciplinary sanctions, including dismissal. So it is available for both.

Clive Efford (Eltham) (Lab): Contaminated blood, Grenfell, Hillsborough—the one thing they all have in common is that ordinary people suffered an incredible tragedy, and then the authorities and the establishment circled the wagons to deny them justice. What this

report has exposed is a failure at the centre of the establishment to serve the public. This report is calling for candour from the people who represent such public bodies, so why is it that the Government, after all this time, have come back and said no to that one request?

Alex Chalk: Respectfully, that is not quite a fair representation. Bishop James Jones, in his point of learning 1, talked about the Hillsborough charter, and in paragraph 3 of that recommendation, he talked about candour. We have accepted that entirely. Bishop James Jones's report was not about the law, although he adverted to it. As I have said, we are going to have further discussions, but it is important to notice what steps have been taken thus far.

Richard Burgon (Leeds East) (Lab): People, including those personally affected by the Hillsborough tragedy, will have listened to the Government's response today and been deeply disappointed. What is needed, among other things, is a duty of candour right across all public organisations, but also private organisations that are public-facing, such as those involved in social housing, for example. What is also needed is real equality of arms—not just some legal aid for the bereaved, but full equality of arms, meaning the same spending for victims as for public bodies.

The Opposition support a Hillsborough law, and a Hillsborough law is necessary, as the families have called for, to deliver this. Since the Opposition support it, the Government could have got this through and passed it in a number of weeks, and they still can. I urge the Government, before the next general election, to work with the Opposition across the House to get this passed. It is what the bereaved families and those communities deserve, and it is what people in future deserve as well.

Alex Chalk: I thank the hon. Gentleman for his observations, which I listened to with care. On the issue of equality of arms, it has to be observed, I hope, that the changes that have been made are extremely significant, not least because there is a commitment to ensure is proportionality, so we can no longer go back to a situation where the state is apparently using its deep pockets to unfairly load the dice against victims. That is being changed, and we are very committed to that direction of travel.

Mike Amesbury (Weaver Vale) (Lab): I listened very carefully to the Lord Chancellor's very considered statement, and the question that comes to mind is: why not? Why not have a Hillsborough law? That has not been answered.

Alex Chalk: This has, of course, been considered very carefully across Government Departments, and there are countervailing interests, which I am very happy to discuss with the hon. Member. There are issues of concern, and if we look at how the Bill was initially

drafted by Andy Burnham, there was a very low bar—*[Interruption.]* Well, there is a lot of complexity to it, and I am very happy to discuss it with the hon. Member. However, the central point I want to get across today is that Bishop James Jones was talking about changing the culture. As he himself has noted, legislation is not always the answer; changing the culture is critically important. Through this charter, with the IPA, we will make enormous strides towards ensuring that this is part of what it means to be a public service in Britain.

Jim Shannon (Strangford) (DUP): I thank the Lord Chancellor for his statement, and I commend the right hon. and hon. Opposition Members who have fought doggedly the whole way through. At the heart of any announcement about Hillsborough should be the victims and the families they left behind, who are devastated by the lack of urgency that they see from the Government. Does the Lord Chancellor agree that at the crux of any legislation for a public disaster, the onus should be in favour of the victims and their families? Will he ensure that the correct provisions are in place finally to compensate those who still live with that tragic event each and every minute of each and every day?

Alex Chalk: The hon. Gentleman makes a powerful point. For the victims, the pain never ends, and "grief is a journey", as Bishop James Jones reported. It is totally unacceptable for victims to be left floundering in the agony of their grief in the immediate aftermath of a tragedy. That is why we set up the IPA and why it will be permanent, ready to swing into action not just to provide assistance, support and information, but to hold the relevant agencies to account.

Peter Dowd (Bootle) (Lab): I have listened carefully to what the Lord Chancellor has said, and I thank him for his measured, comprehensive and frank approach. The primary question to be asked is whether he genuinely believes that the families of the bereaved and those affected will be satisfied with what he has said.

Alex Chalk: This statement is intended to respond to the 25 points of learning in Bishop James Jones's report. Of course, because of the delay, which I have been pretty candid was too long, there has been a development in thinking thereafter, but the three of those points that were identified in particular by Bishop James Jones—the Hillsborough charter, the equality of arms and the police duty of candour—have been fulfilled, and I think they have been fulfilled in a way that massively advances the state of our country. Of course people want to have further discussion—I respect that and will of course accommodate them—but it is important to note that in terms of what was requested, very significant changes have been made.

Madam Deputy Speaker (Dame Rosie Winterton): I thank the Lord Chancellor for his statement.

Gender Recognition

1.47 pm

The Minister for Women and Equalities (Kemi Badenoch):

It is this Government's policy that the UK does not recognise self-identification for the purpose of obtaining a gender recognition certificate. However, the Government are determined that everyone should be able to live their lives free from unfair discrimination. We are proud to have passed the Marriage (Same Sex Couples) Act 2013 and Turing's law. We also introduced a modernised and affordable gender-recognition process, while recognising the need to maintain checks and balances.

Today, we are laying an order to update the list of approved overseas countries and territories for parliamentary approval. That is provided for under section 1(1)(b) of the Gender Recognition Act 2004 and follows previous periodic updates. This is long overdue. The list of approved overseas countries and territories was last updated in 2011. A commitment was made to keep the list under review, so this is a further step in implementing our response to the Gender Recognition Act consultation.

We are doing this because some countries and territories on the list have made changes to their systems and would not now be considered to have similarly rigorous systems as the UK's. Inadvertently allowing self-ID for obtaining GRCs is not Government policy. It should not be possible for a person who does not satisfy the criteria for UK legal gender recognition to use the overseas route to do so. We also need to ensure parity with UK applicants: it would not be fair for the overseas route to be based on less rigorous evidential requirements. That would damage the integrity and credibility of the process in the Gender Recognition Act.

We have finalised details of overseas countries and territories to be removed and added to the list laid today via an affirmative statutory instrument. We have undertaken thorough checks in collaboration with the Foreign, Commonwealth and Development Office to verify our understanding of each overseas system in question and measure it against the UK's standard route to obtain gender recognition.

My officials and I formally engaged with colleagues and Ministers from devolved Governments in advance of laying this statutory instrument. The Government are committed to ensuring that this outcome of the 2020 Gender Recognition Act consultation is followed through and upheld, and the overseas list will be updated via statutory instrument more regularly in future.

This work is important because of the complex interactions between the Gender Recognition Act and the Equality Act 2010. The complexity of the legal situation was reinforced by the judgment in December 2022 by Lady Haldane in the judicial review brought by For Women Scotland, upheld on appeal last month by the Inner House of the Court of Session, which effectively stated that a gender recognition certificate changes a person's sex for the purposes of the protections conferred by the Equality Act. Labour's Gender Recognition Act 2004 and Equality Act 2010 did not envisage that the words "sex" and "gender" would be used as differently as they are today. That is having an impact on all policy that draws on those Acts, including on tackling conversion practices and guidance for gender-questioning children.

To that end, I am exploring how we can rectify these issues across the board and provide legal certainty. That will reduce the tensions that have emerged as a result of the confusion around the terms "sex" and "gender", first by ensuring that we are evidence-led in the approach we take—for example, when considering appropriate treatment of children on the NHS, we should be fully informed by the final report from the Cass review, which is due early next year; given the complexity of this area, the review is understandably taking longer than originally expected—secondly, by ensuring consistency in how we implement policy across the board; and thirdly, by exploring whether we need more clarity in law. For example, the Equality and Human Rights Commission has recommended that we clarify the definition of sex in the Equality Act, while ensuring that any further proposed legislation fully takes into account the complexity of issues.

We should not leave ordinary people to suffer unintended consequences because we in Parliament are shy of dealing with difficult issues. I commend this statement to the House.

Madam Deputy Speaker (Dame Rosie Winterton):

I call the shadow Minister.

Anneliese Dodds (Oxford East) (Lab/Co-op): I thank the Minister for Women and Equalities for advance sight of her statement. I welcome the chance to respond to her on these important issues. Such opportunities are vanishingly rare, given that I believe this is the first oral statement she has made on the women and equalities brief this year. Like Santa Claus, it seems she gets to work when Christmas is around the corner.

I started this morning by joining a debate on the Government's continued failure to ban conversion practices, a promise that was made over half a decade ago. I was sorry not to see the Minister there to explain that failure in person—no conversion practices ban, no commitment to making every strand of hate crime an aggravated offence in order to tackle the staggering rise in violent hate crime targeting LGBT+ people, and no provision to schools of the guidance that has been promised repeatedly but not delivered. She has been unable to deliver in any of those areas, and she even tried in her statement to say that legislation passed over 13 years ago has caused those delays—you couldn't make it up.

Let us be clear. There are millions of British LGBT+ people in this country. I would love to hear from the right hon. Lady what she is doing for them, after her Government ditched their LGBT action plan, disbanded their LGBT advisory panel and frittered away taxpayers' money on a cancelled international conference that LGBT+ organisations refused to attend.

Of course it is important that the list of approved countries is kept up to date. That was what Labour provided for when we passed the GRA back in 2004. The list was last amended in 2011, when two countries were removed from it and nine added. At that time, the Government said that they expected that it would be necessary to update the list

"within the next five years."

Here we are 12 years later and the Minister has just got around to it. That is the kind of timescale our country has grown used to when it comes to Conservative delivery. Indeed, even she herself said that it is long overdue.

The right hon. Lady outlined several changes, and it is important that we understand fully why the decisions have been made. Why is there so little information on why they have been taken? As just one example, as I understand it, Germany approved self-ID this summer, but it is still on the list. Is that because its changes apply to birth certificates rather than to GRCs—it does not have such a certificate—or is it because of the timing of its reforms? There is no clarity and no information. We are talking about likely very small numbers of people, but for those individuals it is important to get this right. It is extremely difficult to determine the Department's approach on the basis of an extremely thin explanation.

Many people living in this country who hold GRCs from the overseas route will be worried about what this means for them. Will the Minister be clear—do the changes impact their rights in any way? What about those with applications that are still outstanding?

As a result of the changes, many countries that are close allies of the UK have been removed from the list. Will the Minister explain whether she has had bilateral discussions with each of them over the implications of this move? She referred to thorough checks, but not to any bilateral engagement; does that mean that none took place? If so, why was there no such engagement on an issue on which I suspect we as the UK would expect to be consulted were the shoe on the other foot?

On that note, what assessment has the Minister made of the impact of the changes on the mutual recognition of UK GRCs in other countries? Did she consult her newly appointed colleague in the other place, the Foreign Secretary, about the diplomatic impact of the changes? If so, does he agree with them? I note that, for example, China is now on the approved list, but our four closest Five Eyes allies are not.

The Minister mentioned that there was consultation with the Scottish and Northern Irish authorities, but she did not say what the upshot of that was. She also did not indicate what the impact of the change is on our arrangements with Ireland. Will she please clarify that?

Finally, changes to the rights of foreign nationals in this country may lead to wider concerns about the mutual recognition of marriage rights, and other rights such as adoption. Will the Minister clarify whether the Government have any plans in those policy areas?

Let me be clear: Labour wants to modernise the Gender Recognition Act while making sure that that does not override the single-sex exemptions in the Equality Act. We recognise that sex and gender are different, as the Equality Act does, but I am afraid the Minister's statement only underlines how chaotic her Government's approach has become, with the Conservatives apparently completely divided on these issues and focused on rhetoric rather than delivery. LGBT+ people deserve better.

Kemi Badenoch: It is extraordinary that the hon. Lady would say that the Conservatives are divided on this issue. Does the hon. Member for Canterbury (Rosie Duffield) agree with her? The disgraceful way that she has been treated by members of the Labour party shows that we beg to differ. We are united on this side of the House; they are not.

The hon. Member for Oxford East (Anneliese Dodds) asked quite a number of questions and I will take the time to go through them in sequence. First, she complained

that this is the first time she has heard me give a statement on this issue. The fact of the matter is that I am in this House for oral statements and there is plenty of opportunity to ask questions, and the Minister for Equalities has been in Westminster Hall. One thing I am very keen to do is to stop the Labour party using this issue as a political football. They have messed this—*[Interruption.]* They laugh, but it was Labour party MPs who, during the debacle over section 35, stood on a platform, on stage, with an attempted murderer complaining about this Government, so I refuse to countenance any criticism from them. They have messed around so much on this issue.

The hon. Lady claims that Labour has a policy on gender recognition. It is the policy we announced three years ago. Hollow, empty, repetitive—they have done absolutely no work whatsoever on this issue. Let me take her questions in turn. She asked why countries such as Germany have been removed from the list—

Anneliese Dodds *rose*—

Madam Deputy Speaker: Order. It is not possible to intervene while the Minister is responding during a statement.

Kemi Badenoch: The hon. Lady questioned why certain countries are on the list and others are not. Again, I heard lots of laughter from Members on the Back Benches. I am going to have to reinforce this really important point: this is not a tool for foreign policy. This is a tool that is used to make sure that other countries' systems are as rigorous as ours. I understand why people will have concerns, but this is not about virtue signalling as to which countries we like or which countries we do not like—far from it. This is about whether another country's system meets our guidelines.

The hon. Lady talked about countries such as China. It is a very good question and I will explain to her why some countries that we might not expect to be are on the list. I will use the example of Kazakhstan, where to obtain gender recognition applicants must undergo gender reassignment surgery. That includes forced sterilisation, something which we condemn completely. It is banned in our country and is a form of conversion practice. Recognising certification for someone who has undergone that is a compassionate acknowledgement of what some transgender people in other countries have had to go through to obtain their certification. Are we really going to say to people with GRCs from China or Kazakhstan who have been forcibly sterilised by their state that we do not think they are serious about legally changing their gender? Of course not. That is why we have included certain countries. If people have gone through such extreme measures for gender recognition, we should not be giving them any additional issues here.

There are countries with which we work very closely, and with which we carried out a good deal of extended engagement. I am also the Secretary of State for Business and Trade, and I work with embassies across the world and Ministers across the world. I spoke to other countries' Ministers about this issue, and they recognised the sovereignty of the UK. Ambassadors have been notified. We engaged in a great deal of collaboration with the Foreign, Commonwealth and Development Office throughout this process, and we are monitoring the international reaction to the legislation. Members can

[Kemi Badenoch]

be assured that diplomatic posts have been notified of the changes, and we have provided them with comprehensive question-and-answer documents that address any potential misconceptions about what this statutory instrument does.

That returns me to what I was saying about why I am so careful with the interventions that I make about equalities. Labour Members do not do their homework. They stand up in the Chamber and produce repetitive lines from social media. They think that they can use LGBT people as a shield for silly policy. We are going to do the policy properly: we are taking a lot of time to do this right. Along with my right hon. Friend the Member for Pudsey (Stuart Andrew), the Minister for Equalities, I am keen to ensure that LGBT people across the UK understand that this Government are making sure that we are doing things in a way that will not collapse once it makes contact with reality.

Elizabeth Truss (South West Norfolk) (Con): I congratulate my right hon. Friend on her statement. I agree with her that the law concerning sex and gender needs to be clarified, which is why later this afternoon I will present a private Member's Bill to do just that. First, the Bill will make it clear that single-sex spaces and sex as defined in the Equality Act 2010 are on the basis of biological sex, and secondly, it will protect those under 18 who are undergoing hormone treatment for gender dysphoria. It will also ensure that the state does not formally recognise social transitioning for those under 18. Given what my right hon. Friend has said, may I ask whether the Government will back my Bill?

Kemi Badenoch: I certainly support any effort to clarify the law, and we should start from first principles. No child is born in the wrong body, and no child should be put on a pathway towards irreversible medical transition. I am also conscious that it will take time to amend law, and I am therefore focusing on what will work for now. That is why we are publishing guidance to give clarity to schools as soon as possible. I remember discussing the growing problem of what we describe as social transitioning with my right hon. Friend when she was the Minister for Women and Equalities. I am pleased that she has come round to my point of view, and I am keen to work with her to see how we can ensure that the legislation works properly in practice.

Madam Deputy Speaker: I call the Scottish National party spokesperson.

Kirsten Oswald (East Renfrewshire) (SNP): I thank the Minister for advance sight of her statement, although I would have welcomed a good deal more detail. I do not know whether it is because the UK Government have been missing in action on their own commitment to ban conversion therapy for the last five years, but they seem much more interested in culture wars than in looking after the rights of some of the most vulnerable people. Of course, this is the same UK Government who are intent on blocking the democratic will, expressed across parties, of the Scottish Parliament. Again, they seem to be more interested in constitutional shenanigans than in human rights.

The Minister talked about unintended consequences. Has she undertaken an impact assessment of the impact of this change on the safety, health and wellbeing of those affected? What conversations has she had with international counterparts, and what specific evidence did she receive ahead of the change that made her decide to remove these named territories? Can she tell us exactly what will happen to those already living here, and living under their new gender, who come from the places that she is now removing from the list? Can she say where this leaves the motion of reciprocal arrangements? What of those from the UK who are living elsewhere? Does she recognise that the UK is travelling rapidly backwards on the rights of LGBT people and that this decision is very much out of step with other progressive countries around the world? What consideration has she given to the UK's international reputation?

From sending vulnerable refugees to Rwanda, placing barriers in front of care workers who want to come to the UK and now this, we can see the dearth of compassion at the heart of the UK Government writ large. We have all heard the reports that the Conservative party intends to fight the general election on the trans debate and culture wars, but nobody's identity should be in question. As the Minister herself said, nobody's identity should be used as a political football. We need to stop that. She needs to reflect and she needs to change tack.

Kemi Badenoch: I completely disagree with the hon. Lady. She talks about our using this issue as a culture wars football, yet the Labour Opposition spokesperson says that this is the first time that she has heard us say anything about this in the House. Surely both cannot be true. I think it is extraordinary that she is telling us that we are not compassionate. It is her Government in Scotland who were allowing rapists to be housed in women's prisons while using self-identity as a cover, so I will not accept that. We are the ones who are thinking about women's rights. We are the ones who are thinking about safeguarding. We are the ones who are thinking about vulnerability.

The hon. Lady asks me about reciprocal arrangements. The fact is that our system is a lot more rigorous, so there is no reason for others to stop accepting our certificates because they have not changed. It is because other countries have changed their process that we are updating this policy. We cannot have a situation where there are rules for people in this country and where we allow people from other countries with different rules to be able to access things that people in the UK cannot access. This is about equality before the law. This is about parity. Reciprocal arrangements will be fine. She also asked about people already living here. This is not retrospective legislation, so it will not impact people who are already here. We are just making it clear: self-ID is not something that this Government support. We do not believe that this is something that people should just declare, because that creates the very same problems that she saw in Scotland in the Isla Bryson case, with rapists going into women's prisons. We will not allow that to happen on this Government's watch.

Jackie Doyle-Price (Thurrock) (Con): Of course we cannot change biological sex. The GRC establishes legal sex for the purpose of exercising certain rights. Given that we have had a massive shift in rights since the Gender Recognition Act was passed in 2004, particularly

with same sex marriage, can my right hon. Friend advise me exactly what additional rights are granted through the giving of a GRC?

Kemi Badenoch: I thank my hon. Friend for that question. This is one area where we are trying to provide clarity. As a result of the Haldane judgment, there is now confusion between biological sex and legal sex and certainly in terms of the interpretation that people put on it. A gender recognition certificate had different standards in terms of what could be obtained until this judgment. We want to make it clear, for instance, that single-sex spaces will still be protected. We will do a lot more to clarify that. As I said, the Haldane judgment changes that, which is one reason why we need to look at this very carefully. There were 30 pages in the Appeal Court report, which shows how complex this issue is. The law is no longer clear. In fact, I would go so far as to say that the law is now a mess because of changing times. We need to provide clarity. We cannot assume that the wording as was intended in 2004 and 2010 still works in 2023, and we are carrying out work to fix that.

Madam Deputy Speaker (Dame Rosie Winterton): I will be calling only those who were here at the start of the statement. Members will know if they were not here, so I do not expect them to stand.

Mr Ben Bradshaw (Exeter) (Lab): Well, Madam Deputy Speaker, not wishing to be upstaged by the ex-Home Secretary, the Minister whose job it is to defend vulnerable minorities chooses to make her first statement this year in the House to announce two measures attacking transgender people. Why does she think that the UK, which was the first for four years up until 2015 in the European league of LGBT rights, and has now fallen to 17th under her watch?

Kemi Badenoch: I completely reject the right hon. Gentleman's assertion. I have come to the Floor of the House for an SI, which is unusual for a Secretary of State, because I think it is important that Members across the House have the opportunity to ask questions. I am not afraid of anybody on the Opposition Benches. I am not afraid of a single one of them, because I know that they do not take this seriously. The right hon. Gentleman asks why we have fallen. It is because self-ID is something that we differ in opinion with from other countries—[*Interruption.*] It is. It is a fact. We are different. But just because other countries believe that self-ID is the way does not mean that we in the UK have to do what everybody else is doing.

Neil O'Brien (Harborough) (Con): The issues of gender recognition and self-ID that my right hon. Friend is working to clarify are increasingly an issue in amateur and professional sports, with the risk of serious injury to women and girls and also examples of unfairness. Does she agree that, in general, for most sports, it is safer and fairer to separate on the basis of biological sex?

Kemi Badenoch: I do agree. Certainly in the majority of physical sports it is fairer and safer to separate on the basis of biological sex, and it is crucial that sporting bodies understand their responsibilities to women. A poor understanding of equalities law has led to women such as the pool player Lynne Pinches having to take

legal action to ensure fair competition in their sport, and girls often fear being physically injured by biological males. Rather than speaking up about the abuse, they endure it because they are scared of being called bigots. I would say to people across the House that calling people transphobic and calling them bigots when they express concern is creating a chilling effect. I had a group of schoolchildren, teenage girls, in my office who told me that because of mixed-sex sports they are bullied and pushed around—one of them talked about her glasses been broken—because the boys are using the opportunity to bully. We should think about children and we should think about protecting them, so I disagree with the labelling of anyone who has a different opinion as transphobic. That is what is causing the problems in this debate, and I am determined to bring some light rather than the heat that others continue to generate.

Christine Jardine (Edinburgh West) (LD): I actually agree with the Secretary of State that putting labels of any sort on people in any part of this debate is unacceptable and we should not indulge it. The Secretary of State also said that this is an important decision, and I agree with that too; it is an important statement. She also said that this has to be evidence-based, and I completely agree with that. Could she tell us which organisations in this country concerned with LGBT rights and with human rights generally she consulted on this statement, and what their responses and recommendations were?

Kemi Badenoch: The hon. Lady is right; we did carry out extensive consultations, but remember, this is something that we do repeatedly and periodically. The fact that we have not carried this out since 2011 shows that we have been remiss in our duties, and that is something that I am fixing. One of the issues is that a lot of people do not understand the law when it comes to self-identification. We are providing clarity there. We have engaged with numerous LGBT groups, but the fact of the matter is that many of them support self-ID. That is not this Government's policy. Stonewall does not decide the law in this country—[HON. MEMBERS: "Hear, hear!"] Whatever it is that people want to campaign on, we will listen and we will hear, but we have been very clear about this. This is something that we are not budging on. We are updating the law in accordance with Government policy, and we will continue to do so.

Miriam Cates (Penistone and Stocksbridge) (Con): I warmly welcome my right hon. Friend's statement, which provides some much-needed clarity, because self-ID does threaten the dignity and safety of women and girls. She is absolutely right to say that the UK should not recognise GRCs from countries that operate policies of self-ID. Sex matters, in life and in law, and it is right that the UK has its own rigorous processes for gaining GRCs, but these safeguards do not apply to the process of changing sex markers on passports and driving licences, which are far more commonly used for identification in everyday life. Will my right hon. Friend look again at the Passport Office's 2021 review and decide whether we can stop this self-ID by the back door through driving licences and passports?

Kemi Badenoch: I thank my hon. Friend for her question. It is a good one. This is one of the things that came to light as we looked at Government policy across the board and it is an example of how the law needs

[Kemi Badenoch]

updating. The reason that we have this is not that the Government supported self-ID but that before the same-sex marriage law came into being we wanted people to be able to change their legal documents so that they could get married. Now that we have a law that has fixed that, we should again look at some of the measures we put in place earlier, and that is why my hon. Friend is right to raise this. It is a Home Office issue, but I will raise it with the Home Secretary and see what we can do to repair it.

Sir Chris Bryant (Rhondda) (Lab): I will say this as gently as I can. As a gay man, I feel less safe today than I did three years or five years ago. Why? Sometimes it is because of the rhetoric used in the public debate, including by the Minister. [Interruption.] I am afraid we are not able to have a debate. Let us have a debate; I would be very happy to debate. I am just making the point that many of us feel less safe today, and when people over there on the Government Benches cheer, as they just did, it chills me to the bone—it genuinely does.

I will ask the Minister two very simple questions. First, how many people does she think today's decision will affect—a precise number? Secondly, she will know that there are lots of people in the UK who have entered into a same-sex civil partnership or marriage and would like that to be recognised in other countries around the world, so that they can live their lives there, wherever it may be. What has she done since being in power to ensure that more countries recognise same-sex civil partnerships and marriages?

Kemi Badenoch: I, too, will speak very gently. The hon. Gentleman says that my rhetoric chills him to the bone. I would be really keen to hear what exactly it is that I have said, either in this statement or previously, that is so chilling. I will tell him what chilled me. In May 2021, against official advice—I stress that officials said, “You should not have this meeting”—I met a young lady called Keira Bell, a lesbian, who told me of the horrific experience she had had at the Tavistock clinic. It was an eye-opening experience. The hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey) talked about “transing away the gay” in his speech in Westminster Hall. We are seeing, I would say, almost an epidemic of young gay children being told that they are trans and being put on a medical pathway for irreversible decisions, and they are regretting it.

This is what I am doing for young LGBT children: I am making sure that they do not find themselves being sterilised because they are being exploited by people who do not understand what these issues are. I am saying this on the advice of clinicians and academics, because clinicians from the Tavistock clinic have been whistleblowing, talking about what these issues are. The hon. Gentleman says that he is traumatised; we are traumatised by what is happening to young children, and we will run away from this issue no longer.

Mr Ranil Jayawardena (North East Hampshire) (Con): Like millions of people across this country, including the LGB Alliance, I am concerned by the erosion of hard-won rights of women and girls, not least the right to female-only spaces. Does my right hon. Friend agree

that we need a coherent policy across the whole of Government—every single Department—to ensure that we protect female-only spaces, and that we should make that a core commitment ahead of the next election?

Kemi Badenoch: I do agree, and I agree that it has to be across the board in Government. Some of that work is already under way. But I think it goes far beyond that. This cannot be a left or right issue, and it cannot be an issue on which certain people are personally invested in their own campaigns and cannot see the other point of view; it needs to be something that we work on together, on both sides of the House. If, while I am making a technical statement and explaining our thinking, Members across the House are talking about how they are traumatised, that is not serious policymaking. We need to be able to have a proper conversation, take the heat out of the debate and speak properly, as Members of Parliament representing all our constituents.

Neale Hanvey (Kirkcaldy and Cowdenbeath) (Alba): It infuriates me to hear people in this Chamber speak about the LGBT community as if it is one homogenous group. We are not one homogenous group, and there are many LGB and T people who oppose self-ID for obvious reasons. One of the issues that I am deeply concerned about is that many public bodies have not been observing their public sector equality duty properly. In some cases they have been erasing sex from legislation, which is outwith that duty. What action can be taken to ensure that legislation is fit for purpose and matches all the protected characteristics contained in the Equality Act 2010?

Kemi Badenoch: The hon. Gentleman is quite right to raise that issue. That is why I mentioned the work that we are doing on clarifying the difference between sex and gender. As I said, these terms were used interchangeably when we originally legislated in the House, which has created confusion in terms of understanding.

Public authorities should aim for clarity in what they do. Many organisations, particularly hospitals, think that removing the term “women” is more inclusive. It really is not—it is excluding. I would gently say to them that if they are using phrases such as “chest feeding” or removing words such as “mother” from paperwork and forms, they are not helping. They are making things worse and they are creating confusion. I am going to work with public authorities. The Minister for Women is also a Health Minister. We take this issue very seriously, and we will see what more we can do to provide clarity. Providing clarity is the key point.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): Women's participation in sport is significantly lower than men's. We need to encourage more girls and women to participate in sport because it is good for their long-term health as well as their mental wellbeing. We have heard stories—and I have heard stories in my constituency—of women and girls being put off sport by the presence of males for safety, privacy or fairness reasons. What is the Secretary of State doing to encourage girls to participate in sport and to protect integrity, fairness and privacy in women's sport?

Kemi Badenoch: This is something that I have said it is crucial that sporting bodies understand. They are responsible for managing the rules in this space, and quite a lot of them have updated their guidance to

reflect that, but not all of them. Young women in competitive sports should not have to silently accept that biological men will always beat them and take their chances to win gold. Generations of women before them have worked really hard to ensure that women have a place in sports and that those who excel are rewarded for that and are recognised.

The Equality Act 2010 is not a barrier to fair sport for women. It permits it, and it even requires it, so I shall work with my colleagues in the Department for Culture, Media and Sport—the Minister for Equalities is a DCMS Minister—to ensure that fair sport is a right that every woman and every girl can enjoy.

Joanna Cherry (Edinburgh South West) (SNP): I welcome the commitment by the Secretary of State to evidence-based policymaking and to awaiting the outcome of the Cass review. She will be aware, like me, that the interim report from the review stated that it had heard from young lesbians who felt pressurised to identify as transgender male. As a lesbian, that is something that concerns me.

As well as having evidence-based policymaking, does the Secretary of State think that it is important to be clear about what are and are not our obligations under international law? Does she agree that there is no international treaty to which the United Kingdom is a signatory that requires us to have a system of self-identification? The current system we have is legally compliant and is compliant with the European convention on human rights. While some people talk about self-ID as best practice, that is no more than an expression of their opinion. Does she recognise that self-identification raises real issues not just for the safety of women and girls but for their privacy and dignity, as well as for the rights of same-sex-attracted people freely to associate?

Kemi Badenoch: The hon. and learned Lady is absolutely right. Self-ID impacts on all the things she mentioned. We speak less about freedom of association and the impact on that. It goes to the point made by the hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey) that we need in many respects to separate sexual orientation from what we refer to now as gender identity—that is, what is under the “T”. We have lumped them together before. That was helpful in many circumstances, but I have seen this issue arise in other equalities work that I have done around race, where we use the term BAME to lump together lots of different groups. When that occurred, we missed a lot of information about what was happening within those groups. We need as much granularity as possible if we are to serve people who are LGBT as well as people who are T.

The hon. and learned Lady asks what work we are doing to stop lesbians being made to feel as if they have to be trans-identified males. I have asked the Equality Hub to do some work with The Lesbian Project, which I know is interested in fixing this problem. On the point of international treaties, she is absolutely right in what she says. So much of the criticism about how our international standing will fall is not evidence-based policy, but “not a good look-ism”. It says, “This is not a good look and we probably should not do it,” but that is not how we should be making policy. We should be looking at the facts, thinking clearly about the outcomes

we want and acting accordingly. That is the way the Equality Hub, under my leadership, will continue to behave.

Nick Fletcher (Don Valley) (Con): The Secretary of State for Education said today that to completely stop children being able to socially transition at school required change in equality law, yet children who do socially transition can end up on a pathway to puberty blockers, cross-sex hormones and surgeries that leave them infertile and have an impact on their bone, and even their brain, development. This is tearing families apart up and down this country, and we cannot continue to let it happen in our schools. I will therefore be supporting the Bill from my right hon. Friend the Member for South West Norfolk (Elizabeth Truss) this afternoon when she lays it before Parliament. Will the Secretary of State meet concerned colleagues from across the House to change this law in order to protect our children at school, because that is a must?

Kemi Badenoch: I thank my hon. Friend for his question. I am happy to meet Members from across the House on this issue, but I stress that changing the law is not going to be easy. It will not be straightforward and it will need consensus, broadly, across the House, because of many of the issues I alluded to earlier.

On his earlier point about social transitioning, he is actually right. It is probably worth my putting on the record what social transitioning is, because I know that a lot of people may not necessarily be clear about what I am referring to. Social transitioning is a relatively new phenomenon. It is rooted in gender identity theory, which I must stress is a very contested ideology. The term is often used to refer to a range of actions that a child may take to appear more like the opposite sex, accompanied by an expectation that they will be treated as if they are. That may include requests for a child to change their name, the pronouns associated with them or their uniform, or to use different facilities from those provided for their biological sex. Not all of those requests will comply with legal duties on schools, particularly those to safeguard children.

Social transitioning is not a neutral act, as it has been recognised that it can have formative effects on a child's future development, which is what my hon. Friend is alluding to when he talks about cross-sex hormones. We are taking this very seriously. We will have the gender questioning guidance out very shortly, and I hope it will address many of the issues he is concerned about.

Jim Shannon (Strangford) (DUP): I commend the Minister for her wisdom in her answers to all the questions she has been asked today. Will she confirm that just as a person can have a full driving licence at 16 in the United States of America and yet would not be able to apply for a full licence in the UK until our legal age is attained, the same premise is in operation here, in that our laws supersede those of other nations in this sovereign matter? In other words, decisions are made here by our Minister and our Government.

Kemi Badenoch: We do need to make sure that there is clarity across the board that it is Ministers in this country who are making those decisions clearly and being held to account in Parliament. A lot of loopholes have become apparent that allow people to change things through different means other than via Parliament.

[*Kemi Badenoch*]

Some of that is about changing the colloquial meaning of quite a lot of expressions. Bringing as much as possible into law to provide clarity will be really important.

Sir Conor Burns (Bournemouth West) (Con): May I invite my right hon. Friend to agree that, despite some of the rhetoric we have heard in the House today, the United Kingdom is an immeasurably better place to grow up as a gay person than it was in decades gone by and that this House is at its best when it can find moderate consensus on what is right for our citizens? In that light, I ask her whether it is still the Government's intention to bring forward conversion therapy ban legislation to this House. If the Government do intend to do that, will she give me and, through me, the House and the country an assurance that we will put often confused, vulnerable and frightened young people at the very heart of that, and that evidence-based decisions will inform the legislation the Government bring forward?

Kemi Badenoch: I am very happy to confirm that, and I thank my right hon. Friend for the measured tone in which he asked his question—it is a model for Opposition Members. We have done so much work under this specific Government and even under my watch, including on our HIV action plan and on trans healthcare. We have established five new community-based clinics for adults in this country. There is a lot that we are doing, so it is wrong to characterise us as not caring about LGBT people, and it also sends the wrong signal to our international partners. If they feel that we are not doing well, it is not because of what we are doing, but because of what Members are saying.

On conversion practices, let me give a little more clarity about what we are doing with a longer answer than normal. This is a matter of deep interest across this House, so I would like to set out my thinking fully. A commitment was given to publish a draft conversion practices Bill for pre-legislative scrutiny. I am determined to meet that promise, as is the Minister for Equalities. Attempts at so-called conversion therapy are abhorrent and are largely already illegal, so a Bill would identify those practices as a particular threat to gay people and confirm the illegality of harmful processes intended to change someone's sexuality.

In the time since that Bill was first promised, the issue has developed. Now, the threat to many young gay people is not conversion relating to their sexuality, but conversion relating to gender identity. Girls such as Keira Bell, who was rushed on to puberty blockers by the NHS and had a double mastectomy, now regret the irreversible damage done to them. I believe that this is a new form of conversion therapy. Respected clinicians, such as those who left Tavistock, have made clear that they are fearful of giving honest clinical advice to a child because if they do not automatically affirm and medicalise a child's new gender, they will be labelled transphobic. Any Bill needs to address many of those issues, and that is why we are going to publish a draft Bill.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): It is a shame that the Secretary of State is not making a full statement on the issue of conversion therapy, because it is a concern for many Opposition

Members, and we would like some actual facts, which she has not provided until now. She also has not provided the statutory instrument referred to in the statement; I do not see it lying on the Table, it is not in the Vote Office and it is not online, so we cannot scrutinise the names of the countries that are to be added to or removed from the list. From the Dispatch Box, could the Secretary of State could list those countries and clarify whether they include the United States? Has she received any diplomatic representations from the United States, or any other country whose status is due to be changed, opposing the decision she has announced?

Kemi Badenoch: I apologise to the hon. Gentleman about the statutory instrument. As far as I was aware, it had been laid. That is what I was told, so it is news to me. That should have been the case.

All the details that the hon. Gentleman has asked for will be provided in the SI. I am not going to read out a long list of countries from the Dispatch Box, but I have not received any message from the United States, so I do not think that that is an issue.

Sir Simon Clarke (Middlesbrough South and East Cleveland) (Con): I thank my right hon. Friend for a clear and cogent explanation of why the Government are taking the action that they have. Does she agree that as we seek to address this very sensitive and important issue, it is important that we avoid the kind of language that we heard from the hon. Member for Rhondda (Sir Chris Bryant), precisely because it obscures the fact that we are trying to find a legislative way forward that protects the interests of vulnerable young people rather than sees them signposted—often prematurely—in a direction that is irreversibly harmful to them?

Kemi Badenoch: I completely agree with my right hon. Friend—he has said it far better than I could. Let us have the debate in this House, rather than having people out there have the debate, which creates the climate of fear that many have referred to. The harder they make it for people to speak honestly in this Chamber, the worse the situation will get, so I urge Members across the House to listen to my right hon. Friend, because the point he has made is really important. We in this House need to set an example; shouting, barracking and calling people “bigot” and “transphobic” is not going to help LGBT people in this country.

Dame Angela Eagle (Wallasey) (Lab): Will the Secretary of State talk about what the implications would be if sex were defined in law as biological? Would existing trans people have to act in all public appearances in accordance with their biological sex, so, unless they had a gender recognition certificate, trans men would have to use female toilets and trans women would have to use male toilets? I am genuinely trying to find out the implication of what she has announced, without any papers before us to look at.

Kemi Badenoch: The hon. Lady asks a good question. The way I would explain it is that this is not an issue that we had before. I wish that we did not have to make these changes, but the fact is that many trans people were living their lives peacefully and with dignity until others started exploiting the loopholes. It is not trans

people whom we are trying to limit; it is the predators who are using the loopholes and giving the trans community a bad name.

We are trying to protect against the example that I used before: male prisoners claiming that they are female and going into female prisons. We need to continue to provide clarity, because many public authorities are confused and do not understand. People should use the toilets for their biological sex in the vast majority of cases. In some cases, that will be difficult, but we need to provide more clarity so that predators do not exploit the loophole. That is what we are trying to do. As I said, in the vast majority of cases, we are trying to protect vulnerable people.

Tom Hunt (Ipswich) (Con): This is my first time commenting on this issue. Recently, the “genderbread person” concept was found on a school intranet in Ipswich. It promoted the idea that biology does not matter and that it is all about what is in your head—complete self-identification. It also promoted outdated gender stereotypes and a list of hobbies and jobs associated with men and women, so presumably, if someone liked football, somebody might say to them, “Have you thought about being a boy?” That is completely regressive. Does the Minister agree that there is no place for a “genderbread” person in schools at all, and that we should be incredibly careful about promoting anything to do with gender ideology in primary schools?

Kemi Badenoch: My hon. Friend raises a good point. That is one thing that I am seeking to resolve. As we have not provided clarity in the law, a lot of the space has been filled by many dubious organisations that produce very dubious material with no basis whatsoever in biology or law. They push it because they think that they can get away with it. We as a Government have a responsibility to clear out that material from schools. I think that the Secretary of State for Education is looking at the materials that are being taught under relationships, sex and health education.

As my hon. Friend made clear, it is important that primary school children in particular are protected. That is why the guidance that we will put out on gender-questioning children will address that issue—except in the most extreme safeguarding cases—and I expect it to include clinical advice. We should not be socially transitioning any primary school children at all, or introducing them to those theories.

Lia Nici (Great Grimsby) (Con): I thank the Secretary of State for her statement. My fear, and that of my constituents, is that the aggressive activism with regard to gender puts gay and lesbian people in real danger of hate crimes and different activism. We also need to protect men, boys, women and girls. My biggest fear in all this is that self-identifying men in particular will cause confusion for women, who still do not have equality. We must ensure that women are safe in health treatment settings and single-sex spaces.

Kemi Badenoch: My hon. Friend is right. We need to ensure that we provide accurate data so that public authorities across the board, particularly hospitals, know exactly who and what they are dealing with. We have seen examples of people not receiving the right medical

care after being identified as the wrong sex because of a GRC or a self-declared difference in sex or gender. We need to ensure that does not happen. We have seen issues across the board. The ONS is again looking at how to make the census clearer, because it was obvious that many people who completed it did not understand the question. That is what we are trying to say: this is a new space, a new area. Lots of things are developing. We should not be rushing to legislate; we should legislate carefully. That is why many of the things that people have been expecting are taking time. We are waiting for the Cass review, but we will carry out this work.

Mr Jonathan Lord (Woking) (Con): A few years ago, a loving, caring, intelligent and thoughtful married couple came to my surgery, and they were very distressed because they had just found out that their child had been questioning their gender at school and the school had, for several months, not informed them. This child had been counselled by two adults who had no appropriate qualifications. As we seek clarity on the law and the guidelines, will my right hon. Friend assure me that parents will be informed and included in those conversations, except in the most extraordinary circumstances?

Kemi Badenoch: I confirm that I want to make sure of that. As we saw in the guidance on gender-questioning children, it is absurd for such a significant change to be taking place without parents knowing. Of course, that may not be possible in the most extreme circumstances, but the vast majority of parents love their children and care for them. We should not treat parents as the enemy. They need to know what is going on because, quite a lot of the time, gender-questioning children have comorbidities—perhaps they are autistic or perhaps there is something else going on in the mental health space that needs clinical advice, rather than just putting them on the social transitioning pathway.

Brendan Clarke-Smith (Bassetlaw) (Con): I thank the Secretary of State for reassuring us that the Government remain committed to protecting women’s rights and children with policies that are based on biological reality, not extreme ideology that conflates sex and gender. Does she agree that today’s statement will help to stop people finding loopholes around this?

Kemi Badenoch: Yes, I agree. The purpose of this SI is to provide clarity. The law has not really been updated since 2011. We need more frequent updates to ensure we keep up with what is happening in this space.

In answer to earlier questions about the availability of the SI, it was tabled at 12 noon. I am sorry that it was not ready for Members.

Jonathan Gullis (Stoke-on-Trent North) (Con): I spent my entire professional career working in state secondary schools as a teacher, and the one place where debates around gender self-identification should never apply is with children. As we have seen divisive critical race theory entering our schools, we are now seeing an equally divisive gender ideology. Will the Secretary of State confirm for my residents in Stoke-on-Trent North, Kidsgrove and Talke that her announcement will help to ensure the classroom is a safe space for vulnerable young people?

Kemi Badenoch: I welcome my hon. Friend's question. As a teacher, he knows how carefully we need to look after children, and how carefully we need to ensure we are safeguarding across the board. He is right, and this SI is just one step we are taking to provide clarity. There is more coming, and not all of it will be legislative. We will bring in measures to help people understand exactly what is going on. We should not assume that the knowledge we have in this House is present in the population. I have met people who do not understand the difference between being gay and being trans. *[Interruption.]* The hon. Member for Manchester Central (Lucy Powell) is complaining that my answers are long. It is because I want people to hear the truth and to understand what the Government are doing.

James Daly (Bury North) (Con): The main feature of countries that have come off the list seems to be their adoption of laws that remove all safeguards on changing gender. Does my right hon. Friend agree that this approach is dangerous? What further steps is she taking to address its expansion?

Kemi Badenoch: I cannot control what other countries do. All we can do is emphasise our own policies. Across the House, we have conversations with international counterparts. There has been a lot of interest in what we are doing. I remember speaking to a Minister who said their country—I will not name the country—had brought in self-ID early because they thought we were going to do it, and that they were now thinking again. There are countries, even in Europe, that are taking steps to limit this, because they have seen the consequences and do not think that the benefits outweigh the disbenefits. I am glad that we in the UK are setting a standard for evidence-based policymaking and are showing others how to get this right.

Points of Order

2.44 pm

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): I call Stephen Doughty to make his point of order first, because it relates to the statement and I believe the Secretary of State may be able to provide clarification.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): On a point of order, Madam Deputy Speaker. Further to the point I raised in my question to the Minister for Women and Equalities about the information that had not been provided to the House, I have a list here that appears to be a list of countries and territories that are changing status as a result of the statement and the order that is being laid, but it does not appear to have been published or to be available in the Vote Office. It includes a large number of Australian states, Canadian provinces and states of the United States, including Colorado and New Mexico, as well as New York city and New York state, and other places. It actually includes some European countries—Malta, Luxembourg—as well as Mexico in Latin America and many other locations. Could the Minister confirm for the House's interest whether this list is correct?

Madam Deputy Speaker: First, I believe the Minister did confirm that the order has been laid, and it should therefore be available in the Vote Office. However, the Secretary of State may like to confirm that, or if she does not have the information immediately available, to say that she will report back about it.

The Minister for Women and Equalities (Kemi Badenoch): Further to that point of order, Madam Deputy Speaker. I would like to confirm that the order has been laid. I have just heard from officials that it has been laid.

Hon. Members: After the statement.

Madam Deputy Speaker: We will ensure that it is available in the Vote Office.

Kemi Badenoch: It was laid well before the statement to the House. I am sorry it has not been published, but it was laid, so we have done our bit.

Madam Deputy Speaker: I think the Minister has confirmed that it was laid. We will find out why it was not in the Vote Office and come back to the hon. Member for Cardiff South and Penarth (Stephen Doughty).

I call the shadow Leader of the House.

Lucy Powell (Manchester Central) (Lab/Co-op): On a point of order, Madam Deputy Speaker. Have you been given notice of any oral statement by the Home Secretary today, given that he signed a treaty with Rwanda yesterday? As you are aware, the Government have repeatedly made major announcements outside this House and have not been forthcoming in bringing forward opportunities for Members to scrutinise them here. I note that the Home Secretary was in fact in his place for Prime Minister's questions today, so he would have been able to give an oral statement. Can you also

confirm that statements can be made at any time during the day, and have you been given notice of whether one will be made later today?

Madam Deputy Speaker: I thank the hon. Lady for her point of order, and for giving me notice of it. As she knows, the Speaker has been very clear on the importance of Ministers making statements first to this House. I can confirm that it is possible for a statement to be made at an unusual time—in other words, not straight after questions, as would be the norm. The Government would need to notify the Speaker of their wish to do so, and if that does happen later today, I am sure the whole House will be notified in good time.

Alison McGovern (Wirral South) (Lab): On a point of order, Madam Deputy Speaker. I would like to seek your advice because, on 6 December 1923, the first three female Labour Members of Parliament were elected—Margaret Bondfield, Dorothy Jewson and Susan Lawrence—and these three women campaigned tirelessly for election against all odds. Between 1929 and 1931, Margaret Bondfield became the UK's first woman Cabinet Minister after being named the Minister of Labour. That is a profoundly important anniversary in our country's history. Can I seek your advice about how it can be marked on the record of this House?

Madam Deputy Speaker: I am grateful to the hon. Lady for her point of order, and for giving me notice of it. All I can say is that I think the hon. Lady has answered her own point of order in drawing our attention to this anniversary in the way she has done.

Personal Statement

Madam Deputy Speaker (Dame Rosie Winterton):

Before I call the right hon. and learned Member for Fareham (Suella Braverman) to make her personal statement, I remind the House that such statements are heard in silence and without interruption. If anybody feels that they cannot abide by that, they are welcome to leave now. I repeat—in silence and without interruption.

2.49 pm

Suella Braverman (Fareham) (Con): I am very grateful for the opportunity to make this statement. I would like put on the record my wishes to Mr Speaker and hope that he makes a speedy recovery.

Serving in Cabinet for just under four years has been a true honour. I am thankful for the opportunity and grateful to the many civil servants and Ministers with whom I worked. We achieved a great deal in the last 12 months: landmark legislation in the Public Order Act 2023 and the National Security Act 2023; 20,000 new police officers, more than England and Wales have ever seen before; one of the largest ever pay rises for the police; greater powers to dismiss rogue officers; and a review of the legal protections to empower our brave firearms officers.

But I want to talk about the crisis on which I spent more time working than any other: mass, uncontrolled, illegal immigration. All of us here are familiar with the problem: tens of thousands of mostly young men, many with values and social mores at odds with our own, pouring into our country day after day, month after month, year after year. Many come from safe countries. Many are not refugees, but are economic migrants. All have paid thousands of pounds to criminal gangs to break into Britain. All have come from a safe country, France, which—let us face it—should be doing so much more to stop them.

That is putting unsustainable pressure on our public finances and our public services. It is straining community cohesion, jeopardising national security and harming public safety. The British people all understand this. The question is, do the Government, and will they now finally act to stop it? The Prime Minister rightly committed to doing whatever it takes to stop the boats. He should be commended for dedicating more time and toil than any of his predecessors to that endeavour. Unlike the Leader of the Opposition, who would rather bury his head in the sand, he has actually advanced a plan.

We made some progress during my tenure as Home Secretary: the overall crossings have fallen by 30%; the number of illegal Albanian arrivals is down by 90%; and we were starting to close down asylum hotels. But “crossings are down” is not the same as “stopping the boats”. As Home Secretary, I consistently advocated legislative measures that would have secured the delivery of our Rwanda partnership as soon as a Bill became law. Last summer, following defeat in the Court of Appeal, I advised that we should scrap rather than continue passage of the Illegal Migration Bill, in favour of a more robust alternative that excluded international and human rights laws. When that was rejected, I urged that we needed to work up a credible plan B in the event of a Supreme Court loss.

[Suella Braverman]

Following defeat in the Supreme Court, the Prime Minister has finally agreed to introduce emergency legislation. I welcome his decision, but it is now three weeks on from the judgment and we are yet to see a Bill. I am told that its publication is imminent, but we are running out of time. This is an emergency, and we need to see the Bill now.

My deeper concern, however, relates to the substance of what may be in that Bill. Previous attempts have failed because they did not address the root cause of the problem: expansive human rights laws, flowing from the European convention on human rights and replicated in Labour's Human Rights Act 1998, are being interpreted elastically by courts domestic and foreign to literally prevent our Rwanda plan from getting off the ground.

This problem relates to so much more than just illegal arrivals. From my time as Home Secretary, I can say that the same human rights framework is producing insanities that the public would scarcely believe: foreign terrorists we cannot deport because of their human rights; terrorists we have to let back in because of their human rights; foreign rapists and paedophiles who should have been removed but are released back into the community only to reoffend—yes, because of their human rights; violent criminals pulled off deportation flights at the last minute thanks to the help of Labour MPs, free to wander the streets and commit further horrific crimes including murder; protestors let off the hook for tearing down statues and gluing themselves to roads; and our brave military veterans harassed through the courts some 40 years after their service.

It is no secret that I support leaving the European convention on human rights and replacing the Human Rights Act with a British Bill of Rights that protects the vulnerable and our national security, and finishes the job of Brexit by extricating us from the foreign court and restoring real parliamentary supremacy, but I accept that the Government will not do that and that it is a debate for another day. Crucially, when it comes to stopping the boats now, leaving the ECHR is not the only way to cut the Gordian knot. Emergency legislation would enable this only if it meets the following tests.

First, the Bill must address the Supreme Court's concerns about the safety of Rwanda. Secondly, the Bill must enable flights before the next election by blocking off all routes of challenge. The powers to detain and remove must be exercisable notwithstanding the Human Rights Act, the European convention on human rights, the refugee convention and all other international law. Thirdly, the Bill must remedy deficiencies in the Illegal Migration Act 2023 to ensure that removals can take place within days, rather than allowing individual claims and challenges that drag on for months. Fourthly, the Bill must enable the administrative detention of illegal arrivals until they are removed. And just as we rapidly built Nightingale hospitals to deal with covid, so we must build Nightingale-style detention facilities to deliver the necessary capacity. Greece and Turkey have done so. The only way to do this, as I advocated for in government, is with the support of the Ministry of Defence. Fifthly, Parliament must be prepared to sit over Christmas to get the Bill done.

All of this comes down to a simple question: who governs Britain? Where does ultimate authority for the UK lie? Is it with the British people and their elected

representatives, or is it in the vague, shifting and unaccountable concept of international law? On Monday, the Prime Minister announced measures that start to better reflect public frustration on legal migration. He can now follow that up with a Bill that reflects public fury on illegal migration and actually stop the boats.

It is now or never. The Conservative party faces electoral oblivion in a matter of months if we introduce yet another Bill destined to fail. Do we fight for sovereignty, or do we let our party die? Now, I may not have always found the right words in the past, but I refuse to sit by and allow us to fail. The trust that millions of people placed in us cannot be discarded as an inconvenient detail. If we summon the political courage to do what is truly necessary, difficult though it may be—to fight for the British people—we will regain their trust. If the Prime Minister leads that fight, he has my total support.

BILLS PRESENTED

BUILDING SOCIETIES ACT 1986 (AMENDMENT) BILL

Presentation and First Reading (Standing Order No. 57)

Julie Elliott, supported by Dame Angela Eagle, Damian Green, Siobhain McDonagh, Yvonne Fovargue, Wendy Chamberlain, Sir Mark Hendrick, Ian Mearns, John Stevenson, Alison Thewliss and Dame Meg Hillier, presented a Bill to make provision about the funding of building societies and the assimilation of the law relating to companies and the law relating to building societies.

Bill read the First time; to be read a Second time on Friday 19 January 2024, and to be printed (Bill 18).

SHARED PARENTAL LEAVE AND PAY (BEREAVEMENT) BILL

Presentation and First Reading (Standing Order No. 57)

Chris Elmore presented a Bill to make provision about shared parental leave and pay in certain cases where a mother has died; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 26 January 2024, and to be printed (Bill 19).

PENSIONS (SPECIAL RULES FOR END OF LIFE) BILL

Presentation and First Reading (Standing Order No. 57)

Mr Laurence Robertson presented a Bill to change the period of life expectancy relevant to certain pension rules.

Bill read the First time; to be read a Second time on Friday 2 February 2024, and to be printed (Bill 20).

STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION BILL

Presentation and First Reading (Standing Order No. 57)

Christian Wakeford, on behalf of Wayne David, presented a Bill to make provision about the misuse of litigation to suppress freedom of speech.

Bill read the First time; to be read a Second time on Friday 23 February 2024, and to be printed (Bill 21).

CONVERSION PRACTICES (PROHIBITION) BILL

Presentation and First Reading (Standing Order No. 57)

Alicia Kearns, on behalf of Lloyd Russell-Moyle, supported by Elliot Colburn, Mr William Wragg, Dr Jamie Wallis, Caroline Nokes, Gary Sambrook, Dehenna Davison,

Iain Stewart and Michael Fabricant, presented a Bill to prohibit practices whose predetermined purpose is to change a person's sexual orientation or to change a person to or from being transgender; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 1 March 2024, and to be printed (Bill 22).

ANIMAL WELFARE (IMPORT OF DOGS, CATS AND FERRETS) BILL

Presentation and First Reading (Standing Order No. 57)

Selaine Saxby presented a Bill to make provision for and in connection with restricting the importation and non-commercial movement of dogs, cats and ferrets.

Bill read the First time; to be read a Second time on Friday 15 March 2024, and to be printed (Bill 23).

HUNTING TROPHIES (IMPORT PROHIBITION) BILL

Presentation and First Reading (Standing Order No. 57)

Mark Tami, on behalf of John Spellar, supported by Henry Smith, presented a Bill to make provision prohibiting the import of hunting trophies into Great Britain.

Bill read the First time; to be read a Second time on Friday 22 March 2024, and to be printed (Bill 24).

HIGH STREETS (DESIGNATION, REVIEW AND IMPROVEMENT PLAN) BILL

Presentation and First Reading (Standing Order No. 57)

Jack Brereton, supported by Jonathan Gullis, Jo Gideon, Eddie Hughes, Andrew Lewer, Grahame Morris, Damien Moore, Martin Vickers, David Morris, Neil O'Brien, Mrs Sharon Hodgson and Nick Fletcher, presented a Bill to require local authorities to designate high streets in their area; to require local authorities to undertake and publish periodic reviews of the condition of those high streets; to require local authorities to develop action plans for the improvement of the condition of those high streets; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 26 January 2024, and to be printed (Bill 25).

PET ABDUCTION BILL

Presentation and First Reading (Standing Order No. 57)

Anna Firth presented a Bill to create offences of dog abduction and cat abduction and to confer a power to make corresponding provision relating to the abduction of other animals commonly kept as pets.

Bill read the First time; to be read a Second time on Friday 19 January 2024, and to be printed (Bill 26).

JOINT ENTERPRISE (SIGNIFICANT CONTRIBUTION) BILL

Presentation and First Reading (Standing Order No. 57)

Kim Johnson, supported by Sir Robert Neill, Mr Barry Sheerman, John McDonnell, Paula Barker, Rachel Hopkins, Kate Osamor, Liz Saville Roberts, Kenny MacAskill and Chris Stephens, presented a Bill to amend the Accessories and Abettors Act 1861 to provide that only a person who directly commits, or who makes a significant contribution to the commission of, an offence may be held criminally liable.

Bill read the First time; to be read a Second time on Friday 2 February 2024, and to be printed (Bill 27).

SPACE INDUSTRY (INDEMNITIES) BILL

Presentation and First Reading (Standing Order No. 57)

Mr Jonathan Lord presented a Bill to require operator licences authorising the carrying out of spaceflight activities to specify the licensee's indemnity limit.

Bill read the First time; to be read a Second time on Friday 23 February 2024, and to be printed (Bill 28).

PUBLIC PROCUREMENT (BRITISH GOODS AND SERVICES) BILL

Presentation and First Reading (Standing Order No. 57)

Sarah Champion presented a Bill to make provision about public procurement in respect of British goods and services; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 15 March 2024, and to be printed (Bill 29).

GREATER LONDON LOW EMISSION ZONE CHARGING (AMENDMENT) BILL

Presentation and First Reading (Standing Order No. 57)

Gareth Johnson, supported by Sir David Evennett, Mr Louie French, Dean Russell, Sir Robert Goodwill, Theresa Villiers, Elliot Colburn, Bob Blackman, Steve Tuckwell, Mrs Heather Wheeler, Mr Mark Francois and Julie Marson, presented a Bill to amend the boundaries of the Greater London Low Emission Zone and Ultra Low Emission Zone; to provide that Transport for London may not make an order amending those boundaries without the consent of the Secretary of State; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 22 March 2024, and to be printed (Bill 30).

UNAUTHORISED ENTRY TO FOOTBALL MATCHES BILL

Presentation and First Reading (Standing Order No. 57)

Kevin Brennan, supported by Steve Brine, Dame Caroline Dinanage, Clive Efford, Julie Elliott, Damian Green, Dr Rupa Huq, Simon Jupp, Jane Stevenson and Giles Watling, presented a Bill to create an offence of unauthorised entry at football matches; and to provide for the offence to be listed as an offence for which a football banning order can be imposed following conviction.

Bill read the First time; to be read a Second time on Friday 23 February 2024, and to be printed (Bill 31).

LICENSING HOURS EXTENSIONS BILL

Presentation and First Reading (Standing Order No. 57)

Mrs Emma Lewell-Buck presented a Bill to amend the Licensing Act 2003 so that licensing hours orders can be made by negative resolution statutory instrument.

Bill read the First time; to be read a Second time on Friday 19 January 2024, and to be printed (Bill 32).

BRITISH CITIZENSHIP (NORTHERN IRELAND) BILL

Presentation and First Reading (Standing Order No. 57)

Gavin Robinson presented a Bill to make provision about British citizenship in respect of people born in Ireland after 31 December 1948 who are, or have been, resident in Northern Ireland; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 26 January 2024, and to be printed (Bill 33).

COMMUNITY AND SUSPENDED SENTENCES
(NOTIFICATION OF DETAILS) BILL

Presentation and First Reading (Standing Order No. 57)

Ruth Jones presented a Bill to require offenders serving community and certain other sentences to provide information about names used and contact details.

Bill read the First time; to be read a Second time on Friday 23 February 2024, and to be printed (Bill 34).

HEALTH AND EQUALITY ACTS (AMENDMENT) BILL

Presentation and First Reading (Standing Order No. 57)

Elizabeth Truss, supported by Dame Priti Patel, Ian Paisley, Jackie Doyle-Price, Dr Caroline Johnson, Nick Fletcher, Miriam Cates, Ben Bradley, Tom Hunt, Robin Millar, Andrew Lewer and Marco Longhi, presented a Bill to regulate access to hormone therapy for children under the age of 18; to make provision relating to social transition practices in schools and other settings; to make provision regarding the meaning of the protected characteristic of sex; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 15 March 2024, and to be printed (Bill 35).

HEREDITARY TITLES (FEMALE SUCCESSION) BILL

Presentation and First Reading (Standing Order No. 57)

Harriett Baldwin, supported by Ms Harriet Harman, Nickie Aiken, Tim Loughton, Sarah Champion, Philip Davies, Dame Maria Miller and Jess Phillips, presented a Bill to make provision for the succession of female heirs to hereditary titles; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 23 February 2024, and to be printed (Bill 36).

OFF-ROAD VEHICLES (REGISTRATION) BILL

Presentation and First Reading (Standing Order No. 57)

Anne McLaughlin presented a Bill to make provision for a compulsory registration scheme for certain off-road vehicles; to require such vehicles to display a registration plate; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 19 April 2024, and to be printed (Bill 37).

Sentencing Bill

Second Reading

[Relevant documents: Tenth Report of the Justice Committee of Session 2022-23, Public opinion and understanding of sentencing, HC 305; Correspondence from the Chair of the Justice Committee to the Lord Chancellor, on the Criminal Justice Bill and the Sentencing Bill, reported to the House on 28 November 2023.]

3.6 pm

The Lord Chancellor and Secretary of State for Justice (Alex Chalk): I beg to move, that the Bill be now read a Second time.

It is a privilege to move Second Reading of the Government's recently introduced Sentencing Bill. The first responsibility of any Government is to protect the public. Levels of crime have come down by more than 50% since 2010. Violent crime is also down by over 50% in the last 13 years, and when it comes to reoffending, the rate is down by six percentage points since 2010. Indeed, His Majesty's chief inspector of constabulary has said that

"England and Wales are arguably safer than they have ever been".

The Bill builds on that record to put public protection at the heart of sentencing. It will enable us to remove from circulation those who pose the most risk and to follow the evidence on the most effective ways to reduce reoffending and cut crime.

Let me start with the most dangerous offenders. I am referring to those whose crimes are so appalling and who present such a high risk that sending them to prison for as long as possible is the only way to protect the public. As the House will know, following the Criminal Justice Act 2003, all prisoners given a standard determinate sentence were entitled to be released automatically at the halfway point, no matter their crime or the length of their sentence. I want to be crystal clear about what that meant. That meant that a rapist sentenced to 12 years was out of prison in six. They were released at that point and there was no power to detain them in prison for longer.

Through the Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020, we legislated to ensure that serious violent and sexual offenders sentenced to seven years or more had to serve two thirds of their sentence in custody, with the rest under strict licence conditions. In the same year, the Terrorist Offenders (Restriction of Early Release) Act 2020 ensured that terrorist offenders also served at least two thirds of their sentence or custodial term in custody and were not released without the agreement of the Parole Board.

We went further in 2021. A new type of sentence was created in the Counter-Terrorism and Sentencing Act 2021 that means that the most serious and dangerous terrorist offenders will now serve a minimum custodial term of 14 years. Just last year, we passed the Police, Crime, Sentencing and Courts Act 2022, which put a stop to the automatic halfway release of other serious sexual and violent offenders who are sentenced to a standard determinate sentence of four years or more. The net effect is that they, too, should now serve two thirds of their sentence in prison. The Act also allows for the overriding of the automatic release date of offenders sentenced to a standard determinate sentence who are

found to be dangerous while in custody, and for increased sentences for causing death by dangerous driving and causing or allowing the death of a child.

All those were sensible changes to sentencing that were designed to protect the British people from harm. Now, we go further. Under the provisions on whole-life orders, for the very worst offenders who kill in the most appalling circumstances, life really will mean life.

Alberto Costa (South Leicestershire) (Con): I am grateful to my right hon. and learned Friend for giving way so early in his speech. Will he confirm that the proposals he is presenting to the House on the Government's behalf will ensure that anyone who commits an offence like those committed by Colin Pitchfork, who brutally raped and murdered two young women, and who might very well be released tomorrow after the Parole Board decision on the matter, will likely spend the whole of their natural life behind bars?

Alex Chalk: Let me take this opportunity to pay tribute to my hon. Friend. He has raised this issue on behalf of his constituents with such assiduity and so conscientiously, with me personally and, indeed, in the House. He is absolutely right to do so: that crime was truly abominable and utterly atrocious. At its very heart, this part of the Bill caters for precisely those sorts of offences, where there is murder accompanied by sexual or sadistic conduct, so that in such circumstances, when the offender hears the clang of the prison gate, that will be the last time that they breathe free air.

Let me turn to the very worst offenders who kill in the most appalling circumstances. Clause 1 creates a new duty for the court to impose a whole-life order in cases of the murder of a child that involve the abduction of the child, murders involving sexual or sadistic conduct, and murders carried out for the purpose of advancing a political, religious, racial or ideological cause. There will be judicial discretion in exceptional circumstances. The clause will also impose whole-life orders for the murder of a single victim that involves sexual or sadistic conduct, so that murderers like the killers of Sarah Everard and Zara Aleena will never enjoy the freedom that they cruelly denied their victims. The measures will ensure that severe punishments are available for those who commit the very worst crimes.

In my statement to the House on 16 October, I set out the Government's intention to legislate so that rapists and serious sexual offenders serve their whole custodial terms. Again, the Bill makes good on that promise. Clauses 2 to 5 and clause 7 will mean, when implemented, that those convicted of rape or serious sexual offences will now serve every single day of their custodial term in custody, without the possibility of their case being referred to the Parole Board. That means that the custodial term handed down by the judge on the day they are sentenced will be exactly how long they initially spend in prison. They will then have a period on licence in the community after their custodial term ends. This will ensure that their victims get the justice they deserve and the public can be protected.

James Wild (North West Norfolk) (Con): All the offences in clause 2 have a maximum life sentence, so the proposed new power to require offenders to attend sentencing hearings would apply. However, will my right hon. and learned Friend look at extending that

power? It would not cover other serious crimes, including serious sexual offences such as the sexual assault of a child under 13, as happened in a case in my constituency, where the offender hid in his cell. He would not be compelled to come to sentencing under the powers we are proposing.

Alex Chalk: I pay tribute to my hon. Friend for raising that appalling case. It is important to note that in respect of this Bill and the provision to require offenders to serve the entirety of their sentence, clause 2 relates to section 8 of the Sexual Offences Act 2003, on causing or inciting a child under 13 to engage in sexual activity, so that is covered.

On my hon. Friend's separate point about attendance, we are very clear, following the cases of Lucy Letby and others, that it is a grievous affront to victims and families for defendants who have been convicted, after a fair trial, not to face the music, in simple terms. They need to be there in front of the court so that they can hear society's condemnation expressed through the sentencing remarks of the judge, and so that the peace that has been denied their victims should be denied them as well. They need to understand that condemnation. My hon. Friend raises an interesting point about the scope of the requirement for people to attend court; it is a fair one and we should certainly discuss that.

I turn to the second aim of the Bill: to cut crime. Ultimately, that is how we protect the public. As it stands, the situation is that, too often, offenders are locked up for short periods at exorbitant cost. The experience makes them worse, and they end up committing further offences as a result. Clause 6 will introduce a presumption to suspend short sentences of 12 months or less, directing the courts to hand down a suspended sentence order instead.

The fact is that almost 80% of convicted offending every year is reoffending; much of the crime in our country is committed by someone who has had at least one brush with the law. The criminal justice system is meant to punish wrongdoing—of course it is. But, in the interests of society, it is also there to rehabilitate wrongdoers and set them on the right path so that they do not reoffend and make more victims of crime in the process.

If we want to protect the public and cut crime, the most effective thing we can do is intervene to break the cycle of offending—punish, of course, but rehabilitate too. To do that we must properly examine the evidence available to us.

Richard Burgon (Leeds East) (Lab): I thank the Justice Secretary for giving way and very much welcome the introduction of the presumption against short sentences as a way, as he said, of cutting reoffending, cutting crime, cutting the number of victims and helping to turn lives around. However, that will mean greater pressure on probation services to do the job of rehabilitation outside a custodial setting.

Lord Ramsbotham, who is sadly missed in this place and more widely, produced an excellent report, which I had commissioned, called "People Are Not Things", about the future of a successful probation service. Will the Justice Secretary agree to meet me and representatives from the probation service to look at Lord Ramsbotham's report and see how it could help to build the kind of probation service that we need?

Alex Chalk: I am at pains to meet directly with the probation service—not just the leaders, important though they are, but frontline practitioners. They do an exceptionally important job. My mum trained as a probation officer and I know how much of a difference they make. I am speaking to them directly about the workload that they face and how they can target it to protect the public most effectively.

Philip Davies (Shipley) (Con): As the Secretary of State knows, I do not accept the argument that the best way to protect the public is to send thousands fewer criminals to prison, but I am sure we will continue that debate later. Obviously, what he has announced is such a big departure from how we have done things in the past. Will he confirm that the Government would introduce a sunset clause into the legislation, so that we can check whether it has achieved what he hopes or what I fear and that we can come back to the issue later?

My second point is that I am sure the Secretary of State would not want the new measures to apply to people convicted of knife crime, which is a scourge of many communities around the country. Will he confirm that knife crime would not be included and make sure that that is clear in the legislation?

Alex Chalk: I thank my hon. Friend for engaging with me so closely, carefully and constructively on the Bill. His points about sunset clauses and knives are well understood and well made; it seems to us that there is real merit in them. I look forward to discussing those with him in due course. We certainly see the force of those points.

Sir Iain Duncan Smith (Chingford and Woodford Green) (Con): I have obviously looked carefully at the definitions relating to those who would simply not be incarcerated as a result of the new measures. The Centre for Social Justice has done a huge amount of work on this. The key point, excluding those who commit violent crime, is that most prisoners have an average reading age of a 10-year-old. They have failed in the academic system. They often come from broken homes and have drug addictions. The key problem is not so much about sentencing but about what we do to try to put them straight and rehabilitate them. The question has to be about how formidable, strong and determined what we do will be and the extent to which failure on that will come back into the prison service.

Alex Chalk: My right hon. Friend speaks with great authority about this point, and I agree with every syllable of what he has said. One of the problems is that the—how can I put it?—deficiencies with which some individuals unfortunately suffer, such as illiteracy, of which I have a huge understanding, are not susceptible of being addressed through short sentences. The question is how best to ensure that they can be addressed—and it is not just a question of illiteracy; the deficiency could be drug addiction. One encouraging factor which lies behind this is the additional £532 million in drug rehabilitation support from the Department of Health and Social Care, together with criminal justice staff, to assist with the health and addiction side of it. However, my right hon. Friend made a powerful point. If we want to rehabilitate people, we will not be able to do so unless we address the issue of literacy. However, prison is not necessarily the best place in which to resolve it in the short term, as opposed to the long term.

Sir Greg Knight (East Yorkshire) (Con) *rose*—

Sir John Hayes (South Holland and The Deepings) (Con): I am extremely grateful—

Alex Chalk: Hang on, I haven't given way yet. [*Laughter.*] I give way to my right hon. Friend the Member for South Holland and The Deepings.

Sir John Hayes: My right hon. and learned Friend is such a tease.

As my right hon. and learned Friend will know, 6% of the offences that attract a 12-month sentence are indeed for the possession of an article with a blade or point, in other words a knife, and a further 9% are for common assault and battery. Those are the kind of sentences that we are speaking about here, and if you are a victim of assault, you do not really worry about whether your attacker is literate or illiterate; you just worry about having been attacked.

Alex Chalk: There are some important points to make about this. As my right hon. Friend will know, there is a whole suite and hierarchy of offences of assault. There is common assault, but if there is even a reddening of a skin, that becomes assault occasioning actual bodily harm, which carries a five-year maximum sentence—although, of course, this applies only to those who are given sentences of under 12 months. However, if the skin is pierced in any way or there is any serious harm, that is charged as grievous bodily harm, either simpliciter or with intent, and carries a maximum of life imprisonment. We must therefore be very clear on what we are talking about and what we are not talking about, and we are not talking about grievous bodily harm. Let me also stress that the two highest categories of offence that fall within the 12-month sentencing period are driving offences and offences relating to class B drugs. However, I take on board the important points made by my right hon. Friend, and I refer him to the remarks I made to our hon. Friend the Member for Shipley (Philip Davies).

Sir Greg Knight: I am grateful to the Secretary of State for giving way. He is being very generous. The presumption of suspending the sentence does not apply in exceptional circumstances. Can the Secretary of State give us two or three examples of what he considers to be exceptional circumstances?

Alex Chalk: This is a formulation that is well understood by the courts. It applies, for example, in respect of possession of a firearm contrary to the Firearms Act 1968, as was. I once defended a young woman, 16 years old, who was in possession of a firearm—although, in fact, she was not. Her boyfriend, who had subjected her to coercive and controlling behaviour, had said, “You have to hold on to the gun, because I think the police will come and find me.” She had the gun in her house, but she did not touch it or do anything with it. The police came, raided her house, found the gun, and said, “There is a mandatory minimum sentence of three years.” She had never committed an offence in her life: she was of completely good character. Should the judge have sentenced her immediately to three years’ custody—it would have been at least five years if she had been 18 or over—or

should he have considered that there were exceptional circumstances? In that case he found that there were, and that is the sort of case in which that might apply.

The evidence is clear. More than 50% of those who are sentenced to less than 12 months will go on to commit another offence within a year of release, and the cost to taxpayers of keeping someone in custody for that time is a staggering £47,000 per year, per prisoner. In the case of offenders who are given suspended sentences in the community—those are still custodial sentences which go on to their records as sentences of imprisonment—the reoffending rate is much lower, at about 24%. This type of community sentencing can have tough conditions attached to it, such as tagging, strict curfews—incidentally, we have extended the maximum period for which a curfew can apply to 20 hours out of 24—and exclusion zones, which are designed to protect the public and keep offenders out of trouble. A requirement to receive treatment for addictions or mental health problems can also help offenders to address what are so often contributing factors to their offending. Critically, as this should be about punishment as well, that can also enable them to stay in work and participate in community payback, such as picking up litter, removing graffiti and otherwise repaying their debt to society.

Neil O'Brien (Harborough) (Con) *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Order. Just before the Secretary of State takes an intervention, I wish to remind hon. and right hon. Members that if they are going to intervene on a speaker, it is polite to stay to the end of the speech—as well as to be there at the beginning. I believe that the Secretary of State was about to give way to Neil O'Brien.

Alex Chalk: Yes, I give way to my hon. Friend.

Neil O'Brien: Are we really comparing like with like here? The statistics produced by the Ministry of Justice compare the effect of community sentences on reoffending from the start of the community sentence, but the end of the prison sentence, therefore completely ignoring the effect on reoffending of the actual prison sentence itself. Surely if we want to understand the effects of short prison sentences on the community, we must take into account the actual effect on crime of the prison sentence itself.

Alex Chalk: I have looked very carefully at the extremely rigorous analysis that my hon. Friend has provided. Having sat down, wrapped a wet towel round my head and looked at the stats, here is the position. Somebody who completes a custodial sentence and comes out is, for that 12 months thereafter, more than 50% likely to commit an offence, but for somebody who completes a suspended sentence order and comes out, the figure is around half that for the 12 months thereafter. *[Interruption.]* I just want to finish the point. This is not something that is peculiar to England and Wales; as I have observed from the data, this is a pattern that is seen in Australia, the Netherlands, France and Northern Ireland. In simple terms, it is because, with the technology that we have now, there is a sword of Damocles hanging over someone's head. If, for example, the trigger for their offending has been that they drink too much and their index offence was that they thumped someone in the queue in Gartree in Leicestershire, by putting on that alcohol tag they know that if they breach that tag

by drinking—I thank my right hon. Friend the Member for North West Hampshire (Kit Malthouse) who rolled out those alcohol tags—it means that they can expect to be breached and brought back before the court where they can then go to prison. It is a sharp sword of Damocles that hangs over them.

Several hon. Members *rose*—

Alex Chalk: I will make a bit of progress, but I will give way to my right hon. Friend the Member for North West Hampshire.

Kit Malthouse (North West Hampshire) (Con): As my right hon. and learned Friend knows, I support this move, and I said so when he made the previous statement to the House. However, he will have picked up, as I have, a sense that this is a diminution of the retribution element of sentencing. I wonder whether he would consider during the passage of the Bill looking at whether the alternative disposals to prison could be made in many ways much tougher to satisfy that requirement from so many victims that there needs to be a sense of punishment. For example: extending the time that people are on home detention and curfew; extending the time that they are on a sobriety tag from a maximum, I think, of 120 days to a year or 18 months. Many people would see a trade there—okay, he is not going to prison for three months, but he will be on a curfew for 18 months. They would see that as a better trade than like for like.

Alex Chalk: That is a brilliant point, and I agree with it wholeheartedly. I think there is further that we can go. The position at present is that there is a maximum number of hours that a person can do unpaid work. In simple terms, that is designed to ensure that it is completed within a reasonable period of time, but, absolutely, we need to consider whether we have got it right. My right hon. Friend makes a very important point about the extent to which we can use technology to punish effectively. In the old days, the maximum period of time a person could be put on a curfew was about 12 or 16 hours, but we have extended that, which was opposed by those on the Opposition Benches—*[Interruption.]* You did. Extending the time is important because it is part of the punishment. Equally, those with alcohol tags effectively have someone supervising them—man-marking them—to ensure that they cannot do something that they would ordinarily like to do. However, we should consider whether to go further. My right hon. Friend, as always, makes an excellent point.

Several hon. Members *rose*—

Alex Chalk: I will make a bit of progress and then I will take an intervention.

Requirement to receive treatment for addictions or mental health problems can also support and address what are so often contributing factors to offending, as I have already indicated. So, what is going wrong with some of these short sentences? One explanation is that when offenders are sent to prison for short periods, there is not enough time for our prison staff to work with them to tackle their addictions, improve their employability, manage their behaviour, and reduce their risk of reoffending. They are often more likely to meet hardened criminals keen to direct them ever further on the road to ruin.

[Alex Chalk]

It is important to look at the evidence through the lens of the new technology that is available to us—modern solutions that can support a modern sentencing approach, which were simply not available in our criminal justice system 10 years ago. Other nations have spotted that and we should too, which is why we are doubling the number of GPS tags available to courts to ensure that offenders comply with strict conditions imposed to curtail their liberty.

Neil O'Brien: My only concern about the reply my right hon. and learned Friend gave me a few moments ago is that we are no longer making a comparison with the same cohort. In a previous analysis by the Ministry of Justice, we had a like-for-like cohort and we looked at the period from the end of the prison sentence and the start of the community sentence. Will he agree to rerun that analysis with a matched cohort, this time with a like-for-like comparison beginning at the start of the prison sentence, so that we have that incapacitation effect and can have a fair comparison?

Alex Chalk: I am certainly happy to look at the data, but whichever way we slice it, the central message is unassailable. Essentially, those who have a sentence of imprisonment that is suspended are less likely to offend—because of the sword of Damocles effect, as I have called it—than those who serve short custodial sentences. Of course I will look at the data, and I would be grateful for my hon. Friend's assistance in doing so.

James Daly (Bury North) (Con): During my 17 years representing people before the criminal courts, by far the largest cohort was drug-addicted shoplifters. I am afraid I must ask the Lord Chancellor for some clarity about what he said. Many people I represented had 200 previous convictions, with 50 previous convictions for breaching community orders. I wonder whether, in the search for the perfect answer with the correct motivation, we are giving a clean slate to shoplifters to continue offending with no risk whatsoever of a custodial term. I cannot see how they would ever reach the exceptional circumstances test.

Alex Chalk: First, I pay tribute to my hon. Friend, who brings such expertise to the House and uses it in the public interest as a member of the Justice Committee and, indeed, by lobbying Ministers. It is precisely because of the circumstances of the people he has defended in the past that we have framed the Bill as we have. It has a really important aspect to which he did not advert. If someone is arrested, charged, convicted and disgraced for committing an offence that would attract a short custodial sentence while they are subject to an order, the presumption does not apply. He knows that all too often people in that group—I have seen them in court as well—will be subject to a community order or some other order. Community orders, as he remembers, can last up to three years. If anyone commits an offence during the currency of that order, the presumption does not apply. It is really important to make that point crystal clear.

The Bill sends a clear message, which goes a bit like this: either someone complies with a court order or they go to prison. That is a really important message that we

send. We underscore the authority of court orders to give offenders a clear choice: either they do what they should do—repay their debt to society, rehabilitate themselves, and stay off the booze, if that is what the courts require—or they go to prison. It is up to them.

Let me move on. The tags enable the courts to monitor whether offenders are getting on with their lives by going to work and observing robust curfews of up to 20 hours a day, but we can also put in place exclusion zones to monitor whether offenders are staying out of areas where they are most likely to get into trouble—for example, a particular high street. They allow us to ensure that there is proper compliance with the punishments given out by the court—for example, unpaid work requirements. That means that offenders are visibly repaying their debt to the communities they offended against, but without it costing the taxpayer many tens of thousands of pounds to effectively pay for bed and breakfasts. If they breach any of those conditions, the probation service is quickly notified so that action can be taken.

Our high-tech alcohol tags have only been available for the past few years—my right hon. Friend the Member for North West Hampshire did more than any other Minister to roll them out. They take a reading of the offender's sweat every 30 minutes to make sure that they are confronting the issues with alcohol that likely landed them in trouble with the law in the first place. The results speak for themselves: offenders who are ordered to wear those tags and have a complete ban on drinking stay sober, on average, 97% of the time. It not only means that they stay out of trouble, but gives them the opportunity to face up to their issues and turn their lives around. It is easy to see why: they know that within minutes of having a drink, any breach will be detected and a report will be sent to the probation service. The offender is then at risk of being brought back before the court and facing alternative disposal.

Offenders mandated by the court to wear tags have that sword of Damocles hanging over their head. They know that if they step even one inch out of line, they can be sent straight to prison by the courts. Essentially, the newer tags are the equivalent of expanding the workforce so that we can man-mark individual offenders. It is clear not only that we need this new approach, but that advances in technology mean that a new approach is possible.

Kit Malthouse *rose—*

Alex Chalk: I want to turn to the issue of exclusions, because they matter, but I sense that my right hon. Friend wants to intervene.

Kit Malthouse: My right hon. and learned Friend is being so generous—it is kind of him. Given what he has said about technology, does he share the view that for the first time in offender management, whether post-sentence or during sentencing, we are able to insert certainty of detection of breach through technology? Thus far, detection has been uncertain, and offenders have been able to gamble with their freedom. With sobriety tags they cannot gamble, and we have seen that faced with the certainty of detection and the knowledge that if they breach, incarceration is certain, they make the right choice. As my right hon. and learned Friend said, they comply 97% of the time. As he moves towards

this presumption, will he reassure Members on all sides of the House that that certainty of detection of breach will be reinforced as much as possible by the use of this technology?

Alex Chalk: My right hon. Friend gets right to the point. I would not be making this argument unless I had physically been to look at some of the tags and asked questions of the suppliers about what they can and cannot do. Let me tell him a little bit about the tags, although I recognise that he knows about them already. First, they can tell if a person is in an environment where others are drinking. In other words, a probation officer can say, “Hang on, are you hanging around with the wrong crowd, which is a risk factor for you?”

Secondly, the probation officer can tell within half an hour whether that person has had a drink. I know that right hon. and hon. Friends will be saying, “Hang on a second.” *[Interruption.]* Opposition Members are saying it too. They will be saying, “I bet you there’s a way round it, like putting some foil between my leg and the sensor.” Not a bit of it—that does not work. They will be thinking, “I could just snip it off.” No, because there is a circuit that then sends the alarm. Some offenders have even tried to put a sliver of ham between their skin and the tag—*[Interruption.]* Yes, or chicken skin. That does not work. These are highly sophisticated bits of equipment that were not available more than two years ago, and they work. Yes, each one costs about £1,300, but that is an awful lot cheaper than £47,000 a year.

We have deliberately designed the Bill to ensure that there are exclusions from the presumption where offenders threaten the safety of others, or where a court order is already in place. Judges will retain the discretion to send offenders straight to prison where they pose a significant risk of physical or psychological harm to a particular individual or are in breach of a court order, such as for stalking prevention—as Members will know, we have introduced stalking prevention orders. That will give victims of domestic abuse the space and time they need to rebuild their lives, and will send a clear message to their tormentors that they can expect to go inside. That is really important, and I want to be crystal clear about that.

A huge amount of work has taken place over the past 10 years to protect women and girls. We have introduced the Domestic Abuse Act 2021, made the sentences for rape longer, and created the offence of stalking and stalking protection orders. Let me be clear: where there is a significant risk of physical or psychological harm to a particular individual, the presumption does not apply. There will also be no duty on a judge to suspend a sentence where further offences are committed while an offender is on licence or subject to post-sentence supervision, and a court may still impose a sentence of immediate custody where it deems there are exceptional circumstances that justify not passing a suspended sentence. As I have said, the presumption does not apply if a court has imposed an order, which sends a powerful message to offenders.

I turn to home detention curfew measures. As the House knows, HDC was introduced in 1999 to manage the transition of offenders from custody back into the community while maintaining significant restrictions on their liberty. When HDC was introduced, more than half of prisoners were serving sentences of less than

four years; today, it is less than a quarter. Because sentences have grown longer, clause 8 will recalibrate HDC to restore eligibility to its original intention. This is a limited measure to adjust the HDC model, which has been successful in ensuring that offenders make the smoothest transition possible from custody into the community, while continuing to have their liberty appropriately curtailed.

I understand colleagues’ representations on the Bill. This is just a first step in the legislative process. The Government will of course continue to engage seriously with Members on their specific and important concerns as we look to strike the right balance in sentencing. We believe it is possible to create a Bill that will enable the courts to protect the public and to prevent more people from becoming victims, keeping the British people safe from the most dangerous offenders for longer, while ensuring that robust community sentences reduce reoffending and cut crime. I commend the Bill to the House.

3.40 pm

Shabana Mahmood (Birmingham, Ladywood) (Lab): We are here to debate the Second Reading of the Sentencing Bill, but it is impossible to consider the Bill properly without acknowledging what lies behind it: the prison capacity crisis. If prisons in this country were not at crisis point, I doubt the Government would have proposed the Bill.

The prisons crisis is very much the elephant in the room, and something that the Government are loth to discuss in detail—I notice it did not feature in the Secretary of State’s opening remarks—not least because, I imagine, they do not want to admit their failure over 13 years in government. This will not surprise the Secretary of State, but I cannot let him get away with that.

The true story of the Bill and its measures on short sentences and home detention curfew is that it is a rushed response to the Government’s own failure to manage the prison capacity crisis. The Bill is about reducing numbers, first and foremost, and not about getting the criminal justice system to function more effectively or reducing reoffending. There is a case for careful consideration of how best we reduce reoffending and make rehabilitation a true success story of our criminal justice system, but acting primarily because you are worried about the numbers and are about to run out of prison places is a very different exercise. The Government are acting out of desperation, not principle, and the public deserve better.

On the Government’s watch, we have now reached 99% capacity in the prison estate. Of the 20,000 prison places that we were supposed to see by next year, fewer than half are on track to meet the deadline, and the total will not be delivered before 2030. That has happened despite more than a decade of warnings that the demand for prison places was on course to exceed supply, from everyone from the Justice Committee to the National Audit Office. The situation has been so bad for so long that earlier this year, the previous Justice Secretary, the right hon. Member for Esher and Walton (Dominic Raab), wrote to judges to make them aware of the significant population in prison, so that they could take it into account when passing sentences or deciding whether to remand people in custody.

[*Shabana Mahmood*]

As far back as 2016, the Government had pledged to build 10,000 new prison places by 2020. They did not get anywhere near that figure. In fact, the Public Accounts Committee found that they had managed to add only 206 places by that point. In November 2020, the Government pledged 18,000 new prison places, but still with no real plan for delivery. A year later, they said that they would make it 20,000 by the mid-2020s. According to the latest figures, no more than 8,200 places are set to be built by the end of 2025. That represents a shortfall of 60%.

That is an abysmal record—a total failure to deliver by the so-called party of law and order and by a Government who cannot seem to get anything built. Our prisons are completely full and now the Government have run out of space and time. As a result, we have the reforms on short sentences.

As the Secretary of State said, the Bill will introduce a presumption that sentences of 12 months or more will be suspended and instead served in the community. According to the Government's own impact assessment, the reforms will mean that nearly 7,000 fewer offenders go to prison, and yet these are exactly the same proposals that the Secretary of State's predecessor's predecessor—there have been many—told us four years ago were not “the right way forward”. What has changed, Secretary of State? Does he expect anyone to believe that it is nothing at all to do with the prisons crisis?

The Government say today that these measures will aid rehabilitation and break the cycle of reoffending. They are right to say that the reoffending rate for those leaving prison after serving less than 12 months is 50% and for those on suspended orders with conditions it is 22%, but if that were truly their priority and if there were a newfound zeal to deal with this problem—it is, I acknowledge again, a real problem—perhaps they would have done something before now about the 80% of offenders who have a previous conviction or caution. And even if I were to believe the Secretary of State and accept that this desire to cut reoffending is entirely unconnected to the fact that he has run out of prison places, the truth is that the Government are introducing these changes without any thought-through or proper consideration of the infrastructure and resource that would support programmes such as suspended sentences.

The truth is that the Government will not break the cycle of reoffending without a functioning probation service. It is therefore astonishing that there is nothing in the Bill or any accompanying document that prioritises or appropriately resources the probation service. Under this Government, we have seen the botched privatisation of the probation service. In fact, it was so disastrous that the Government then had to renationalise the same service. Only these Conservatives could manage to make an absolute mess of both.

Today our probation service is understaffed, undervalued and overstretched. Workloads are soaring, almost 50,000 working days among probation staff have been lost due to stress and nearly 20% of the new trainee probation officers that the Government boast about recruiting have already quit. We have a probation service under huge pressure, and the problems of chronic understaffing point to a demoralised workforce and overstretched probation officers. In fact, the probation service is in such a poor state that in the 31 inspections since it was

reunified in June 2021, only one has received a report of “good”. The rest were rated either as “requires improvement” or “inadequate”. The Government are simply failing to keep the probation service properly staffed, and these shortfalls could have dangerous consequences. Further pressures caused by the measures in the Bill and the end-of-custody supervised licence scheme have the potential to make matters much worse, and the Government's strategy appears to be to take the pressure off the prison service, only to transfer it to the probation service instead. That is not good enough.

The Secretary of State has previously claimed that he is giving an additional £155 million a year to the probation service, but he knows—and I know, and this House will know—that that is not new money. It was announced in 2020 as part of the reunification of the probation service, to help the service at that point to recruit staff, bring down caseloads and deliver better supervision of offenders in the community. It is fair to say that that money has not yet resulted in a service that is functioning as well as we would all, I am sure, want to see, and now there is to be a huge increase in its workload as a result of the measures in this Bill.

The Government have provided no new funding, no new resources and no action plan to deal with the significant additional workload for the probation service. That is not credible, not reasonable and not safe. We will be tabling amendments in Committee to push the Government on their plans for the probation service, to ensure that it is working effectively and can deliver these new changes in a way that does not compromise public protection. We have all been witness to the tragic outcomes when the probation service fails, and it is paramount that the staffing and capacity issues in the service are urgently addressed before its workload is hugely increased by the measures in the Bill.

Let me turn to how the suspended sentences will work. In theory, both suspended sentences and community sentences should involve robust conditions that work to protect the public and change offenders' behaviour, such as a curfew or being prohibited from doing a particular activity or going to a particular area, as the Secretary of State explained in his opening remarks. The Government have been particularly keen to talk up the benefits of unpaid work requirements such as cleaning up graffiti. None of this is new. These types of sentences have existed since the last Labour Government, but we have plenty of evidence that 13 years of Conservative neglect have completely squandered their potential, because we know there has been a huge decline in the use of community sentences during that time, reportedly because judges do not have confidence that conditions such as unpaid work will actually be delivered.

Let us look at the Government's most eye-catching attempt at a rebrand, the so-called “rapid deployment” unpaid work pilots. These are just the latest example of the Government's failure to deliver on justice and law and order. This scheme was supposed to see offenders, some of whom are on suspended sentences, deliver 20,000 hours of unpaid work in six months. Four months in and, according to the Ministry of Justice's own management information, the scheme has managed just over 2,000 hours.

Given the Government's track record, how can they reasonably expect the public to believe their promise that more suspended sentences will lead to meaningful,

properly enforced community payback? Just as we will be pressing the Government on their plans for the probation service, we will also seek to push them to return to the House with proposals to make community sentences effective in respect of both reducing reoffending and, crucially, ensuring public protection.

I am surprised, and I believe the public will be too, that the Government are not specifically excluding any offence from the new presumption that short sentences will be suspended—not stalking, not domestic abuse and not even sexual offences. The main safeguards on which the Government are relying seem to be that the presumption will not apply in cases where an offender has breached an order, or where the court believes that suspending the sentence would put a particular individual at significant risk of harm.

We do not believe that is good enough. It does not protect the next partner of a known domestic abuser—an abuser she has not yet had the misfortune to meet—nor does it protect the many potential future victims of sex offenders and stalkers. We do not believe the courts should effectively be strongarmed into keeping out of prison people who commit predatory and abusive crimes in which vulnerable women are most often the targets. Again, we will return to this in Committee, having tabled amendments to ensure that the courts are free to send these potentially dangerous offenders to prison without having to shoehorn them into the arbitrary and inadequate exceptions that the Bill currently provides. I note with interest that some Conservative Back Benchers would like to see other exclusions in this Bill, and I am sure we will return to that debate in Committee.

We only have to look at media reports to know that not exempting domestic abusers from these proposals could have serious consequences, and I will put two recent examples before the House. Under these new measures, violent offenders such as Brendan Dugan, who launched a torture attack in which he bit his partner on the nose and strangled her until she thought she was going to die, could avoid being locked up. After a disagreement with his girlfriend, Brendan became violent. He threw objects around their home and then started his attack. He pinned her down on the bed with his knees and put a pillow over her head before she pushed him off. He then got on top of her again and strangled her for about 30 seconds, while telling her that he was going to kill her. This man received a 10-month sentence and, under the Government's proposals, he could avoid prison time altogether.

Similarly, Lee David Smith was jailed for harassing, headbutting and threatening his ex-partner with a knife, as well as for threatening to burn down her house. He received a sentence of eight months and he, too, could avoid jail time under these new proposals. We think such cases are a good reason for further strengthening the Bill, and we look forward to those discussions in Committee.

Although the Government's recently announced end of custody supervised licence scheme is not included in the Bill, I must take this opportunity, which I believe the Government have been seeking to avoid, to bring some much-needed scrutiny to this emergency measure that is already under way. We now know that the Government are letting thousands of people out early on so-called compassionate grounds. Compassion for whom? Stalkers, domestic abusers and other dangerous offenders. People

whom a court has decided should be in prison. All of this, yet again, without a word on how the probation service is supposed to manage the flurry of new demand. I have already written to the Secretary of State to express my concerns about the Government's absence of transparency on this matter.

The end of custody supervised licence scheme was announced to Parliament and the public in a statement to this House on 16 October, but without a word on when it was expected to start. It has emerged through media reporting and written questions in Parliament that the scheme in fact began the very next day. No details have been published on the workings of the scheme, including in which prisons it is operational, exactly which offenders are eligible and how the risk to the public is being monitored. No numbers of prisoners released under the scheme or of those recalled for breaching their licence conditions in the weeks that it has apparently been in use have been made available.

The Labour Government, unlike this Government, were clear and transparent out of respect for both this House and the public when they introduced the end of custody licence scheme in 2007. The then Justice Secretary announced, from the place where the current one now sits, that he had written to prison governors that day, and he in turn published the guidance that they were using for all to see and scrutinise. However, we have been told by the Minister with responsibility for prisons, probation and parole—the Minister of State, Ministry of Justice, the right hon. Member for Charnwood (Edward Argar)—that there are no plans to publish the guidance issued to prisons. This is an astonishing failure, and the lack of transparency in this matter is a huge mark of disrespect to Parliament, the whole of the public and, indeed, victims of crime. Justice will not be delivered if men who have done real harm are quietly let out when a court intended that they should still be behind bars. Justice cannot be delivered in secret. The Secretary of State has had the chance to come clean on this issue for weeks, but instead he is hoping that no one will notice.

The Opposition believe that prison is where sex offenders, stalkers and domestic abusers need to serve their time, instead of in the community, where the risk to their victims and future victims is simply too high. Under Labour, courts will never be required to suspend the sentence of an abuser or predator who receives a custodial sentence. These offenders will not be allowed out of prison before their intended release date, nor will potentially thousands of offenders be released into our communities without Members of Parliament even knowing it is happening. Again, we will seek to amend the Bill in Committee to make that a reality.

The Bill also introduces measures to let serious offenders—those on sentences of four years or more—go home up to six months early on electronic monitoring if they are deemed “suitable”. Once again, we are assured by the Government that violent offenders, sex offenders and domestic abusers will continue to be excluded, but they have not told us exactly who this will include. What exactly does it mean for a person who is guilty of such a serious crime that our independent courts have judged that only a sentence of four years or more is appropriate to be considered suitable for release perhaps just 18 months later? What does this mean for victims? At the very same time that the Government are assuring them that their rights will be enhanced by the long-delayed

[*Shabana Mahmood*]

and inadequate Victims and Prisoners Bill, victims can no longer be assured that people who have seriously harmed them will serve the prison term they were sentenced to. Once again, there is not a word from the Secretary of State on how the probation service is supposed to cope with all this.

The proposals for whole-life orders are in line with our commitments to tougher sentences for those who commit the most truly heinous murders, and ensuring that those convicted of rape and serious sexual offences serve more prison time. Those are measures that we will support as the Bill progresses. However, let us be clear that those provisions are not the main point of this Bill, and the Government should expect that we will stay focused on the short sentence reforms and early release provisions, as the Bill progresses.

We will not vote against the passage of this Bill today, even if we do believe that the Government owe it to this House and, more importantly, to all our constituents and victims of crime to be more honest about the real reasons why this Bill is before us. These are emergency measures dressed up as principled reforms, and the Government's own failures have forced their hand. We have grave concerns that too many dangerous offenders have been kept in scope for suspended sentences and early release, and that the vital public protection work of our probation service has been overlooked, with potentially disastrous consequences.

We will be pressing the Government in Committee and beyond to ensure that this Bill has a plan for an effective probation service, that they make sentences in the community truly effective and that the courts will in no way be fettered in their ability to send domestic abusers, stalkers and sex offenders to prison, which is exactly where I am sure all of us in this House agree they all belong.

Madam Deputy Speaker (Dame Rosie Winterton):
I call the Chair of the Justice Committee.

4 pm

Sir Robert Neill (Bromley and Chislehurst) (Con):
I shall be supporting the Bill without hesitation tonight, and I hope to do so without indulging in some of the party political knockabout that has bedevilled debate around sentencing and prisons for too long. Frankly, our political system has failed the justice system over many decades, so let us try to step back and put the Bill into context, because context is sometimes lacking in these debates.

For the first time ever, the Criminal Justice Act 2003 set down five statutory purposes of sentencing: the punishment of offenders, the reduction of crime, the reform and rehabilitation of offenders, the protection of the public and the making of reparation to victims. There will always be a balancing act between those statutory purposes, and the way in which the balance falls will vary, perfectly properly, according to the nature of the offence and the circumstances of the offender. As with all sentencing, that must ultimately be decided by our independent judiciary. It is perfectly proper that Parliament sets the legal framework within which the judiciary operate—that is a matter of public policy—but the application of those balances to an individual case

will ultimately be decided by the judge or the magistrate, and we have a highly experienced Court of Appeal to put the judge right if he or she gets it wrong in a very small minority of cases. That is part of the checks and balances of our system.

It is equally clear to those of us who serve on the Justice Committee and those of us who, like the Lord Chancellor, have spent the whole of our working lives in the criminal justice system and the criminal courts of this country—both prosecuting and defending—that courts do not, and do not pretend to, sentence in a vacuum. Of course judges are aware of public opinion, so engaging in debate about sentencing policy is legitimate and justified, but we also owe it to the public to do that in a temperate, considered and evidence-based fashion. All too often, I am afraid, we get a bidding war as to who can have the toughest rhetoric around sentencing policy, but toughness has very little to do with delivering impacts on the ground. It is against that background that I think the proposals in the Bill are a sensible package.

Let us look at what the Bill does and does not achieve. The Justice Committee carried out a very detailed piece of scrutiny, and we have published a report, “Public opinion and understanding of sentencing”. In seeking to put some context into the debate around sentencing, we did not just leave it to the views of expert witnesses or our own views as politicians; we made a more extensive effort at public engagement than any Select Committee before us. For example, we commissioned a public polling exercise. Some 2,057 adults in England and Wales were asked about their knowledge of, and views on, sentencing. We also used Involve, a well-established participation charity, to facilitate a deliberate engagement exercise, and we had some 25 adults in England and Wales meet over three half-day sessions to discuss the aims and objectives of sentencing.

The public—perhaps no one can blame them—get very little information about how sentencing works and how the justice system works, so their information is very patchy. As an example, only 22% of respondents were aware that Parliament is responsible for setting the maximum sentence in law for a criminal offence. So if we are to have a proper debate about sentencing, that must be done from a properly informed basis.

We found that the public's opinions, although sometimes having that lack of information about how sentencing works, showed a certain degree of consistency and common sense about what the objectives of it were. People certainly wanted to see the public protected. They also wanted to see justice done to the victim, and reoffending prevented. Those, again, are all parts of the balance.

It is interesting that when members of the public were asked in the abstract about sentencing, their views on sentencing were much harsher than when they were asked about the facts of an individual case. Some time ago—some Members may remember this—the Ministry of Justice had an online tool called “You be the Judge”. That consistently showed that when people were asked in the abstract what they thought a sentence should be, they would say, “Whack—go hard!” But when the facts of the case and circumstances of the offender were put to them—the very balance that the sentencer must always use—they adopted a much more nuanced approach. Once the public have the proper information, they are

not simplistic in their views in the way that some politicians and some of the media like to suggest, so we owe them that proper and informed debate.

The other interesting point that arose was that the public think that prison sentences are much softer than they actually are. A majority of the people we spoke to actually thought that those sentences had got softer or lighter in recent years, whereas the evidence clearly demonstrates that exactly the reverse is true. Sentences for indictable offences have grown significantly over the last 10 to 15 years. We actually imprison more people as a percentage of those convicted of serious offences, and we imprison them for longer. That places very real pressures on our prison system. We must therefore be honest with the public about what the trade-offs are in this regard.

As the former Lord Chief Justice, Lord Burnett of Maldon, said when he gave evidence to our inquiry, judges are aware that public opinion has hardened in relation to offences of a sexual nature and violence. That is reflected in what the Lord Chancellor and Secretary of State is proposing to do in the Bill. The public expect that those who are dangerous will get longer sentences. I have no trouble with that at all, but, equally, £47,000 a year is an expensive amount to be spending. It is money well spent on the dangerous people—as the Lord Chancellor may have once said, imprisonment is really for those we are rightly frightened of; those who are a threat to us. But, as my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) said, many of the people we have in prison at the moment are there because of many failures in their lives. Those are sometimes self-inflicted, or sometimes a result of circumstances beyond their control that have led to poor mental health, illiteracy, poor education, alcohol and drug addiction, break-up in family relationships early in their lives and chaotic lives. All those things lead many of the people in prison—perhaps the majority—into prison.

That chimes with my own experience in 30 years at the Bar. I prosecuted and defended in serious criminal cases, as the Lord Chancellor has, and I have met some thoroughly evil people in my time; so, I suspect, has the Lord Chancellor—[*Interruption.*] I hasten to add that that is purely at the Bar and in the courts. I have also met an awful lot of people who came into that category of mixed-up people with failures in their lives. We need to be more nuanced, and in fact I think the public recognise that, when it comes to a sensible approach to sentencing.

I am a little surprised that some colleagues in the House have accused us of being a bit soft in relation to some of these matters. There is nothing soft about the Lord Chancellor's experience. Dare I say to some of my right hon. and hon. Friends and other Members that the Lord Chancellor has locked up more dangerous criminals, or had a hand in doing so, than anybody else in the House? He need take no lessons from anybody about being tough on criminals. He has done it every working day of his life and has the greater credibility for it. [*Interruption.*] Terrorists, murderers—you name it. He has actually done the job, rather than pontificate about it from the green leather Benches. Against that background, we ought to give credibility to the proposals.

What, then, do we need to do? It is not a question of harsher sentencing or softer sentencing. That is a sterile

debate. What we really ought to be talking about is smarter sentencing. That means locking up dangerous people for as long as necessary and being honest with the public about the cost, but it also means finding better and cleverer ways to deal with those who can be rehabilitated. Not everyone can be, but the majority probably can be. Given how overcrowded our prisons are at the moment—old, Victorian and with too many people in them—it is impossible to do the rehabilitative work necessary to turn lives around. We simply cannot get the education done, and we cannot get the drug and alcohol treatment courses done sufficiently to get people clean. We cannot enable them to come out and get a job, because we simply have too many people in there at the moment. That is not serving the purpose of imprisonment very well at all.

I might make one point in passing to the Lord Chancellor. I referred to the statutory purposes of sentencing at the beginning of my speech. Interestingly, there are no statutory definitions of the purpose of prison. Perhaps we should look at that as the Bill progresses. It might concentrate the mind as to what Governments and Oppositions constructively want to do and what we want as a society from the prison system that costs us so much. We might take that forward constructively—I hope on a cross-party basis—as the Bill goes forward.

Against that background, I want to turn very briefly to the measures in the Bill. Whole-life orders have been discussed. There is a balance to be struck, but my one concern—the Lord Chancellor will know it—is what is the incentive now for a person charged with murder, who is going to get a whole-life order, to plead guilty? That is a trouble because we all know that for a victim to relive an experience in court, or for a family to have the death of their loved one relived in court, eked out over many days, is a real trauma. Therefore, the discount for a guilty plea is an important part in the justice system. It not only speeds up the trial, but above all it relieves victims and their families of a trauma. I would be concerned if we inadvertently created a reduction in the number of people pleading guilty. It is not a high number for offences of this kind compared with other types of offence, but we should bear in mind any unintended consequences.

It seems eminently sensible to extend the home detention curfew arrangements, not least because when they were brought in they related to four years' imprisonment. Because of sentence inflation—sentences have got longer—the percentage of the prison population sentenced to imprisonment of four years or less and qualifying for early release has diminished. What we are doing, in effect, is catching up with sentence inflation by making release on home detention available, which is eminently sensible. The truth is that if people can make it work earlier, it is all the better. The sooner we can get people reintegrated into society, the easier that will be. Our reports in the past have urged that more be done to ensure that people come out of prison with a place to live and an opportunity to get work. Release on home detention will ease that transition. At the moment, there can be something of a cliff edge. People come out with their discharge grant and very little else—they are on their own. That is why periods of post-sentence release are very valuable, and this is a sensible way to do that.

[*Sir Robert Neill*]

Finally, let me turn to the presumption in favour of suspending sentences of less than 12 months. The first thing to say is that it is a presumption. Ultimately, it will still be for the judge or magistrate to decide. It is perfectly reasonable as a matter of public policy to say that unless there are exceptional circumstances, short sentences shall be suspended. Ultimately, though, there will be cases in which the judge will, perfectly properly, decide that that is not appropriate.

Let me give one example. References were made to cases of domestic violence; clearly that is something we can look at. A very different case that is often raised with me is that of perverting the course of justice, when someone, for example, tells a lie about who was driving a car when they got a speeding ticket—something not wholly unknown even in this place. The person who gives the lying evidence to the court about that undermines the justice system, and it has been felt that the clang of the prison gates is necessary in those circumstances. There are not many of them, but that is exactly the sort of circumstance in which the presumption would not be used, as well as the other ones that are set out. The provision in the Bill does not change that, but it does mean that generally people would not be sentenced immediately.

The other important difference, to which the Lord Chancellor referred, is that we now have far better control over people when they are on suspended sentences than we did in the old days. The use of suspended sentences has dropped off greatly: I think that now only about 4% of sentences of imprisonment are suspended; it used to be much more. Now that we have much more effective tagging, curfews and alcohol treatment orders, I think we could use them more effectively, because they are a better means of control. So I think the approach is sensible.

On the reoffending statistics, I have to say that I understand the point made by my hon. Friend the Member for Harborough (Neil O'Brien) in his intervention, but when I looked at the stats it was pretty clear that they consistently show that there is a lower level, by about four percentage points at the very least, and that that applies whether the sentence is three months, six months or nine months.

Neil O'Brien: Just to clarify the point, the statistics that my hon. Friend cites show that for those who were given a short prison sentence, the reoffending rate after they left prison was 75.6%, compared with 71.5% for those on a suspended sentence, but for somebody who has been in prison for, say, one year, their reoffending rate over that year while they are in prison is zero, so the right comparison is between zero and 71%. If we include the effect of the prison sentence rather than ignoring it, as the Ministry of Justice's 2019 research does, there is an astronomical difference between the reoffending rate in toto over one year for those who were given a short prison sentence versus those who were not. There is a complete misunderstanding of what the statistics show us.

Sir Robert Neill: I am sorry to have to say that my hon. Friend is just plain wrong on that, because that assumes that there is an incapacitation effect, as is sometimes said—

Neil O'Brien: When they are in prison, yes.

Sir Robert Neill: But equally, there is perfectly good evidence to suggest that there is an incapacitation effect of properly worked through and imposed sentences in the community as well, so it is not a zero incapacitation effect the other way round. Plus, there are the other damaging things that are done in prison in terms of the inability to turn lives around, and the majority of people are going to be released.

The other problem, which is not picked up in my hon. Friend's stats—I do not criticise him for it, but it is a fact—is that short sentences are clearly demonstrated to disrupt community ties. That is important because the three things that are generally said to be best to prevent reoffending are a steady relationship, a home or roof over your head, and a job. If anyone has those and they get a short sentence of imprisonment, the likelihood is that they will lose their flat and their job, and it is much more likely that the relationship will break up, and they then come out in a worse place to avoid reoffending than they started in.

There is, then, good sense in the policy. Of course, we can always examine the stats, but there is a good public policy reason for the change, because it actually reduces reoffending, and if it reduces reoffending, that is in the public good, because fewer people reoffending means fewer victims of crime, and fewer victims of crime is in the public interest and is a sensible use of money. I say that as somebody who has never been a soft touch when it comes to these matters in my professional life. I say it in a hard-headed fashion as somebody who spent their life doing this, and I know that the Lord Chancellor has come to the same conclusion.

I urge Members to support the Bill. It strikes the right balance. These issues are always difficult and sometimes emotive, but I hope that I have demonstrated that balance on the basis of the evidence that I have picked up as Chair of the Select Committee, and I hope we can find common ground on which to take the Bill forward. We have had a very piecemeal approach to sentencing policy over the years, under Governments of all persuasions; we probably need a more holistic approach. The Bill does sensible things and I hope the House will support it.

4.19 pm

Jonathan Edwards (Carmarthen East and Dinefwr) (Ind): It is a pleasure to make a brief contribution to this Second Reading debate. I hope to add to points that I have raised during the progress of the Victims and Prisoners Bill. It is a pleasure to follow the hon. Member for Bromley and Chislehurst (Sir Robert Neill). He always makes substantial contributions, on these matters and others, to which it is always a pleasure to listen.

In January 2020, my constituent Mike O'Leary was murdered in what prosecutors during the subsequent trial labelled a "carefully planned execution". His body was desecrated in an attempt to hide the crime. The key bit of evidence that secured the guilty verdict was found only in March 2020, when a search of the murderer's property found tissue matter that matched Mike's DNA: a piece of small intestine in an oil barrel.

As I have said in previous debates, it is difficult to imagine the suffering of the bereaved family. Losing a loved one is bad enough, but being unable to process

grief with a proper burial or cremation brings extra suffering, as does knowing what was done to their remains. The family have been extremely brave. Discussing the history of the case with Mike's mother, Val, will haunt me. I knew Mike's sister, Lesley, many years before entering this place—she has become an active campaigner on victims' issues—as well as Mike's wife, Sian, and their sons Wayne, Simon and Phillip. I pay tribute to them all for their strength and courage.

The family have thrown their energy at the campaign for a second Helen's law. Ministers will remember the campaign for the first Helen's law, led by the family of Helen McCourt, who was murdered in 1988 at the age of only 22. Her body has never been recovered. Her mother, Marie, successfully campaigned for a law—the Prisoners (Disclosure of Information About Victims) Act 2020—to make it more difficult for perpetrators to obtain parole if they do not reveal the location of remains. I met Marie and her husband John to discuss her campaign for a second Helen's law. They are also an incredible family and a source of inspiration; they find the strength to carry on despite the worst that life throws at them.

Both the families that I have mentioned support a new crime of desecration or concealment of a murdered body, to reflect the extra suffering caused for bereaved families. Another option would be for the Government to revise the sentencing guidelines so that perpetrators of such heinous crimes receive an extra penalty. The families tell me that there is currently no consistency in sentencing. In some cases, murderers receive longer sentences than the killer of my constituent despite there having been no premeditation or effort to destroy or conceal the body. I am sure that Members across the House would agree that desecration or concealment of a murdered body is an additional cruel act that deserves additional punishment and should be reflected in the law. Regrettably, such acts are becoming more prevalent. The law must be used as a disincentive. The Bill is the perfect opportunity for the Government to act, and I hope that Ministers will use it to make it clear that those who commit evil acts of that nature will be punished accordingly.

4.22 pm

Priti Patel (Witham) (Con): It is a pleasure to follow the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards), who spoke with great conviction on behalf of the families he referred to. I too met Helen McCourt's mother, Marie, and was involved in work on Helen's law during my time in government. Such harrowing cases really do shape the minds of those in the Government, be it in the Home Office or elsewhere—the Lord Chancellor will have his own experience—with respect to the human consequences not just of sentencing, but of criminal acts and of the pros and sometimes the failures of the criminal justice system. I will touch on some of those points today.

This is the third criminal justice-related Bill that we have debated in the Chamber in recent days, following the Criminal Justice Bill last week and the remaining stages of the Victims and Prisoners Bill earlier this week. The House will know how strongly I feel about these issues, particularly having been an early advocate of a victims Bill. In debates on criminal justice and sentencing, we must always put victims at the heart of

our discussions and reflect on the impact of crime and criminality, and on the effect that the most appalling, abhorrent crimes have on victims and their families.

It will therefore come as no surprise to the House that, although I welcome parts of the Bill, I feel that there is a contradiction in it. On the one hand, it rightly toughens up and strengthens sentences for some crimes—I am very much for that—but on the other, it risks letting some types of offenders off the hook. The hon. Member for Birmingham, Ladywood (Shabana Mahmood) mentioned something that we should reflect on as the Bill passes through the House: which offenders will be listed for early release?

I feel strongly about the whole issue of perpetrators of violence—violent and sexual offenders—full stop, but in particular about those who harm women and girls. The Lord Chancellor has already touched on one of the most appalling cases I had to deal with as Home Secretary, which was the murder of Sarah Everard. The circumstances behind that—the Angiolini inquiry is still taking place—should remind us why we need a system that works in the right way.

My hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) spoke about transparency in the system. We need much more transparency in decision making. I say that on behalf of the public, who will have certain views about us—what we stand for and the legislation that we pass in this House. We owe them a better understanding of how the sentences given in our courts are shaped and how our criminal justice system works. As Home Secretary, I sat on the Criminal Justice Board with my Ministry of Justice counterparts, representatives of the legal profession and the Lord Chief Justice, as well as the former Lord Chief Justice, Lord Burnett of Maldon. So much takes place that rightly never sees the light of day, but we should do much more to educate and raise awareness of sentences and the justice system.

When we debate these issues, it is important to remind the House of our public service responsibilities when it comes to law and order. We all stand united on protecting the public. This Bill and previous legislation, in which we have all been involved, will stand the test of time on that. I believe fundamentally that the Government's first duty should always be to protect our public and the security of our country, and the criminal justice system is vital to that. During the Bill's passage, we should reflect on what I call institutional state failure, which leads to repeat offences and the cycle of people going in and out of prison. Members have already discussed getting people back into work and off addiction, and dealing with literacy problems. We all stand by that.

However, when it comes to sentencing, we must do everything possible to make sure that we keep the public away from violent criminals and dangerous sex offenders. That must always be a priority. In recent years, we have made significant changes and investment and given significant support as part of that work. The investment in 20,000 more police officers has been vital. We now need to make sure that those resources and specialist work to tackle dangerous criminals and sex offenders dovetail with the criminal justice system. That means more prison places as well. We also need a Crown Prosecution Service that can support more investigations.

I have had the privilege of working with police officers, and meeting and supporting victims of crime. We want to support the extraordinary work of those employed in

[Priti Patel]

the criminal justice system, including on the frontline, by ensuring that they have the resources so that crimes are fully investigated and punished. A great deal of work has taken place. On organised crime gangs, county lines have been dismantled, knives have been taken off our streets and we have brought in violence reduction units, which take targeted action in towns across the country to deal with crime and antisocial behaviour. A range of interventions are already making a difference. We must build on those. Notably, in the Police, Crime, Sentencing and Courts Act, we strengthened the punishment and monitoring of sex offenders. That has already been referred to in the debate. We put vigorous sentences in place for serious offenders and stronger punishments for criminals. Those stronger sentences did not exist back in 2010.

I therefore welcome many areas of the Bill. It builds on the Government's overall record on keeping the public safe. The measures in the Bill on whole life orders and the sentencing of serious sex offenders are absolutely right and welcome. That is what the public expect, and it is right for public protection. The more time such offenders stay in prison, the better all round for public safety and protection. With the expectation that some offenders will spend all their sentence behind bars, I would like some assurances from the Government during the progress of the Bill and when the Minister winds up today, on how we will ensure that the courts still impose lengthy sentences on those offenders. The message about public protection is crucial. With offenders serving all their sentence in custody, courts should not reduce the tariffs to take account of that, and they must take into consideration the nature of the crime and the impact on the victim. Sentences are there to ensure that offenders receive their full sentence.

I have concerns about some provisions in clause 6 on the "Duty to impose suspended sentence order for sentences of 12 months or less". We have discussed the types of sentences, but as Members know, an offender must already pass considerable thresholds before they are sentenced to immediate custody. Criminals have to commit certain and serious crimes before judges and magistrates send them to prison. That is how the system works.

In my time in Parliament, not only when I was in Government but as a Back-Bench MP, many cases were brought to my attention of offenders committing serious and multiple offences, and yet avoiding custody. From the victim's perspective, that is unjust. Victims see the system failing them, leaving others susceptible to such crimes as well. In fact, coming back to the point about transparency, many victims simply did not know that their offender had been caught until they read about the nature of the offence, or the sentence, when reported in the news. That is simply not right or fair.

I have also seen statistics on people convicted of sexual offences not getting custodial sentences—sometimes leading to them reoffending. We must absolutely stop that. In one year, something like 43% of people convicted of sexual offences did not receive an immediate custodial sentence. Figures I received back in 2018, for between 2007 and 2017, showed that 13,000 convicted rapists and sex offenders were not sentenced to serve immediate

custody. That is shocking in its own right, and even the laws and measures that have come into force since do not address public concern.

However the Bill develops with any amendments, our job is to address public concern, and give people confidence that the system is working for them. We need to ensure that offenders, such as sex offenders who have committed some of the most egregious and appalling offences, including against children, are not just let off prison. They should not be free to be in the community; they should receive the right type of sentences so that people are kept safe. That is a point I want to make strongly in this debate.

Members will also be aware of other concerns that have been expressed to them or that they have heard in other debates, such as those about shoplifting. Other such crimes are having an impact on communities. I am not just speaking about antisocial behaviour; I am speaking about theft and criminality that blight communities. All such criminality frustrates the public when they do not see offences picked up or cases necessarily followed up by the police. That is not acceptable, and we must do more as a party and as a Government to create better public confidence in our criminal justice system. I give a plug to Essex police in particular, who do great work in that area—it is about working to give the public greater confidence.

The whole issue of rehabilitation in prison has been mentioned. Personally, I feel that is one area where there could be much better cross-Government working, whether with Work and Pensions or Education. I have sat on various taskforces in Government where all such issues have been brought together to create an effective and integrated cross-Government approach. We must do more for those individuals. It is simply not good enough for prisoners leave prison on a Friday afternoon and then go on to sofa surf. They do not have accommodation. We need the right approaches in place to make sure that they can rebuild their lives.

As the Bill proceeds through Parliament, we must do better on sentencing outcomes and on outcomes for victims, as well as making sure that people do not go on to reoffend. As a state, we must deal with the institutional failure that has existed for too long to make sure that we can build better pathways for those individuals while making sure that dangerous and persistent offenders are sent to prison and punished for the crimes they commit.

4.35 pm

Sir John Hayes (South Holland and The Deepings) (Con): It is a product, I suppose, of living in an age infected with contagious liberalism that people in this place and elsewhere spend a lot of time speaking about freedom. I care about freedom too. I care about freedom from disorder and about freedom from the fear and actuality of crime. I think it was Burke who said:

"The only liberty that is valuable is a liberty connected to order".

Disordered society is most terrible for those who live on the frontline of crime: those who have to cope with disorder; those who do not live the gated lives of the bourgeois liberal elite.

I approach the Bill with that in mind. Are the repercussions of the Bill likely to lead to a more ordered society, likely to protect people who might otherwise

become victims of crime? There is much to welcome. The first part of the Bill deals with serious crime and the sentences it attracts. I am pleased by the further development of longer sentences for people who do terrible, wicked things. There is a caveat, because as you will know, Mr Deputy Speaker, the Home Secretary has always had the power to intervene personally and become involved where he or she believes that a sentence needs to be reviewed or extended, and has done so on a number of occasions to make sure that someone who might otherwise be released stays in prison. Will the Minister say whether that power will be curtailed or affected by the measures in the Bill? Will the Home Secretary still be able to intervene on those rare occasions on which they feel it is right to do so?

That is the best bit of the Bill—the part that deals with those serious crimes in the way I have described. Much of the rest of the Bill is lamentable. I am not going to vote against Second Reading because I think it provides an opportunity for further scrutiny and consideration. However, I am disturbed by the idea of turning all sentences of 12 months or less into suspended sentences. That is not quite what the Bill does, but it is its essence.

Let me explain why. Criminal justice has three primary purposes. The first is retributive. Let us be clear about that—the first principle of criminal justice is to punish people for a harm that they have done. That might be a terribly unfashionable thing to say, but it is what the majority of people in South Holland and The Deepings think, as well as the majority of people in Witham, Grimsby and even Bromley and Chislehurst. I will return to my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill)—for I know Bromley and Chislehurst rather well, as I suspect he knows.

If that is the first purpose of criminal justice, does the Bill aid that purpose? To answer that question we have to consider this: is it more of a punishment to lose your liberty—to be incarcerated—or more of a punishment not to? Is it more of a punishment to be deprived of the opportunity to do all the things that you choose to do, or is it more of a punishment not to be? I have to say that in my view—and it is not just my view; it has been the view of almost every society in every civilisation over all of time—the principal way of punishing people is to incarcerate them, to deprive them of their ability to behave in the way they want, freely and openly.

Jerome Mayhew (Broadland) (Con): My right hon. Friend is making a powerful point with which I substantially agree, but does he accept that with the rise of technology, there are many different ways of depriving people of their liberty? If we can come up with ways of depriving them of their liberty that also make it less likely that they will reoffend at the end of their sentences, does that not serve a dual purpose, being both the absolutely right moral judgment as a punishment and a way of reducing the number of future victims who will subsequently need to be served by the criminal justice system?

Sir John Hayes: That is a plausible argument, except that having a tag on your ankle is not a deprivation of liberty in quite the same way as being in prison. Being able to go on eating fast food, watching telly and doing all the other things that you might do at home is not quite as much of a deprivation, is it?

Moreover, we have heard this so often before. It is true that technology has moved on and the tags are of a rather different kind, thanks to the work that was referred to earlier, but when tags were first introduced we were told that the technology was such—these things were so secure—that no one would be able to evade their application or use, only to find that all that was wanting. My hon. Friend will therefore forgive me for a certain degree of scepticism—not cynicism. I am cynical about nothing. However, I am sceptical about this.

The second principle of criminal justice is to provide respite for those who have been victims of crime, and others who might be, by taking people off the streets. That is to put the victims and others out of harm's way by removing the harm—literally taking the harm beyond their purview—which is what prison does. It may be that if these tags work perfectly—if these people are constrained in the way suggested by the Secretary of State and my hon. Friend—I suppose the victims may be protected anyway; but I suspect that people in my constituency and elsewhere who have been victims of some of the crimes concerned would say, “I want these people to be as far away from me as possible, and as far away as possible from my children, my home and my community. I do not want to know these people or see them daily, because they have done harm witnessed by those who live in my locality.”

The third principle of criminal justice is that once you have caught someone, convicted them and sentenced them, you might take steps to prevent them from committing crime again. Of course I understand that. There has been a long-standing debate between those on the retributionist side of the argument, like me, and those on the rehabilitationist side of the argument, like my hon. Friend the Member for Bromley and Chislehurst, who believe that crime is essentially an ill to be treated, and that the circumstances of the criminal—those were my hon. Friend's words—are more important than the event of the crime.

Sir Robert Neill: Will my right hon. Friend give way?

Sir John Hayes: Now we will hear some more about the circumstances of the criminal.

Sir Robert Neill: I hope that my right hon. Friend will gently withdraw the incorrect attribution. What I said was that, as part of the balancing exercise, the sentencer must take into account both the nature of the offence and the circumstances of the offender, which is wholly different.

Sir John Hayes: My hon. Friend did indeed say that, and it is the argument that I have heard repeatedly over decades—that if only we could understand more about the circumstances of the offender, we could dig down to why they ended up like this, and perhaps we could make the world a better place. It is a lovely idea and we can see the sentiments that drive it, which are probably quite noble in many ways.

Frankly, however, these are the arguments that have permeated the debate since the Children and Young Persons Act 1969—my hon. Friend will remember that, but it was before my time—when intermediate treatment orders were introduced. Remember those? The Government then said that, because the circumstances of the offender were of such concern—because these people had had such shabby and difficult lives—they would impose an

[Sir John Hayes]

intermediate treatment order, which is a community sentence in the modern idiom. So young thugs, vandals and villains were sent off on holiday in the Brecon Beacons and such places, while their contemporaries who were law-abiding and just as poorly off—working-class fellows who had done nothing wrong—were lucky if they got a weekend at Margate. That is the kind of thinking that, unfortunately, has punctuated the debate on criminal justice for far too long.

Crime is not an illness to be treated; it is a malevolent choice to be punished, and that is what the public expect. In the paper on this subject by my hon. Friend the Member for Bromley and Chislehurst, to which he drew the House's attention a few moments ago, he makes this very clear on page 33:

"Lord Burnett of Maldon, Lord Chief Justice between 2017 and 2023, speaking in December 2020, said:

"To my mind, there has been a perceptible hardening of the public and political attitude to crime, particularly sexual and violent offending, which has resulted in a general shift in the balance between culpability and harm when determining sentence."

In other words, to put it in a nutshell, people want those who do harm, damage lives and spoil others' chances to be treated more severely, not less severely. Frankly, I do not think the Bill meets that test. I do not think that the emphasis on recidivism at the heart of this Bill—as I have said, it is understandable and perhaps even noble—will be welcomed by the vast majority of people, whose position has hardened in precisely the way my hon. Friend's Committee's report suggests.

My perspective on the people who commit these crimes is as follows. Let us look at what crimes most commonly attract sentences of 12 months or less. The most common is theft from shops. We have an explosion in shoplifting, as has been highlighted by Members on both sides of the House. It is something we should take seriously and act upon. That is about 13% of short sentences. Then there is common assault and battery. Yes, I agree that it is not grievous bodily harm, as the Secretary of State rightly said, but I suspect most people would feel that common assault and battery should result in a custodial sentence. That is 9% of sentences of 12 months or less. Then there is assault of an emergency worker. Can we think of anything more appalling than that—a fireman or ambulance crew turns up at an emergency and is assaulted by someone? My goodness! That is about 3%. Breaching a restraining order is 7% and possession of an article with a blade or point—in other words, a knife—is 6%. That is the list of sentences that most commonly attract 12 months or less in prison, which is the kind that are now to be suspended.

This proposal neither passes the test necessary to fulfil the key functions of the criminal justice system, nor passes the still more fundamental test of being likely to restore—I say "restore" rather than "maintain", because I think it is a matter of restoration—public confidence in law and order. If we want once again, as we should in this place, to reflect and give life to public sentiment, frankly, this Bill will have to be amended very significantly indeed.

Disraeli said that

"justice is truth in action."—[*Official Report*, 11 February 1851; Vol. 114, c. 412.]

My hon. Friend the Member for Bromley and Chislehurst is a deductive thinker: he likes to look at the evidence and deduce an outcome. I am more of an inductive thinker: I believe in arguing from first principles, so the truth really matters to me. On that basis, I say to Ministers, "Let us amend this Bill. Let us take the best parts of it, and change those things that will not pass either of the tests I have set out." I therefore reserve my right to oppose it on Third Reading, but knowing this new Minister, my hon. Friend the Member for Orpington (Gareth Bacon), and knowing our excellent Secretary of State, I rather suspect that they have heard those arguments and taken careful note of them—for I know too that they are the kind of politicians who want to do the right thing, rather than the easy thing.

4.50 pm

Sir Michael Ellis (Northampton North) (Con): I rise to support the Bill. If the House will indulge me, I will quote the great Sir Winston Churchill, who, when he was Home Secretary, said in this House in July 1910:

"I shall certainly be very glad to be able to announce...the first real principle which should guide anyone trying to establish a good system of prisons should be to prevent as many people as possible getting there at all."—[*Official Report*, 20 July 1910; Vol. 19, c. 1344.]

Of course, we know that he also recognised the need for punishment in the criminal justice system. Notwithstanding that, he emphasised that the punishment should fit the crime, which is the direction in which this Bill goes.

In that famous speech in 1910, Churchill also said:

"A calm and dispassionate recognition of the rights of the accused against the State, and even of convicted criminals against the State, a constant heart-searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating processes, and an unfaltering faith that there is a treasure, if you can only find it, in the heart of every man—these are the symbols which in the treatment of crime and criminals mark and measure the stored-up strength of a nation, and are the sign and proof of the living virtue in it."—[*Official Report*, 20 July 1910; Vol. 19, c. 1354.]

The language is rather Edwardian, but what he was saying, of course, was that how a nation treats its criminals—its prisoners—is indicative of the measure of that nation.

Those of us who have been in the criminal justice system for so many years want to ensure that punishment fits the crime, but also to ensure justice for all. The Bill puts public protection at the heart of sentencing: for the worst murderers, the only proper penalty is life imprisonment without the possibility of release by the Parole Board. I note that whole-life orders will be the default sentence for any murders involving sexual or sadistic conduct. When I was Attorney General, one of the cases in which I appeared personally before the Court of Appeal involved an application in part to see if a whole-life order was possible, even for something less than murder—it was a case of multiple rapes. That application turned out not to be successful, but I give that as an example of why I approve of the process in the Bill whereby those persons who commit heinous sexual or sadistic murders should receive whole-life sentences.

I note that under the suspension provisions of the Bill, judges will have the discretion to impose immediate custody in other types of cases under 12 months, and

that those offenders who pose a risk of harm to a particular individual—for example, in domestic abuse and stalking cases—will rightly be excluded from the presumption. There may be further consideration of this matter in Committee. I cannot help but draw attention to the fact that at the moment, a very large number of racially aggravated offences are taking place around the country, antisemitic incidents in particular. That may be something that Ministers wish to consider further.

The reality is that the Bill can attract support across the board, although I am not sure about the position of many Opposition Members. After all, some 70 Labour MPs signed a letter to stop a deportation flight to Jamaica containing up to 50 foreign offenders. It is right that we bear in mind that the general public expect criminals to be punished according to the offences that they have committed. All sexual and serious violent offenders should be and will be excluded from the scheme—something of which we can all approve.

As a Government, we are currently overseeing the largest expansion to the prison estate for many years, building six new prisons. No one can say that we are not tough on crime. We have created 20,000 prison places, over 5,000 of which are already active, and we have provided £400 million for more prison places. It is right that we need more prison places, so I support that. It is worth noting in this context that crime is down 50% across the board and that there are 20,000 more police officers.

In short, Mr Deputy Speaker, the Bill has my support.

4.56 pm

Neil O'Brien (Harborough) (Con): I strongly welcome many aspects of the Bill, particularly the whole-life orders. They would have completely changed the treatment of Colin Pitchfork, who is widely remembered by my constituents for the rape and murder of two children. The reforms in the Bill will ensure that such people never see daylight again, and quite rightly too.

I strongly support the measures in the Bill to toughen up on sexual offences. They are long overdue and reflect the public mood to which my right hon. Friend the Member for Witham (Priti Patel) referred. The reforms in the Bill build on successive waves of reform over recent years, including the very welcome move to end early release at the halfway point. There is much to welcome in the Bill, and I admire much of the work of our brilliant and learned Lord Chancellor, one of the most learned people to have occupied that role.

However, there is one aspect of the Bill with which I have a serious problem. I will, of course, vote with the Government this evening—I have always voted with the Government to date, and I hope that I never find myself doing anything other than that. The issue that I am concerned about is the presumption against sentences of a year or less. There is a pragmatic argument that I am ready to hear on this measure, which says that we must do this simply because we need the places. The argument that I cannot accept is that this can make the public safer.

Let me walk hon. Members through the logic. The Ministry of Justice has conducted a study and has matched different offenders into two cohorts. They are like-for-like: people with a similar background who have done similar things. The claim that there is 4% less offending comes from looking at those two cohorts:

those who have had a sentence of less than 12 months in prison and those who have had a suspended sentence. It is claimed that there is 4% more offending from those who have had the prison sentence. However, that looks at one year from the start of the suspended sentence, but from the end of the prison sentence.

If we take an offender who has a one-year prison sentence and if, instead of looking at it from the end of that year, we look at it from the start, the comparison is with someone who cannot harm the public because they are in prison. Therefore, instead of comparing the 75.6% reoffending rate after those offenders leave jail with the 71.5% reoffending rate from the start of community sentences, we should—I heard the promise of the Lord Chancellor that he would do this analysis for us, and that is very welcome—compare that 71% reoffending rate of those on suspended sentences with the zero reoffending rate of those who are locked up for a whole year, or the much lower rate of those who are locked up for part of the year. Most normal members of the public would think, “It is very surprising that we would be safer if people who commit serious crimes are out there wandering around in the community, rather than if they were in jail.” Of course it is not intuitive because it is wrong. I am prepared to hear a pragmatic argument, but this junk analysis cannot stand. It is utterly bogus and an abuse of the statistics. It is unbelievably unacceptable.

I am ready to hear a pragmatic argument about prison places. As my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) said, sentences of less than one year are not for trivial offences. These days, a person has to go some distance to get sent to jail. Many of those offenders, as my hon. Friend the Member for Bury North (James Daly) said, will have had many previous cautions, suspended sentences and community sentences. In a published paper on super-prolific offenders that I wrote a few years back, I laid out the staggering number of community sentences and suspended sentences. People were getting their 50th and 51st community sentences. This is soft justice, and it does not work. It is a danger to the public. Sometimes a short prison sentence is the right thing.

To rehearse what these people have done: 17% are in prison for violence against the person, 2% for sexual offences, 2% for robbery, 20% for theft, 9% for drug offences, 7% for possession of weapons and 9% for public order offences. These are really serious crimes, and the public do not think we are being too harsh; they think we are being too soft.

Let us put the saving on jail places—the one argument for this that I can accept—into context. Short sentences are absolutely not driving the upward pressure on prison places, quite the reverse. The proportion of people in jail on a tariff of one year or less has fallen from 13% in 2008 to just 6% now. It has halved, so the increasing number of people not getting short sentences has been driving down the prison population.

The estimate in the Government's impact assessment is that this measure will save, in the central scenario, 600 prison places. Let us compare that with some of the other factors in play. Since 2019, the number of people on remand has risen by about 6,600 prison places, which is 10 or 11 times larger than the saving we are making, and that is because of delays in the courts. I hope we will look at that again.

[Neil O'Brien]

To put it in further context, the number of foreign national offenders in our jails—foreign national offenders comprise about one in eight of all the people in our jails—has risen by about 1,200 prison places since 2019, which is twice as large as the saving we are making through this measure. In fact, the saving of 600 prison places is much smaller than the 1,900 additional places that the Ministry of Justice brilliantly created between last autumn and this summer through things like the rapid deployment cells.

If we look at it in that context, it cannot be impossible for us to find a better alternative to this measure. I understand that there are exemptions, and that those on orders will not be subject to this measure, but the problem is that many people with many previous convictions are not on an order.

By reading between the lines of the Lord Chancellor's statement, I detect a willingness to look at this again for knife crime offences, and I hope we will have a much more wide-ranging review of the policy because, ultimately, I do not believe for one second that it can make the public safer, that it is what the public want or that there is no alternative. We have already shown that we can move quickly to increase the number of prison places.

We could look quite radically at things like jury trials to speed up our courts and the archaic practices that are causing the huge growth in remand that is driving us towards these decisions. We could look again at what we can do with rapid deployment cells to get more capacity. I am happy to look at anything, whatever it takes, but I do not believe this measure is at all desirable, even though it is part of a Bill that contains many things that are desirable.

I hope that the Lord Chancellor and the Government will look at this again and that, by Third Reading, we will have a better Bill that every Conservative Member can wholeheartedly and proudly support.

5.4 pm

Lia Nici (Great Grimsby) (Con): There are parts of this Bill that I am sure my constituents will welcome, including the stronger sentences for serious criminals and the inability of people to be released early on parole, but there are areas that my constituents and I have serious concerns about, particularly with regard to the presumption of suspended sentences for crimes that attract a sentence of 12 months or less. I am particularly concerned about home detention. The word "home" is not about detention. Home is about home comforts; it is about people being able to do what they want to do, whether they have a tag on or not.

We know that repeat criminals, which most people who have home detention and home curfew are, have clever ways of working the system. In Grimsby and places like Grimsby, somebody who has a tag will find a way, through coercive control, of getting their partner to commit crimes, or get criminal associates to come to their home so that they can carry on their criminal behaviour. I also have constituents whose children and grandchildren have been coerced into committing criminal behaviour, because they are the ones who do not have a criminal conviction—yet. Quite often, those who are seen as minors will not have anything serious done to

them with regard to sentencing, and they are being encouraged, either through payment or perhaps a lack of violence, to continue the criminal activity.

I am particularly concerned about some of the examples that have been given, and I am grateful to the Lord Chancellor for speaking to me about this yesterday. Yes, if somebody works hard for a living and they have made some mistakes and need help, we do not want to prevent them from being able to live in their house or apartment. We do not want them to lose their job or to be unable to carry on positive, healthy relationships with people, but my concern is that people who are on benefits and who are not working in legal jobs will be able to be at home doing pretty much whatever they want and working the system. My constituents would like to see those people doing visible community service to pay back to their victims and repair what is going on in the community. We need it to be long-term: community service orders of 200 hours are, frankly, derisory; community payback sentences should be 1,200 hours. It should be a year long so that it is inconvenient and involves things that people do not want to do.

We also need to stop the merry-go-round, operationally, that follows legislation. People in Grimsby know that offenders such as these often end up on a merry-go-round involving every state-funded service, but they do not take them seriously or do not take an active part in them, because they know that they do not have to. That costs the taxpayer huge amounts of money, but this is about not just the monetary cost but the cost to the community.

We have just passed the Victims and Prisoners Bill. What about the victims here? My constituents want to see that somebody is being inconvenienced and having to work hard to pay back. We have heard that people's circumstances can result in their becoming a criminal, but lots of people come from those same circumstances and do not make the choice to become criminals and it is about time we started thinking about them. We need to make it clear to people that criminal behaviour is unacceptable, and ensure that they go out and visibly do good activities, with people watching them and keeping control of them. The reality is that if somebody is at home, they are on the internet, watching television, meeting their criminal friends and laughing at the rest of us.

Sir John Hayes: What my hon. Friend is talking about is stigma. There must be some stigma. Stigma is very unfashionable in the modern age—even to mention it is probably regarded as politically incorrect—but we have to stigmatise people who do really bad things among their contemporaries. If we do not do that, they will carry on with impunity.

Lia Nici: My right hon. Friend is, as always, absolutely spot on.

We need to start having these kinds of discussions. In my constituency of Great Grimsby, we have people who are repeat offenders in aggressive retail crime who are getting away without having to do anything positive to pay back society. Colleagues talked earlier about people who have a reading age equivalent of nine or 10 and who must improve their literacy. I have worked in further education for over two decades, and what happens with state-funded organisations is that people will be told, "Go and see a person who will help you with

mental health issues. Go to a person who will help you with learning to read and write. Go to the probation office to register where you are.” These people do not go there. They cannot be controlled in any way, so it becomes extremely expensive and is a derisory way of using taxpayers’ money.

I and my constituents want there to be no home detention so that people have to get up in the morning to go and do their community service. They should be seen to be doing it, and they have to be doing it for the amount of time that they would have been inconvenienced by being incarcerated through any other sentence. Otherwise, it will not work. We will end up with an extremely expensive system where nothing works properly. Instead of sending people to go and improve their literacy, we should get them to work off their crime and learn how to read and how to interact with other professional people and what it means to be socially positive in those situations. They should not be sitting in pretend classrooms for hours and hours not doing anything.

We know that positive work and having positive role models in society is what will turn people round, but the proposed approach to sentencing will end up being an extremely expensive way for people to play the system and continue the merry-go-round. I would like the Lord Chancellor and the Front-Bench team to think seriously about what the majority of people in our communities would like to see.

5.13 pm

Richard Drax (South Dorset) (Con): I will concentrate in my speech on two issues: first, sentencing; and secondly, suggestions to stop reoffending, particularly among the young. This is not a catch-all but just an idea, which could come with other ideas.

I welcome the parts of the Bill that will ensure those who pose the greatest danger to society will be locked up and off our streets. The end of the automatic 50% remission for those who commit heinous crimes is also to be welcomed, but why does this not apply to everyone? If someone is sentenced by a judge to a term, it should be served in full. Surely we want prison to be a deterrent, so letting those convicted of a crime out halfway through their sentence makes no sense, nor is it a deterrent.

We have a crisis in our prisons, exacerbated by the fact that there are not enough prison places, and magistrates and judges have to consider carefully whether to send those who commit lesser crimes—although such crimes are not lesser to those who are affected—to prison or to give them a suspended sentence, a community order, a tag or perhaps all three. As has been said succinctly by at least two colleagues tonight, a repeat shoplifter, for example, cannot go on stealing while they are in prison. I am very concerned about the presumption against prison for those sentenced to less than 12 months for many reasons, not least the pressure on the probation service, which does a wonderful job. Frankly, I do not like statistics, and I guarantee that the victims of crimes, however great or small, will feel differently about that presumption. I recall as journalist covering a story about an old lady who had been robbed. She was aged 80 and had been married for 60 years. Her husband had died, and a burglar took all her belongings out of her house. She died of a broken heart a month later.

Only recently, to much sneering from those on the Opposition Benches, I advocated national service for those who need a hand up. This is an example of where a 50% measure could be used. A young person serving a sentence of, say, three or four years, if behaving properly, could be offered, at the halfway point, two more years in jail or two years in the armed forces. I trained young men myself for two years, and it was surprising how easy it was to turn the often rudderless into fine young soldiers who we were proud to serve with—and, if necessary, die with. In many cases, the family unit is so broken that the state should step in—a move that I, as a Conservative, instinctively disagree with unless the circumstances are exceptional. Nowadays, I feel that they are in some cases. For many of our struggling young, all they need to turn them into law-abiding citizens—I have seen it—is leadership, discipline and a structure to operate in. This is not rocket science.

In 1994, the Airborne Initiative was launched in Lanarkshire, Scotland. For 10 years, specialist social workers and outdoor recreation experts took hundreds of male criminals aged between 18 and 25 and combined outdoor physical activities with counselling for youths who had not responded to conventional punishment and rehabilitation. A former colleague in this place, Sir Jim Spicer, brought the initiative to the former young offenders prison on Portland. I recently opened a new jail museum there, and when I interviewed all the old prison officers, they all said that the borstal system worked. In some cases, it was abused by rotten officers, but, in the most part, it was proven to work. The young people were given the discipline and the structure, and they did not come back.

Sadly, the successful Airborne project—a five-day residential course on Dartmoor—was stopped. I believe that it went to HMP Feltham, where I am not sure if it still runs. That simple initiative worked, and the Government would do well to expand the project, particularly for young people across the prison estate and those who have committed lesser crimes, to give them a chance to learn how to get on with others in challenges and all the other things that outdoor activities provide, just as part of their rehabilitation.

I wish it were not true, but we, the Conservative party, should not be in the position we find ourselves in. If we cannot keep our citizens safe from those who would do us harm, something has gone seriously wrong.

5.18 pm

Rob Butler (Aylesbury) (Con): For the public, there are probably two things that matter most when an offence is committed against them: whether the criminal is caught and, if they are, what sentence they get. Thanks to the Government’s substantial investment in policing, we now have almost 21,000 more police officers than in 2019, with close to 800 of those in my local force, Thames Valley. It is of course relatively easy to see the impact of those extra officers, but perhaps less straightforward to appreciate changes in sentencing policy. The Bill adds some welcome clarity to sentences, especially for the most serious crimes, which will help to increase confidence in sentencing.

I should point out that prior to my election to this place I spent 12 years as a magistrate. In that time, I sentenced many offenders, imposing everything from a

[Rob Butler]

discharge to a custodial sentence. I also had the privilege of serving for approximately 18 months on the Sentencing Council. Those experiences taught me one crucial thing: sentencing is an art, not a science. It is imperative that all the facts and circumstances of every case are considered in their own right. That can be done only by the judge or magistrates who have heard the details of the individual case, and about not only the impact of the crime on its victims, but the reasons why the offence was committed and the background of the offender, not as an excuse for their criminal behaviour but to try to prevent a repeat of that behaviour.

As the Chair of the Justice Committee, my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), outlined, there are five purposes of sentencing, which are set down in statute. I fear that too often we focus only on the first of those: punishment. Although that must absolutely be a very significant element of a sentence, I suggest that it cannot, in a civilised society, be the only one. I believe that in order for us to see less crime and far fewer victims, reform and rehabilitation are crucial. There will be some cases in which that is almost impossible, but in the majority of cases there is hope—there is the prospect of an offender turning their life around, living a life free of crime and making a positive contribution to society.

I was also previously a member of the independent monitoring board at HMP/YOI Feltham, a member of the Youth Justice Board and a non-executive director of what was then Her Majesty's Prison and Probation Service. What all that means is that I have been into many, many prisons over the past 18 years. In every single one of them, I have been impressed by the brilliant staff and the amazing efforts that they make day in, day out, both to protect the public and to reform the lives of their inmates. But I have also been acutely aware that, quite simply, prisons are often not the ideal place to achieve rehabilitation. There are many reasons for that, but among them is the fact that there is often a shortage of appropriate staff to provide training and new skills, or simply that a programme that an individual prisoner needs is not available in their particular prison. That is especially the case with short custodial sentences.

For those reasons, I welcome the Bill's shift to a presumption to suspend custodial sentences of 12 months or less. Let us be absolutely clear: a suspended sentence is still a punishment. It will invariably contain conditions and requirements. It is simply inaccurate for the tabloid newspapers to claim, as they so often do, that someone has walked free from court with a suspended sentence, as if there had been absolutely no consequences for the crime. That simply is not the case.

Let us also remember that any suspended sentence can be activated. The offender can be sent to prison immediately if they commit a further offence while serving their suspended sentence or, indeed, if they breach the conditions or the requirements attached to the suspended sentence order. There is, then, the absolute safeguard that, where necessary, somebody can be sent into custody. In fact, I worry slightly about whether the ability to do that might ultimately end up undermining the intent of the Bill. If we find that, in fact, an awful lot of suspended sentences are activated, Ministers may at that point need to think about how to address that problem.

I am pleased to see that the Bill extends the use of home detention curfew for those serving sentences of four years or more. In my very short time as a Minister in the Ministry of Justice, I asked officials to look into that. I am glad that it has been followed through and is now in the Bill, because HDC can be incredibly useful in easing the transition from custody to life back in the community. The simple reality is that the longer somebody has spent in prison, the more they need that period of transition, so the extension of eligibility is sensible.

I should also point out that it will, of course, be necessary to ensure that the probation service is properly resourced to support the additional offenders who will be serving their sentences in the community. Probation staff do an outstanding job, as I have seen for myself on many occasions. We must make sure that there are enough of them and that they have all they need to do an effective job in helping to reduce crime.

Although the increased emphasis on suspended sentences and an expansion of HDC are welcome steps, we could be even more innovative in our approach to sentencing. For example, we could use technology much better, with far more comprehensive use of GPS tags for the right offenders. I worked with the Centre for Social Justice to devise a new sentence called the intensive control and rehabilitation order, and I invite Ministers to peruse that at some point.

I have a couple of concerns about one or two aspects of the Bill, particularly the impact on young adults of the decision to make whole-life orders the starting point for certain offences. It is now widely accepted, including by the Ministry of Justice, that maturity is a process that continues until at least the early 20s. That has not yet been completely reflected in the criminal justice system and we need to do more work on it, especially on sentencing.

That aside, I believe there is much to welcome in the Bill. It clearly demonstrates that the Conservative Government are determined to tackle crime and provide the most appropriate sentences for offenders. I look forward to its rapid passage on to the statute book.

5.25 pm

James Daly (Bury North) (Con): I find the wording of the Bill quite curious. I will limit my remarks to issues relating to suspended sentences under 12 months. The sentencing code is amended to add:

"The court must make a suspended sentence order in relation to the sentence where this section applies unless the court is of the opinion that there are exceptional circumstances".

As a lawyer, I know that if we had 10,000 lawyers here, they would give us 10,000 different definitions of what "exceptional circumstances" means. But the court can take into account those that

"relate to the offence (or the combination of the offence and one or more offences associated with it) or the offender"—

so, if a court finds a fact about the offender or the offence that falls within the general definition of exceptional circumstances, it can impose an immediate custodial sentence—and

"justify not making the order."

I hate to break it to colleagues, but that is actually what happens in the courts now; there is very little difference. This is an attempt, rightly or wrongly, to encourage some magistrates in some parts of the country to impose fewer immediate custodial terms.

The Bill will not stop custodial sentences being imposed for offences under 12 months. As I said in my intervention on the Lord Chancellor, it would be utterly bizarre if that were the case. Over 17 years, I represented thousands of people in the criminal courts and the vast majority of cases were drug and shoplifting related. I represented people with 400 or 500 convictions—the full gamut of offending—who never complied with an order in their life and literally had hundreds of failure to comply with court orders. What magistrate in the world is going to think, “I know what we’ll do, we’ll impose a suspended sentence”? If a characteristic of the offender is that they do not carry out the order imposed on them, the magistrate is not going to impose it in the first place.

If there is something particularly abhorrent about an offence—this is why I have some sympathy with what those on the Opposition Front Bench were saying—there will be an immediate custodial term. What I do not like is the debate that we should treat some crimes differently from others. Yes, there is a full range of seriousness in terms of offending, but if we are getting to the point where we are saying that for some you can get an immediate custodial term and for others you cannot, then I think that is nonsense. We have to be realistic.

When we are dealing with people in the criminal justice system, we are dealing with broken, fallible individuals. As my hon. Friend the Member for Aylesbury (Rob Butler) said, we are dealing with people and their lives and motivations, and all the other things that go into making them, at a certain time and point, commit a criminal offence. In this Chamber, we never, ever discuss what, in my opinion, could deter crime: work when children are growing up, a stable upbringing, and a set of values that they can carry with them through their lives, whether through education or parents, of whatever type. That is what matters.

Having a debate and judging whether we as a Parliament are successful on criminal justice by how long we send people to prison is utterly preposterous. What is the point in that? It is like we discuss money in this place: “We’ll send you to prison for 15 years.” “No, let’s go to 16 or 17 years.” That is not the point. The point is to allow our independent judiciary, within the sentencing framework we set down—bearing in mind that none of us will be in that court, none of us will know what motivated the person and none of us will know the circumstances—to make the decision that they want to make.

My hon. Friend the Member for Harborough (Neil O’Brien) made some very telling points. We cannot run away from the fact that this legislation is about prison numbers. However, it is fair to say—I repeat something that has been said—short-term custodial sentences are decreasing. One thing I am proud of is that under this Government longer-term sentences of 10-plus years for the most serious offences are increasing. We are having an impact on the most serious offending.

Lia Nici: Does my hon. Friend agree that the issue is that non-custodial sentences are, frankly, often pathetic? They are not inconvenient enough, or do not make such a change for people that they are deterred, without custody, from offending.

James Daly: I agree. We cannot have a debate about criminal justice simply on the basis that everyone should be sent to prison; there has to be some form of

alternative sentence. My experience over 17 years, however, is that none of it works—little or none of it—because this is about the individual.

I have not met an individual—unless they are suffering from severe mental health problems—who does not know what they need to do with their life to be a better person or to not commit crime, whether that is to stop taking drugs or drinking alcohol, or whatever it is. The vast majority of people who appear in court are not demented fools; they are intelligent, articulate people who are choosing not to make the correct decisions that could put their life on a more even footing. The range of sentencing options, such as a curfew, or all the types of modern technology we talked about, are nonsense. They will not make a blind bit of difference to anyone’s behaviour.

The point I am making is that the criminal justice system is, by its very nature, fallible. It will never be efficient or give us the outcomes that we want. The idea that any MP in this place could set up a structure that will deal fairly with every offender that appears before the courts is absolutely for the birds. My view is that the Bill does not make much difference to the position we are in. It is not something that colleagues should get overly concerned about, because having spent 17 years in front of magistrates, I can tell the House that they will still send people to prison on the basis of this Bill. A few people might well get a chance, with a curfew or something like that, but they will breach it in five minutes and will be sent to prison.

Under the Bill, someone is forgiven for the first breach, but they go to prison for the second breach. Whatever happens, they will go to prison at some point, because most of them breach the order that is imposed in the first place. I support the Bill because I support—

Sir John Hayes: Is my hon. Friend saying that the Bill is inconsequential? If it is inconsequential, why do we need it? The Bill is either as bad as I think it is, or it is as harmless as he thinks it is. Either way, we do not want it.

James Daly: Frankly, it allows our independent judiciary and magistrates, sitting throughout the country, to make decisions based on the individual circumstances of the case. I think it still allows them to impose an immediate custodial sentence in the vast majority of circumstances. I have read out the legal test, which can be applied any which way we want.

Neil O’Brien: Does my hon. Friend agree that it would be wrong to steer our independent judiciary away from this? Many people in the judiciary complain like mad if we suggest higher sentences or greater automaticity. They say, “No, we must have judicial freedom and independence.” Should we not be giving them the same for short sentences? Also, does he agree that sometimes a short prison sentence—say, a year—can give a community great respite from an individual who often causes huge terror and misery in that community?

James Daly: I agree. That is why such sentences exist and have been used for the past 30, 40 or 50 years. Since the ’90s onwards, prison sentences have gone up on a steep curve, but what can we do if someone shoplifts repeatedly? This is the other fantasy about people in the grip of drug addiction who are shoplifters. There is a

[James Daly]

common sense approach: “Let’s put in place a rehabilitative order.” But they are not in any position to apply for that rehabilitative order. If we let that person out of custody, they will commit a criminal offence.

The Minister wants to wind up, so I will bring my remarks to a close. The only point I am trying to make is that, for me, the legal test that goes along with the suspension allows the courts in 99% of cases to still impose the sentence they think is appropriate.

5.34 pm

Jerome Mayhew (Broadland) (Con): I will try to be brief, and will pass quickly over clause 1 of the Bill, other than to welcome it. It delivers on our manifesto commitment to have tough sentences for the most serious crimes. Also, it finally delivers on the contract that was struck with the British people back in 1965—when capital punishment was repealed, the quid pro quo was life imprisonment. That, however, has never been the case—life imprisonment for serious murder—so the whole life order delivers on that original contract. I welcome the clause for that reason alone.

I move on to clause 6, which much of this interesting debate has been about. It is absolutely right to say that there is a balance of competing forces. The criminal justice system has to balance punishment with the reduction of reoffending. I absolutely agree with my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) that there is a moral perspective to punishment: society expects that people who commit crimes will receive punishment and wants them to see the physical consequences of crime. My hon. Friend the Member for Harborough (Neil O’Brien) is right, too, that when a perpetrator is behind bars, a community experiences physical relief, and that is a common good. But—and it is a big “but”—those benefits have to be balanced with systems that lead to a reduction in future reoffending.

Although we have been arguing a little about the details behind the evidence, the overwhelming weight of the evidence that I have seen is that short-term prison sentences do not lead to reductions in reoffending—in fact, quite the opposite. Although there are benefits to prison sentences, and I have named a couple, there are costs as well. One is that we perhaps turn a small-scale offender into a much more detailed offender because they will meet and mix with the wrong kind of people, and lose their jobs, homes and relationships—all the binding elements of community membership. When they come out, they are statistically more likely to reoffend. That is a cost of prison, and we should not shy away from that. We should recognise it.

I have looked up the data about the effectiveness of sentencing options on reoffending from the Sentencing Council, an arm’s length organisation, which says:

“The evidence strongly suggests that short custodial sentences under twelve months are less effective than other disposals at reducing re-offending. There is little evidence demonstrating any significant benefits of such sentences. Indeed, there is a reasonable body of evidence to suggest short custodial sentences can make negative outcomes (such as reoffending) worse.”

James Daly: Will my hon. Friend give way?

Jerome Mayhew: I will not. I am so sorry, but I have only a couple of minutes.

The quote gets to the nub of the matter. I am a deductive reasoner; my right hon. Friend the Member for South Holland and The Deepings, who is no longer in his place, says that he is an inductive reasoner. Just because someone is an inductive reasoner does not mean that they no longer look at the data. We need to do both. It is because I have been looking at the data that I support the Bill.

5.37 pm

Andy Carter (Warrington South) (Con): I will be relatively brief. As a member of the magistracy who spends time sentencing—in fact, I was sentencing last week on a whole range of issues that come before the Merseyside bench—I am acutely aware that the British public, including my constituents, want to ensure that the criminal justice system is fair and proportionate and fair to victims as a principal concern. Today we are debating a Bill that will strengthen those principles by making sure that the most serious offenders receive tougher sentences that reflect the severity of their crimes. The Bill will remove from society those who pose the greatest danger to the public while also reducing the rate of reoffending by lower-risk criminals.

Too often, I see familiar faces in the courtroom and I want the Government to do much more to take steps to break the cycle of reoffending. That is not just a matter for the criminal justice system; it is for every part of the Government, in particular the Departments for Work and Pensions and for Education. We can do much more to break the cycle.

The Bill introduces a presumption that sentences under 12 months will be suspended, punishing and rehabilitating offenders by using technology to deliver and enforce tough curfews and work in the community, where they can begin to repay their debt to society. Of all the announced measures, the presumption against an immediate short-term custodial sentence in favour of a suspended sentence or community order is particularly relevant in magistrates courts. As my hon. Friend the Member for Broadland (Jerome Mayhew) said just a moment ago, that is essentially the approach that we already take in the magistrates court, where, even if the custody threshold for an offence is exceeded, the practice is for magistrates to consider in the first instance whether a suspended sentence or community order would be far more appropriate.

Magistrates consider a range of facts and sentencing, and they do not sentence in an isolated form. The first thing they do is look at the antecedents of the criminal before them. If that criminal has a long list of previous convictions, they are more likely to go back to prison because that is the way magistrates operate in their courts. Magistrates follow very detailed sentencing guidelines. They work tirelessly to ensure that there is consistency across all courts and to consider the statutory aggravating and mitigating factors, and they look carefully to ensure that the punishment fits the crime. However, it is important that magistrates retain the discretion for immediate custody if neither a suspended sentence nor a community order is suitable. I know that my right hon. and learned Friend the Lord Chancellor is aware of that.

I will conclude by touching on two other brief points. First, on prison capacity, I recognise the importance of extending the prison estate, and the Minister has very

kindly notified me that Thorn Cross Prison in my constituency is likely to see an increase of 76 prisoners as a result of the increased use of rapid deployment cells once planning permission has been granted. Can the Minister confirm that an appropriate increase in staffing will follow? That prison has had significant issues with drugs being delivered into it. When the Lord Chancellor was prisons Minister, he spent time meeting my constituents to consider that particular area. Can the Department confirm that the relevant experienced prison officers will come alongside the additional prisoners?

Can the Minister also confirm that there will be no change in the type of prisoners that are held there? There had been discussions about holding sex offenders who are coming to the end of their sentences, but it was then decided that that would not happen. The prison is in very close proximity to a school, so I would be very grateful if the Minister ensured that that does not happen.

I welcome the provisions in the Bill, which will put public protection at the heart of sentencing. The Government are taking an evidence-based, long-term approach to sentencing to ensure that we are tough on violent crime, committed to reducing reoffending, and doing what is needed to keep the public safe.

Mr Deputy Speaker (Sir Roger Gale): I call the Opposition Front Bench.

5.42 pm

Kevin Brennan (Cardiff West) (Lab): We have had a good debate on the Bill, started by the Lord Chancellor and Secretary of State for Justice, the right hon. and learned Member for Cheltenham (Alex Chalk), and the shadow Secretary of State, my hon. Friend the Member for Birmingham, Ladywood (Shabana Mahmood).

There have been a number of interesting contributions, starting with the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), who made a typically thoughtful contribution to our proceedings. He is against politicising the issue of sentencing, but I am sure that he would agree that that does not mean that His Majesty's loyal Opposition should not scrutinise the Bill in depth, or look in detail, as we intend to do in Committee, at the matter of early release of offenders involved in crimes such as domestic abuse and sexual offences. He accepted, I think, that the prison estate had been allowed to deteriorate so far that, in its current state, rehabilitation has, in his words, become almost "impossible". His suggestion of a statutory "purposes of prison" definition was an interesting one that we in the Opposition would certainly be interested in discussing with him further.

That was followed by a speech from the former Home Secretary, the right hon. Member for Witham (Priti Patel), who I thought also made an extremely thoughtful contribution to the debate. She agreed on some points with my hon. Friend the Member for Birmingham, Ladywood, and we would very much be interested in exploring that further with her as the Bill progresses, particularly the issue of which offenders are listed for early release.

We then had a contribution from the right hon. Member for South Holland and The Deepings (Sir John Hayes)—he and I are old jousting partners from the days when he was on the Opposition Benches and I was on the other side—who described the Bill as "lamentable"

and said that he was in despair about it. He said that, when it came to crime and punishment, he was on the retribution side and was less committed to the rehabilitation side of the argument. I know that he is a big fan of poetry, so I am sure that he will recognise a bit of poetry if I quote it at him:

"I never saw a man who looked
With such a wistful eye
Upon that little tent of blue
Which prisoners call the sky".

Prisoners go to prison as punishment, in our view, not for punishment. We might not see eye to eye with the right hon. Gentleman on what he said but, as ever, it was an interesting and thoughtful contribution.

We heard a contribution from the right hon. and learned Member for Northampton North (Sir Michael Ellis), who quoted Churchill extensively and said that the language was "a bit Edwardian". I wasn't sure whether he pointed that out because it was a bit too modern for him. He went on to say that 20,000 prison places have been created. We challenge that. I will not go into it in great depth, but in our view it will be only 8,000 by 2025 in net terms, which is 60% short of the Government's plans.

The hon. Member for Harborough (Neil O'Brien) was critical of the methodology the Government have used to justify the presumption of suspended sentences for under 12 months. He admitted that people were spending too long on remand in prison, which is a source of a lot of problems in the prison estate. Many of those people turn out to be not guilty at the end of the process. That is a particularly pernicious fact, and it is a result of the Government's failure to deal with the backlog in the courts.

The hon. Member for Great Grimsby (Lia Nici) called for visible community service and expressed concern that taxpayers' money was being wasted on many of the current schemes because of the failure to operationalise them properly. Ministers will have heard her remarks.

The hon. Member for South Dorset (Richard Drax) said that he was concerned about the presumption of suspended sentences for under 12 months because of pressure on the probation service. He is right about that. If the probation service cannot provide a full service to those who are allowed out on early release, it is difficult to see how the measure will help to reduce crime. He called for the return of national service and borstals. We used to call them colleges of crime when I was growing up. He provided anecdotal evidence for their being an effective means of dealing with youth justice. I would be interested to see harder scientific evidence in that regard. In his very last remark, he said that something has gone seriously wrong with our criminal justice system.

The hon. Member for Aylesbury (Rob Butler) made an extremely thoughtful contribution and told us of his experience from 12 years as a magistrate and from serving on the Sentencing Council. He said that sentencing is an art, not a science. His expertise showed in his contribution, which was interesting to listen to. He told us about his short time as a Justice Minister. That might be the only example of a decision by the former Prime Minister, the right hon. Member for South West Norfolk (Elizabeth Truss), that should not have been reversed after her departure. Given the quality of the hon. Gentleman's contribution, he was possibly the best ministerial appointment during her short tenure.

[Kevin Brennan]

The hon. Member for Bury North (James Daly)—again, he brought great experience to the debate—said that he had sympathy with some of the points the Opposition are making about short sentences and so on. I agree with him that we should focus on the early years. We used to say when we were in government,

“tough on crime, tough on the causes of crime”.

He is absolutely right—until we get into the weeds of the causes of crime, we will never break the offending cycle.

The hon. Member for Broadland (Jerome Mayhew) said that the danger of short-term sentences was that they would turn small-scale offenders into greater offenders. He cited evidence for that in his very effective contribution.

The hon. Member for Warrington South (Andy Carter) told us of his experience as a magistrate and of the need to break the cycle of reoffending. He asked for reassurance that there will be additional prison officers in his local open prison when numbers are expanded there, and he was quite right to do so.

Another day, another Department of Justice Bill before the House—or, as I call it, the Department of Justice Delayed. As our debate draws to a close, let us consider the gravity of the task at hand. This Bill is supposed to be rectifying problems in our criminal justice system, which is beleaguered by overcrowded prisons, an overstretched probation service and the dire consequences of the past 13 years of mismanagement. Over those 13 years under the current Government, we have observed the unfolding of what can only be described as a penal catastrophe. For over a decade, they have promised a robust and rigorous approach to law and order, but when it comes to justice it is the evidence that matters, and the evidence is clear beyond reasonable doubt.

We were assured that there would be 20,000 new prison places by the mid-2020s, but as of today, less than half are on track to meet that deadline, and the totality of that pledge will not see fruition before 2030. The prison estate is at 99% capacity because the Government have failed time and again to act on warnings about capacity and overcrowding, and now they are using this rushed Bill as a sticking plaster over a gaping wound. The job is certainly not done: the situation has reached the desperate state where judges are compelled to delay sentencing hearings for people on bail, leaving convicted criminals to roam our streets. The Bill is not a proactive measure, but a reactive one—a response to a crisis that has been foretold and ignored. It seeks to introduce a presumption that sentences of 12 months or less will be suspended; as my hon. Friend the Member for Birmingham, Ladywood said, that is something we will explore in great detail in Committee.

I will not detain the House much longer, because I know there is a statement to follow, but the Government's narrative is one of a pivot towards rehabilitation and community sentencing. However, the reality is a narrative of necessity. The Government's own impact assessment estimates an increased caseload of 1,700 to 6,800 cases due to more suspended sentences, and at least 850 due to the expansion of the home detention curfew, yet there is no corresponding increase in support for the probation service, which is already on its knees. How can we expect a system to rehabilitate people when that system itself is in need of urgent repair?

The proposed changes to short sentences raise grave concerns. No offences have been ruled out of scope, regardless of their nature. That means that even known stalkers, sex offenders and domestic abusers could be managed in the community, posing a risk to new and past victims alike—as my hon. Friend the shadow Justice Secretary rightly pointed out, it could be new victims who are targeted by those offenders. That is not what justice looks like. My hon. Friend mentioned cases of violent offenders who could avoid being locked up under this proposed legislation. I will add another example: that of John Gallagher, who strangled his partner and punched her in the head several times. She was screaming, thinking that she was going to die. He said to her, “If I can't have you, no one can,” before trapping her in a bathroom overnight. This man received a nine-month sentence; under the proposed legislation, thanks to this Government, violent offenders just like him could avoid prison.

The Government have been quick to proclaim their commitment to protecting the public from serious offenders. They speak of extending whole-life orders and ensuring that those convicted of the most serious crimes serve their full sentences. Those are measures that we can support, but beneath the veneer of the tough rhetoric, there is an inconvenient truth: the prisons that are required to house those offenders are not materialising. The Government have not just moved the goalposts, but taken them down entirely. In their place, we are being offered a vision of electronic monitoring and home detention curfews—a vision in which serious offenders could be released up to six months early. The Government assure us that violent offenders and those convicted of sexual offences will be excluded, yet fail to provide clarity on what constitutes “suitable” for release. The ambiguity surrounding this crucial definition is not just a matter of semantics; it is a matter of public safety. What does it say about our commitment to victims and to public safety that those who have inflicted great harm could be deemed “suitable” for early release?

Now we learn of the Government's scheme to release offenders early on compassionate grounds, but it is a policy shrouded in secrecy, lacking the scrutiny of this House. This clandestine approach to justice is unacceptable. The British public deserve transparency, especially on matters that will have a direct impact on their safety and wellbeing. Let us not forget the Government's botched privatisation and subsequent renationalisation of the probation service, which has done nothing but exacerbate the problems in our justice system. Probation is in such a dire state that of the 31 inspections by HM inspectorate of probation since reunification in 2021, only one has received a good rating. That is a damning indictment of the current Government's ability to protect the public and rehabilitate offenders.

The Labour party offers a different path—one of strategic foresight, and one that ensures that decisions about the running of prisons and probation services are driven by public safety, not political expediency. We take a different view from the Government. We believe in a justice system that is fair, robust and, above all, transparent. We recognise that to break the cycle of reoffending we must invest in our probation service and make it a beacon of rehabilitation. We understand that to truly protect the public, we must ensure that prisons are places where offenders can be securely housed and effectively reformed, within a justice system that stands as a testament to our values, not a monument to failure.

5.56 pm

The Parliamentary Under-Secretary of State for Justice (Gareth Bacon): As this is the first time I have faced the hon. Member for Cardiff West (Kevin Brennan) across the Dispatch Box, I would like to start on a point of agreement. I agree with him that this has been a strong and thoughtful debate, and I am grateful to all those who have spoken.

As my right hon. and learned Friend the Lord Chancellor said when he opened the debate, the Bill builds on our record of cutting crime, and it will protect the public and cut crime even further. The most dangerous offenders will remain behind bars for longer, and we will take action to prevent those who have committed low-level offences from falling further into lives of crime. Right hon. and hon. Members have raised a wide range of points and questions. Unfortunately, in the time I have I will not be able to respond to all of them, but I am of course happy to engage with Members individually later—*[Interruption.]*

Mr Deputy Speaker (Sir Roger Gale): Order. There are a lot of Members entering the Chamber, for reasons that are apparent, who have not taken part in or heard this debate. I hope the House will do the Minister the courtesy of listening to his winding-up speech.

Gareth Bacon: Thank you, Mr Deputy Speaker. I will respond to Members I do not mention individually either in writing or in person, especially on any points that I miss.

The hon. Member for Birmingham, Ladywood (Shabana Mahmood), who opened the debate for the Opposition, started her remarks by saying that the Government are doing nothing to address prison places. It is true that the prison population has risen under this Government, and that is because more people are going to prison for longer under this Government. It is not true to say that the Government are doing nothing about prison places. We have set about the largest prison building programme since the Victorian era. We have set about building 20,000 new prison places, backed by £4 billion of investment, and we have delivered 5,500 of those places already, with a further 2,000 coming on line later this year. By the end of 2025, we will have delivered over 10,000 places in total. We are building six new prisons. HMP Five Wells and HMP Fosse Way have opened in the last two years. HMP Millsike is under construction in York, and three further prisons in Leicestershire, Buckinghamshire and Lancashire are going through the planning process.

The hon. Member went on to attack us over probation. She is right that some prison capacity measures will increase the demand for probation, but we are committed to ensuring that probation has the resource it needs to meet demand. This year we have already increased funding for the probation service by £155 million, to recruit staff, bring down case loads and better deliver the supervision of offenders in the community. We continue to focus on recruitment and retention, and we have accelerated the recruitment of trainee probation officers to increase staffing levels, particularly in areas with the most significant staffing challenges. As a result, we have increased staffing in the probation service by over 4,000 people since 2020.

The hon. Member for Birmingham, Ladywood finished her speech with the claim that Labour is in favour of tough sentences, but the fact of the matter is that Labour has opposed every single measure this Government have introduced since entering office. It was Labour that introduced the halfway release point for serious offenders under section 244 of the Criminal Justice Act 2003, and it was Labour that voted against us when we toughened sentences for serious offenders.

Labour voted against our Police, Crime, Sentencing and Courts Act 2022, preferring to keep dangerous criminals on our streets rather than behind bars. That Act introduced whole-life orders for child killers and life sentences for drivers who kill while intoxicated, ended the automatic release of dangerous and violent sexual offenders, and gave the Secretary of State the power to refer to the Parole Board high-risk offenders who would otherwise be automatically released. Labour voted against all of that, so we will take no lessons from them.

The hon. Member for Cardiff West ran through the list of speakers. I will not do the same, but I will pick out a few. The Chairman of the Justice Committee and my constituency neighbour, my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), gave a characteristically knowledgeable, thoughtful and balanced speech, substantially supported by my right hon. and learned Friend the Member for Northampton North (Sir Michael Ellis) and my hon. Friend the Member for Aylesbury (Rob Butler). He set out the statutory purpose of prison, and he suggested that we should have smarter sentencing—we will look at that. He also made the sensible point that short sentences disrupt community ties, relationships, jobs and home life, and that the loss of these can lead to greater reoffending.

On short sentences, I make it clear that we are not abolishing sentences of immediate custody. There is no proposed ban. The courts will retain wide discretion to impose immediate custody in many circumstances, as my hon. Friend the Member for Bury North (James Daly) correctly observed. Where a sentence is suspended, the courts have a range of robust powers to ensure that offenders are effectively managed, including electronic monitoring to ensure that curfews of up to 20 hours a day are observed, and exclusion zones so that they stay out of areas where they are most likely to get into trouble. There are also various high-tech solutions, such as alcohol tags that are so sophisticated they can take a reading of an offender's sweat every 30 minutes to make sure they are confronting the issues with alcohol that landed them in trouble in the first place.

It is also true that more than 50% of those who are sentenced to less than 12 months will go on to commit another offence within one year of their release. When offenders are given suspended sentences in the community, with conditions, the reoffending rate is much lower at around 24%. The Ministry of Justice's own robust evidence suggests that similar offenders, given community sentences or suspended sentence orders, are four percentage points less likely to reoffend than those sentenced to short custodial sentences. That might not sound like a great deal, but it could mean that up to 21,000 fewer offences are committed, meaning that fewer of our constituents become victims of crime.

My hon. Friend the Member for Harborough (Neil O'Brien) rightly mentioned remand and how the significant rise in remand is contributing to prison demand.

[Gareth Bacon]

There are various reasons for the increase in remand, but the court backlog driven by the pandemic and the subsequent Bar strike are substantial reasons. We are doing everything in our power to bring down the backlog, but he will understand that the judiciary is fully independent. It is not within our gift to dictate which cases are taken to court. Nothing in this Bill diminishes our efforts to reduce the backlog and reduce demand pressure. I will be happy to meet him to discuss this further.

Protecting the public from crime is our top priority. The most effective way to do that is to reduce the amount of crime being committed, which is why we are introducing the presumption to suspend short sentences. The Government are taking resolute, evidence-based action to ensure that low-level offenders break the cycle of offending, because reoffending devastates communities and creates more victims.

The measures concerning whole-life orders were welcomed on both sides of the House. These measures will ensure that the very worst murderers will spend the rest of their lives in prison. There will be no possibility of release by the Parole Board for such offenders. By making those changes, we are sending the very clear message that for the most heinous, horrific cases, a whole-life order will be the correct sentence. That can only be prevented if the court believes that there are exceptional circumstances—and they would have to be exceptional circumstances—that would make such a sentence unjustified.

Murders of a single victim that involve sadistic or sexual conduct will also be punishable by the imposition of a whole-life order—again, unless there are exceptional circumstances. Such offending is so serious, and causes so much anguish to victims' families and wider communities—as we have seen following the brutal killings of Zara Aleena, Sabina Nessa and others—that it is only right for such perpetrators to be locked up for the rest of their lives.

A number of Members referred to sexual offences, including my right hon. Friend the Member for Witham (Priti Patel). I will focus on rape. Rape is a uniquely serious crime and one that causes terrible trauma for its victims, so it is right for those found guilty of rape, and other equally serious sexual offences, to be subject to a punishment that reflects the severity of their offending. These measures will ensure that rapists serve the whole of their custodial sentences behind bars. They will no longer be subject to any automatic or discretionary early release, but will have to spend every single day of their custodial term locked up, as directed by the court.

That will be followed by a robust period on licence during which such offenders will be supervised by the probation service and will be subject to a possible recall to custody if their risk cannot be safely managed in the community.

It is clear from the debate that there are strong views on the Bill, but it is the first stage of a legislative process, and we welcome engagement from Members on both sides of the House as we seek to strike the right balance in sentencing. I personally can see the merit in ideas such as reviewing some measures and perhaps even a power to switch them off, and it is right that we consider the use of these measures carefully. Having heard the points raised by several Members about knife crime, I will look closely at that issue.

Our aim is to ensure that we can keep the most dangerous offenders in prison for as long as necessary to keep the public safe from harm, while ensuring that sentences do not trap the redeemable in a revolving door of offending. I therefore commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

SENTENCING BILL (PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the Sentencing Bill:

Committal

(1) The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on Consideration and on Third Reading

(2) Proceedings in Committee of the whole House shall be taken in the following order: Clause 1; Schedule 1; Clauses 2 to 6; Schedule 2; Clause 7; Schedule 3; Clauses 8 to 11; new Clauses; new Schedules; remaining proceedings on the Bill.

(3) Proceedings in Committee of the whole House shall (so far as not previously concluded) be brought to a conclusion five hours after their commencement.

(4) Any proceedings on Consideration and proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings in Committee of the whole House.

(5) Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

Other proceedings

(6) Any other proceedings on the Bill may be programmed.—
(Aaron Bell.)

Question agreed to.

UK-Rwanda Partnership

6.8 pm

The Secretary of State for the Home Department (James Cleverly): With permission, Madam Deputy Speaker, I will make a statement about the Government's plan to stop the boats and tackle the vile trade in people smuggled across the channel.

Three weeks ago, the Supreme Court handed down its judgment on this Government's migration and economic development agreement with Rwanda. In that judgment their lordships upheld the view of the High Court and the Court of Appeal that it is lawful to relocate illegal migrants, who have no right to be here, to another safe country for asylum processing and resettlement, but upheld the judgment of the Court of Appeal, which means that the Government cannot yet lawfully remove people to Rwanda. That was due to the Court's concerns that relocated individuals might be "refouled"—removed to a country where they could face persecution or ill treatment. We did not agree with that assessment, but of course we respect the judgment of the Supreme Court.

The Supreme Court also acknowledged that its concerns were not immutable and were not an aspersion on Rwanda's intentions, and that changes may be delivered in the future that could address its concerns. Today I can inform the House that those concerns have been conclusively answered and those changes made, as a result of intensive diplomacy by the Prime Minister, by the Foreign, Commonwealth and Development Office, by the Attorney General's Office and by the Home Office. We have created a situation that addresses the concerns.

Our rule of law partnership with Rwanda sets out in a legally binding international treaty the obligations on both the United Kingdom and Rwanda within international law, and sets out to this House and to the courts why Rwanda is and will remain a safe country for the purposes of asylum and resettlement. This is a partnership to which we and Rwanda are completely committed. Rwanda is a safe and prosperous country. It is a vital partner for the UK. Our treaty puts beyond legal doubt the safety of Rwanda and ends the endless merry-go-round of legal challenges that have thus far frustrated this policy and second-guessed the will of Parliament. I want to put on record my gratitude to President Kagame, Foreign Minister Biruta and the Rwandan Government for working with us at pace to do what it takes to get this deal up and running with flights taking off as soon as possible.

Rwanda will introduce a strengthened end-to-end asylum system, which will include a new specialist asylum appeals tribunal to consider individual appeals against any refused claims. It will have one Rwandan and one other Commonwealth co-president and be made up of judges from a mix of nations selected by those co-presidents. We have been working with Rwanda to build capacity and to make it clear to those relocated to Rwanda that they will not be sent to another third country.

The treaty is binding in international law. It also enhances the role of the independent monitoring committee, which will ensure adherence to obligations under the treaty and have the power to set its own priority areas for monitoring. It will be given unfettered access to complete assessments and reports and to monitor the

entire relocation process, from initial screening to relocation and settlement in Rwanda. It will also develop a system to enable relocated individuals and legal representatives to lodge confidential complaints directly with the committee.

But, given the Supreme Court judgment, we cannot be confident that the courts will respect a new treaty on its own, so today the Government have published emergency legislation to make it unambiguously clear that Rwanda is a safe country and to prevent the courts from second-guessing Parliament's will. We will introduce that legislation tomorrow in the form of the Safety of Rwanda (Asylum and Immigration) Bill, to give effect to the judgment of Parliament that Rwanda is a safe country, notwithstanding UK law or any interpretation of international law.

For the purposes of the Bill, a safe country is defined as one to which people may be removed from the United Kingdom in compliance with all the United Kingdom's obligations under international law that are relevant to the treatment in that country of people who are removed there. This means that someone removed to that country will not be removed or sent to another country in contravention of any international law, and that anyone who is seeking asylum or who has had an asylum determination will have their claim determined and be treated in accordance with that country's obligations under international law.

Anyone removed to Rwanda under the provisions of the treaty will not be removed from Rwanda, except to the United Kingdom in a very small number of limited and extreme circumstances, and should the UK request the return of any relocated person, Rwanda will make them available. Decision makers, including the Home Secretary, immigration officers and the courts, must all treat Rwanda as a safe country, and they must do so notwithstanding all relevant UK law or any interpretation of international law, including the human rights convention; the refugee convention; the 1966 international covenant on civil and political rights; the 1984 UN convention against torture and other cruel, inhuman or degrading treatment or punishment; the Council of Europe convention on action against trafficking in human beings, which was signed in Warsaw on 16 May 2005; customary international law; and any other international law, or convention or rule of international law, whatsoever, including any order, judgment, decision or measure of the European Court of Human Rights.

Where the European Court of Human Rights indicates an interim measure relating to the intended removal of someone to Rwanda under, or purportedly under, a provision of immigration Acts, a Minister of the Crown alone, and not a court or tribunal, will decide whether the United Kingdom will comply with the interim measure. To further prevent individual claims to prevent removal, the Bill disapplies the relevant provisions of the Human Rights Act 1998, including sections 2, 3, 6, 7, 8 and 9. The Bill is lawful, it is fair and it is necessary, because people will stop coming here illegally only when they know that they cannot stay here and that they will be detained and quickly removed to a safe third country. It is only by breaking the cycle and delivering a deterrent that we will remove the incentive for people to be smuggled here and stop the boats.

This legislation builds on the Illegal Migration Act 2023, which the House passed this summer, and complements the basket of other measures that the UK Government are employing to end illegal migration—for example,

[James Cleverly]

the largest ever small boats deal with France. Tackling the supply of boats and parts, the arrest and conviction of people smugglers, and illegal working raids have all helped to drive down small boat arrivals by more than a third this year, even as the numbers are rising elsewhere in Europe.

Parliament and the public alike support the Rwanda plan. Other countries have since copied our plans with Rwanda, and we know from interviews that the prospect of being relocated out of the UK has already had a deterrent effect. This will be considerably magnified when we get the flights to Rwanda. This treaty and this new Bill will help to make that a reality, and I commend this statement to the House.

Mr Deputy Speaker (Mr Nigel Evans): The usual rule applies: only those who have been here for the statement should stand to ask a question. I call the shadow Home Secretary.

6.18 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I thank the Home Secretary for advance sight of the statement.

There is total chaos in the Government and the Conservative party. These are the desperate dying days of a party ripping itself apart. It is clearly totally out of ideas and has lost any sense of leadership or direction. We have the Home Secretary making a statement, but there are rumours that the Immigration Minister has resigned. Where is he? Perhaps the Home Secretary could make that the first question he answers: does he still have an Immigration Minister in place? The Conservatives have open warfare on their Back Benches, the starting gun has been fired on the next leadership election and, once again, the whole country is paying the price for this chaos.

This is the third Home Secretary to go to Rwanda with a cheque book and come back waving a piece of paper making grand promises. This is the third piece of new Tory legislation on channel crossings in two years. Each time, they have told us that new laws would stop all the boat crossings and send everyone who arrived to another country, but they had to partially revoke the first law because it was making things worse and they have not implemented the second one because they know it will not work. Now, they are on their third new law. Forgive us for not believing that this one is going to solve anything, either.

The previous Home Secretary seems to agree with us, because she is already saying tonight that the Bill is “fatally flawed” and that it will not stop the boats. One side of the Conservative party is warning that it does not come close to meeting Suella’s test; the other side is appalled that the Home Secretary, who used to wander round the world promoting international law, just boasted in his statement about a new British Bill that tells the courts not just to ignore international law, but to ignore the facts. What kind of party have they become?

What of the view from No. 10? The Prime Minister has just met his Back Benchers, and the official briefing from that meeting says that he has told MPs that the Government have gone as far as possible, but Rwanda

did not want to be part of anything that broke or disappplied international law. The statement from the Rwandan Government says:

“Without lawful behaviour by the UK, Rwanda would not be able to continue with the Migration and Economic Development Partnership.”

You could not make this up!

Our Supreme Court says that the Rwanda scheme is a problem because of evidence that Rwanda is not complying with international treaties on the treatment of asylum seekers, but the only thing stopping the British Government ignoring international law completely is the Rwandan Government. It is the Rwandan Government keeping us on the straight and narrow. The Prime Minister is too scared to defend a policy in its own terms and too scared to tell his Back Benchers what he really thinks—too scared to take a view. Instead, he is hiding behind President Kagame. Weak, weak, weak. He does not deserve to be running the country if he cannot even sort out the issues and the divisions on his flagship policy in his own party.

And all of this for what? For a scheme that will likely cover less than 1% of the people who arrive in this country to claim asylum and will cost hundreds of millions of pounds of taxpayers’ money. Will the Home Secretary tell us about the cost? In 2022, the UK taxpayer paid Rwanda £140 million, but the permanent secretary has said that there are additional payments each year. Will the Home Secretary tell us, on top of that £140 million, how much more has already been sent as an additional payment this year? Is there a secret commitment to make annual payments under the migration and economic development partnership even if no asylum seekers are sent to Rwanda? Will he confirm that the British taxpayer will also have to pay additional millions to sort out the problems in the Rwandan asylum system, even though the Government are totally failing to sort out the problems and delays in the British asylum system, which the Conservatives broke? Will he also confirm that the UK is paying costs for people sent to Rwanda for five years? Will he tell us how much that will cost? Will he confirm that it will be at least twice as much as dealing with those cases here? Will he also tell us, instead of trying to hide the information, the total sum that he will be paying to Rwanda?

Will the Home Secretary tell us how many people are going to be covered? The treaty says that it is limited by capacity in Rwanda, and the Court of Appeal said that it would be 100 people and that talk of thousands of people was “political hyperbole”. Will he now admit that even if he ever gets this failing scheme off the ground, it will cover less than 1% of the people who applied for asylum last year? Will he tell us how many Rwandan refugees the UK is going to take, and who is going to pay for them?

The Home Secretary has a treaty and a law that he knows will not stop dangerous boat crossings. We should be taking action to stop those crossings, to go after the criminal gangs and to clear the asylum backlog, and he knows that Labour’s plan to set up a new cross-border unit would have far more effect than the things that he has been talking about today. He says Rwanda is not the “be-all and end-all”, but his Back Benchers think it is do or die—that is why he is in so much chaos. He thinks—he has said it privately—that this whole thing is “batshit”. That is nothing on what he has had to swallow to come forward and make this statement today.

This is total chaos. The Government are arguing about full-fat, semi-skimmed or skimmed options—it is a full-on milk war in the Tory party, which sums up this failing Government. They cannot solve their own Tory boats crisis. They cannot defend our border security. They cannot solve their broken asylum system, and they cannot hold their party together. They do not deserve to run the country. Britain deserves better than this.

Hon. Members: More!

James Cleverly: The calls for more from the right hon. Lady's own Back Benchers are well placed. I was hoping that she would speak for longer, so that she would eventually get around to giving us some comments about the Bill, or the policy, or giving us some clue about what on earth Labour would do.

It is quite interesting that, once again, we see the mask slip on the Opposition Benches. The right hon. Lady was critical about the financial arrangement that goes hand in hand with the agreement that we have come to with Rwanda. It is interesting that hers is the same party that was very critical of this Government when we were forced by circumstances to reduce our official development assistance expenditure. I just want to understand the Opposition's thinking. They seem comfortable with the idea that the UK gives away money to countries such as Rwanda to help them develop, but they seem deeply uncomfortable when those countries actually earn the money by bringing forward reform. It is, I think, a rather distasteful state of affairs that they would like to view Rwanda exclusively through the prism of development and aid, but are deeply uncomfortable when a country like Rwanda earns the money.

The simple truth is that Rwanda is making huge progress in professionalising and strengthening its institutions, working alongside the UK and other international partners. I believe that we are duty-bound to support countries such as Rwanda when they play their part in addressing the issues that the world is facing. They are helping to resolve problems, rather than being part of a problem, and they deserve our thanks for doing so.

We will pursue this legislation, which supports a treaty that sees Rwanda strengthening its institutions and addressing some of the world's most intractable challenges, and we support it as it is supporting us.

Mr Deputy Speaker: Can people please focus on asking a question and not making statements, and please can we hear the questions and the answers in silence? There is a lot of calling out on both sides of the House.

Priti Patel (Witham) (Con): I thank my right hon. Friend for his statement. Clearly, he is becoming incredibly familiar with the legal challenges that the Government, the country and the nation face when it comes to migration issues. Can he give us details of the assessments that have been made as to whether the disapplication of the Human Rights Act and other laws is robust, will stand up to the legal challenges and, ultimately, will ensure the delivery and the implementation of this policy to curb illegal migration?

James Cleverly: The UK takes its international obligations incredibly seriously. The Human Rights Act is, in part, being disapplied through this legislation. We were, of course, one of the founding members of the

European Court of Human Rights and we regard it as an important institution, but, like many post-war institutions, it would benefit from evolution and updating. I made that position clear when I was Foreign Secretary.

The point is that we want to make sure that a country, Rwanda, which is working with us, strengthening its institutions and seeking to do the right thing by both European refugees and African refugees, is supported in doing so. We have a robust legal system and a robust parliamentary system here in the UK; we should have some more self-confidence in those systems and use our experience to help capacity building in partner countries such as Rwanda.

Dame Diana Johnson (Kingston upon Hull North) (Lab): When the permanent secretary came before the Home Affairs Select Committee last week, he was unable to tell us how much is being spent on the Rwanda deal because Ministers have decided to update Parliament annually. Can the Home Secretary confirm today how much additional money will be provided to Rwanda in the light of the changes in the treaty, and whether he will update Parliament more often than once a year? We are looking forward to seeing the Immigration Minister at the Home Affairs Select Committee next Wednesday to ask him further questions; if, for whatever reason, he is not able to attend, will the Home Secretary attend in his place?

James Cleverly: Let me make it absolutely clear: we remain committed to our promise to publish the costs of the scheme on an annual basis. To make this absolutely clear to the House, too, the Rwandans asked for no additional money in connection with this treaty. None was asked for, none was offered and none was provided. We will update the House in the way we have committed to and I have no doubt that the Immigration Minister will come before the right hon. Lady's Committee as promised.

Mrs Natalie Elphicke (Dover) (Con): The Prime Minister said that he would not allow a foreign court to block his Rwanda plans—meaning, of course, the European Court of Human Rights—so can my right hon. Friend the Home Secretary explain why article 11(4)(a) of the treaty expressly requires Rwanda to enable migrants to make claims to that European Court?

James Cleverly: Throughout this plan, we have made it clear that we will remain in conformity with international law. The European Court of Human Rights does of course have an important role to play, but the point we have made is that there are many countries that are in disagreement with international courts, including the European Court of Human Rights. We are determined to do the right thing to deter the evil people smugglers, the slave traders, and those people who would seek to abuse and take advantage of vulnerable people, and to work with Rwanda, in conformity with international law, but being clear that we are not going to be deterred from acting promptly.

Alison Thewliss (Glasgow Central) (SNP): Humpty Dumpty said, "When I use a word, it means just what I choose it to mean—neither more nor less." Just by saying that Rwanda is a safe country does not make it so. Legislating does not make it so. The Home Secretary says that Rwanda is safe, yet somehow his treaty says

[Alison Thewliss]

that we will accept asylum seekers from Rwanda—from that safe country—so it is both safe and unsafe. He says that he respects the assessment of the Supreme Court, but he is here today to override it. His treaty says that they will not remove children, but the treaty is full of provisions for what happens when children do end up in Rwanda. He says that human rights are important, but they are not there for everybody, and he seeks to disapply them.

The Home Secretary comes here today while the Rwandan Minister says:

“It has always been important to both Rwanda and the UK that our rule of law partnership meets the highest standards of international law, and it places obligations on both the UK and Rwanda to act lawfully. Without lawful behaviour by the UK, Rwanda would not be able to continue with the Migration and Economic Development Partnership.”

So if this deal does break international law and our treaty obligations, the deal fails to exist. [Interruption.] The Home Secretary says it does not, but it is not a matter in which they can just overlook the human rights convention, the refugee convention and all those other conventions and disapply them when it suits. International law does not work that way.

This is an assault on human rights. We should not let this stand from this House, because human rights are universal and they are for everybody, not who the Home Secretary thinks they should apply to. This Bill is a dangerous distraction; it is part of a march towards fascism. Every single piece—[Interruption.] I do not say that lightly, Mr Deputy Speaker. I do not say these things lightly. Does the Home Secretary believe that human rights are universal or does he not? That is the key question on this legislation, because we have been told, on every piece of legislation we have passed so far, that it would be a deterrent, yet none of them has worked. This illiberal, toxic piece of legislation today is supposed to be a deterrent, when all the others have failed.

The Home Secretary's plans for Rwanda have been found to be unlawful. They are immoral. They are a waste of money. They should be scrapped. Scotland wants none of this—none of this—appalling legislation.

James Cleverly: It is a shame that the hon. Lady's comments are clearly based on what I can only assume is a cursory and superficial skim of the legislation. She criticises it for a number of things that are not in the legislation, so I will forgive her for the fact that she did not take the time to read it properly. We are absolutely committed to human rights. We were one of the founders of the European Court of Human Rights and our commitment to abide by international law is unwavering. It underpins the relationship we have with Rwanda and I can assure her that it will remain at the forefront of our thinking throughout. And she might reflect on the appropriateness of throwing the word fascism around when we are bringing forward a Bill on which every Member of this House will be allowed to vote, because we are in a democracy.

Sir John Hayes (South Holland and The Deepings) (Con): The new Home Secretary will be aware and welcome the fact that he will be gauged, indeed judged, on the effectiveness of this legislation for weeks, months, years and perhaps even decades. Will he confirm that

the provisions in the Bill are sufficient to resist individual challenges from those who might be sent to Rwanda, and the interest groups and the deluded dodgy lawyers who support them? In particular, will he speak specifically about the disapplication of rule 39?

James Cleverly: The right is for Ministers to decide on our response to a rule 39 application. That is in the Bill. My right hon. Friend is right that this sets important precedents. The precedent we want to establish is that the people who wish to live and work in this country should do so through the numerous safe and legal routes that we have established; that those people who put themselves in the hands of evil, vile criminal gangs and people smugglers should not expect to be here; but that we work with safe third countries, such as Rwanda, to ensure that those people who are removed from here still have their human rights respected and are housed in a country that respects their human rights. That underpins the Bill, that underpins the treaty that the Bill supports, and that runs through the heart of all the actions and decisions we will make in our response to illegal migration.

Tony Lloyd (Rochdale) (Lab): The United States Department of State's annual country report on Rwanda says that among its human rights issues are unlawful killing, arbitrary killing, cruel, inhuman or degrading treatment, and torture by the Rwandan Government. By what token does the Home Secretary judge that Rwanda is a safe country? Should he not, actually, hang his head in shame?

James Cleverly: The Supreme Court, when it handed down its decision, focused on two elements of the situation in Rwanda. One was about the capacity of its judicial system, in particular with decisions on refugees. We have worked with Rwanda to improve that situation. The treaty underpins the fantastic work the Rwandans have done with us and others to strengthen their institutions. The judgment also spoke about the fear of refolement, and the treaty will ensure that that will not happen.

I was also struck that the Supreme Court, in its judgment, made heavy reference to the United Nations High Commissioner for Refugees. The UNHCR was critical of Rwanda, and yet on the day after the judgment was handed down by their lordships, it flew 160-plus refugees to Rwanda. I judge it by its actions, not necessarily by its words. Rwanda has made huge progress with our help and that of others, so it is now in a situation where it can sign a treaty that protects refugees sent there. I am very confident that that will be the case.

Dr Liam Fox (North Somerset) (Con): It is long overdue that we got to grips with the current levels of both legal and illegal immigration in this country, and that is what our voters expect us to do. I congratulate my right hon. Friend on bringing proposals before us, unlike the intellectual vacuum of the Labour party. Can we be clear that when it comes to the boats crisis, the fault does not lie with those who try to seek a better life for themselves and their families, but with those who trade in human beings? Does my right hon. Friend agree that there is a moral imperative to break the business model of the people smugglers, no less than there was a moral imperative to break the evil of slavery at the time? Should not all of us who believe in human rights dedicate ourselves to that end?

James Cleverly: My right hon. Friend is absolutely right. We do not do this because it is easy, or because it is convenient; we do it because it is incredibly important. If, collectively, the UK and other European countries do not address the issue of people smuggling, the winners will be the people smugglers; the losers will be the people who are manipulated by the people smugglers, the ones who are robbed, beaten, raped and murdered, or who drown in the Mediterranean or in the Channel. Those are the people we are trying to help by bringing in a structure that breaks the business model of the people smugglers. The vacuum that he talks about on the Labour Benches means that the silence when it comes to ideas is deafening. Opposition Members choose to oppose at every stage, but they do nothing—nothing—to address the evil of our time.

Stella Creasy (Walthamstow) (Lab/Co-op): I am sure, Mr Deputy Speaker, you will soon be updating us on when the next personal statement might be made to the House.

Those in Kigali appear to understand and agree with Winston Churchill. The point of international treaties and the European Court of Human Rights was to tackle oppressive Governments and the things they did to citizens. We do not sign up to international treaties just on immigration law, so a change to anything in our relationship with the European Court of Human Rights will have an impact, potentially, on the trade and co-operation agreement, because that specifically states that if we end judicial co-operation, there would be a problem. The Good Friday agreement also has the ECHR at the heart of it. Will the Home Secretary therefore tell us what conversations he has had with the European Union and the Irish about this legislation?

James Cleverly: This legislation does not change our relationship with the ECHR.

Shailesh Vara (North West Cambridgeshire) (Con): Some in this House take the view that our proposals are not the way to treat asylum seekers. Does my right hon. Friend agree that the people we are talking about are arriving in this country from a safe country, France, and are mostly young men in their 20s and 30s who come here as economic migrants and not asylum seekers? It is important that that point is recognised.

James Cleverly: This country has always been, and remains, incredibly generous to people who are fleeing persecution and seeking safe haven. We will continue to provide that, but it is also right that many people who attempt to come to this country do so to get a better economic life for themselves. As my right hon. Friend the Member for North Somerset (Dr Fox) said, we do not criticise people who seek to come to this country for economic reasons, but we make it clear that there are safe and legal routes for them to do so. This is about breaking the business model of evil people smugglers who prey on the people my right hon. Friend the Member for North West Cambridgeshire (Shailesh Vara) speaks of. We are duty-bound to explore every way of breaking that evil model and that evil trade in human misery to ensure that we protect the people who need protecting by working with countries such as Rwanda that seek to do the right thing on the world stage.

Janet Daby (Lewisham East) (Lab): Government briefings suggest that the Government wanted to go further with the Bill but the Rwandan Government stopped them. How does the Home Secretary feel about being legally constrained by President Kagame?

James Cleverly: That speculation is not accurate. Within the whole of this negotiation, we have always made it clear that we would work within the boundaries of international law. Rwanda takes international law just as seriously as we do, which is why we are both completely comfortable that these proposals are within the bounds of international law.

Richard Graham (Gloucester) (Con): Over the past few years, we have taken over half a million refugees from different parts of the world—women, children and others—from countries in extreme difficulties. Does my right hon. Friend agree that if we can stop people being trafficked across the channel in small boats, we may well be able to help more of those who are genuinely in the most danger?

James Cleverly: My hon. Friend is absolutely right. It is so important for us to break the trade in human misery being perpetrated by the people smugglers. This is a generous country. We do not want the people smugglers to abuse and erode that generosity. That is why getting this right and working with Rwanda is so important, and why I am proud of how hard the Rwandans have worked to ensure that their institutions are robust, fair and impartial.

Justin Madders (Ellesmere Port and Neston) (Lab): I want to know how much this shambles has cost the British taxpayer so far and how much it will continue to cost us. The treaty means that we would be obliged to support someone in Rwanda for up to five years. What estimate has the Home Secretary made, under the terms of the treaty, of how much it will cost to support just one person for the full five years?

James Cleverly: Again, I find this rather strange. As the House knows, I have already answered that in saying that it will be reported in accordance with the commitments that have already been made. However, I do think it is interesting how uncomfortable Opposition Members are with our having a partnership with an African country rather than an aid relationship. The mask has slipped on how the Labour party views countries such as Rwanda, which are advancing and developing and which seek to be treated as partners rather than just recipients of aid.

Harriett Baldwin (West Worcestershire) (Con): The UK-Rwanda partnership is a long-standing one. I first went to the country 15 years ago and have returned many times since, including when I was serving as Africa Minister. How many of the Opposition Members who are railing against the deal or the judges who have criticised the deal have been to the now Commonwealth country of Rwanda?

James Cleverly: My hon. Friend asks an incredibly important question. I have recently returned from Rwanda. I have had extensive dealings with the Rwandan Government—a Commonwealth partner, as she said. It is a country whose political leadership in many, perhaps most, cases have themselves been refugees. They have

[James Cleverly]

huge pride in their country and a plan to see it genuinely step up and be a serious player on the world stage. This partnership with the UK is part of Rwanda's plan for development and advancement. We should support countries such as Rwanda, which are seeking to solve the world's problems rather than being part of the world's problems.

Christine Jardine (Edinburgh West) (LD): I am afraid that I have heard nothing from the Home Secretary today that persuades me that the Rwanda policy is anything other than immoral, expensive and unworkable. Earlier today, his predecessor told the House that she believed that if the policy did not work, the Conservative party would face "electoral oblivion". I wonder whether the Home Secretary accepts that it could be facing that situation because the policy is unworkable.

James Cleverly: Obviously, my plan is to make this work.

Mr David Jones (Clwyd West) (Con): My right hon. Friend is to be congratulated on his commendable efforts to address a problem that is a major source of concern to all our constituents by concluding the treaty with Rwanda and publishing the Bill today. The Bill, as he will anticipate, will be closely scrutinised by colleagues, and I am sure he will be happy to answer questions, but could he assist me with one point? Clause 4(1)(b) specifically allows a court to consider an appeal

"on the grounds that...Rwanda is not a safe country for the person in question",

based on that individual's particular circumstances. Can my right hon. Friend say why that clause was inserted in the Bill, and can he assure the House that it does not in any sense frustrate the Bill's intent?

James Cleverly: I can give my right hon. Friend the reassurance that we do not envisage that this will frustrate the Bill's intent. It is important that claimants do have recourse, if only for factual errors. We are absolutely confident that the numerous measures that Rwanda has taken mean that it is in fact a safe country for the purposes of asylum, because of the capacity building that we and others have done with its judicial system and because of its treaty commitment on non-refoulement. Therefore, we are absolutely confident that this will go forward, but it is of course right that there have to be mechanisms for individual cases.

Clive Efford (Eltham) (Lab): Can the Home Secretary confirm that he went to Rwanda intending to get a treaty that went much further than he has been allowed to go, and that what stopped him was that the Rwandan Government refused to be party to a treaty that did not recognise international law and conventions? What does it say about taking back control when Rwanda is dictating his immigration policy?

James Cleverly: The hon. Member's question started with an error, and got worse from that point onwards. The simple fact of the matter is that we have been working with the Rwandans. They do not dictate to us, and we do not dictate to them. We negotiate in good faith, as mature democracies tend to do.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): I thank the Home Secretary for his efforts to tackle a problem that is of great concern to my constituents in Sleaford and North Hykeham, and I welcome the assertion of parliamentary sovereignty because many of my constituents have questioned how courts can tell us what to do. However, there is a provision, as he says, for individual claims. Can he tell me in what circumstances such an individual claim could expect to be successful, and how long that and the appeal process would be expected to take?

James Cleverly: The provision for individual claims is nothing to do with the safety of Rwanda, and that is the important distinction that needs to be made. Of course, there do need to be provisions for appeals—that is a normal part of any judicial or legal process—but the point is that in this Bill we are taking a huge step forward in our ability to work with Rwanda on refugee assessment, administration and ultimate relocation.

Hywel Williams (Arfon) (PC): The ECHR is fundamental to the operation of our Senedd in Wales. Has the Home Secretary taken full account of the danger that his proposals may deal a fatal blow to devolution as it is at present?

James Cleverly: We have no intention of leaving the ECHR, so the hon. Member's concerns are unwarranted.

Paul Holmes (Eastleigh) (Con): The Home Secretary has delivered his deal with his typical efficiency and transparency, and that should be welcomed, but one key aspect of immigration policy is the fast processing of claims in this country. Will he outline the progress the Government have made in that regard, and can he tell me and the House how it goes hand in hand with the Rwanda policy?

James Cleverly: My hon. Friend is absolutely right that this is part of a plan that has a number of elements. The speedy processing of asylum claims here in the UK is an important part of that. There has been a tenfold increase in the pace of asylum decisions, which is really important. That relieves pressure on asylum accommodation, which I know something about as the MP representing Wethersfield. We are absolutely determined that this plan, in conjunction with the other elements of our migration plan, will stop the boats, gain control of our borders and ensure that people know that those who come to the UK have done so through safe and legal routes, are adding to our society, are contributing to our economy, and know that they will be welcomed when they arrive.

Sir Chris Bryant (Rhondda) (Lab): The Home Secretary has twice refused to answer the question of whether the Immigration Minister has resigned—but he has, hasn't he? Has he resigned because he thinks that this policy does not stand an earthly chance of working, or has he resigned because he is embarrassed that a British Government would actually put Ministers above the law? In other words, has he resigned because he thinks this policy is crazy or because he does not think it is crazy enough?

James Cleverly: The hon. Gentleman always has an amusing turn of phrase, but his question is not one for me. If he wants to know what any particular Member of the House is thinking, he should ask that Member of the House.

Tim Loughton (East Worthing and Shoreham) (Con): I echo the Home Secretary's praise of the patience shown by Rwanda, whose integrity has been severely impugned by those who oppose the treaty. The Strasbourg Court recently said that it was going to reform rule 39 indications, acknowledging their weaknesses. There would not be anonymous judges giving rulings, they would only be used in extremis and the Government would be allowed to put their case to weigh up the evidence. Rule 39 indications did not form part of the original European convention on human rights in any case, so how confident is my right hon. Friend that challenges to Rwandan deportations will not now fall foul of rule 39 interim orders under the terms of the new treaty?

James Cleverly: My hon. Friend makes an incredibly important point, which proves that, when the UK makes our case in international institutions such as the ECHR and others, we are listened to, our views are respected and changes are made. That is why reform of these institutions is important and is done, often because of the points that the UK makes. He is absolutely right: the legislation that supports the treaty, which is the really important element of this, will mean that we are much better able to send people who should not be in the UK to Rwanda for their asylum applications and to start a new life in a country that is increasingly well prepared humanely and effectively to home them.

Imran Hussain (Bradford East) (Lab): The reality is that the Government are making a mockery of international law and playing with people's lives. The Home Secretary referenced his plans to tackle illegal migration, but his plans for legal immigration are just as draconian. Doubling the minimum income requirement for family visas to £38,700, knowing full well that hundreds of thousands of families will be torn apart, is nothing less than calculated, vindictive and punitive. Is the Home Secretary really prepared to tear up international law and tear families apart just so that he can throw some red meat to his hard-right Tory Back Benchers?

James Cleverly: We are not breaking international law.

Bob Blackman (Harrow East) (Con): Clearly, the most important thing about this proposal is to deter desperate people from leaving a safe country and making the riskiest journey possible across the busiest sea lane in the world. Can the Home Secretary update us on the position? The message that needs to go to the people smugglers and those desperate people is: "If you make this desperate journey you will be removed to Rwanda, a safe country, for processing"—and this is the key point—"from now on, not in many months' time."

James Cleverly: My intention, and the intention of the Government, is to ensure that this is operationalised as quickly as possible. My hon. Friend makes an incredibly important point: those people who have been smuggled across Europe by these people smugglers find themselves on the coast of France, a safe, prosperous and welcoming country, and are encouraged by those evil people smugglers to get on increasingly fragile and unseaworthy vessels to try to cross the busiest shipping lane in the world, at huge personal risk, in order to come to the UK. The message that they have to hear is, "Do not make that

dangerous journey, because you will not be able to stay in the UK. If you want to come and live and work here, do so by the safe and legal routes that are available to you."

Chris Stephens (Glasgow South West) (SNP): The Home Secretary has continuously said that this Bill complies with international law. How does he square that with the statement on the front of the Bill that he is "unable to make a statement that, in my view, the provisions of the Safety of Rwanda (Asylum and Immigration) Bill are compatible with the Convention rights"?

James Cleverly: Because what the statement on the front of the Bill says is clear—the words are unambiguous—but I am also absolutely certain that we are in accordance with international law. The two are not interchangeable.

Kevin Foster (Torbay) (Con): As I know all too well, it is easy to throw rocks and criticise from the sidelines on immigration; it is a lot harder to actually get on and deliver something. What has been published today brings up questions about the law and how it will be implemented—the practicalities of getting people to Rwanda—and a couple of points came to mind. First, if someone does appeal, would that appeal be non-suspensive of their transfer to Rwanda so that they could still be removed, pending a final decision on their claim? Secondly, on getting planes off the ground, we cannot put someone on just any plane to implement this, so has the Home Secretary raised with the Ministry of Defence the prospect that its aircraft might be used for the transfer?

James Cleverly: As my hon. Friend will understand, I do not want to go into too much detail about all the operational procedures at this point, but I can reassure him that we are thinking about the logistics. Within Rwanda, there is a well-matured process whereby people can escalate their claims in a way that is completely consistent with international law. The Rwandans are very keen to demonstrate their conformity with international law, just as we are.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): Four days before International Human Rights Day, it is shameful that we are seeking to disapply parts of the Human Rights Act for a certain group of people, and it makes me feel incredibly sad. Does the Attorney General agree that the Rwanda treaty complies with international law, and can we see her written advice?

James Cleverly: As the hon. Lady will know, the advice of the Attorney General—who is not in her place any more—is for Government. The Government have made it clear that this is in conformity with international law.

Paul Bristow (Peterborough) (Con): Will the legislation mean that it is the British Government, elected by the British people, who determine who comes to this country and in what circumstance, free from international and domestic judicial challenge and individual judicial review?

James Cleverly: The point is that it is the job of this Government to make decisions about immigration policy. I reinforce the point that we are a generous country—we have proven that over and over again. We are an open-minded and generous people. This House reflects the attitude of the British people, which is one of generosity,

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but we also expect people to play by the rules. That is embodied in this piece of legislation, and I can confirm that our view is that it is the voice of this House that should determine our immigration policy, not anyone else.

Ashley Dalton (West Lancashire) (Lab): The Home Office safeguarding Minister, the hon. Member for Newbury (Laura Farris), has confirmed on air that the Immigration Minister has resigned. Can the Home Secretary confirm that? Did he know about it?

James Cleverly: That has been confirmed. I regularly speak to Ministers in the Department but, ultimately, these questions should be about the Bill rather than individual Members.

Mr Mark Francois (Rayleigh and Wickford) (Con): If the Immigration Minister, who is a good man, has resigned over this Bill, that is deeply worrying. I want to hear the verdict of the star chamber chaired by my hon. Friend the Member for Stone (Sir William Cash) but, while we await that verdict, the Home Secretary pointedly ducked several questions about individual appeals. Every person we would seek to send to Rwanda is an individual. If they can continue to appeal and appeal in order to delay being put on a flight, what is the point of the Bill?

James Cleverly: The point is that all legal and judicial processes have an appeal process. By extension of my right hon. Friend's argument, the point that there is an appeal process in UK criminal law, for example, would mean that no one ever goes to prison, and my right hon. and learned Friend the Secretary of State for Justice has just been discussing prison places.

The point is that an appeal process is an important part of any legal process. It will not preclude people from being sent to Rwanda. This is a robust scheme that strengthens our position and ensures that the decisions we make in this House—that he, I and others make in this House—define the UK's immigration policy, not decisions made by unelected people elsewhere.

Mr Deputy Speaker (Mr Nigel Evans): Order. I remind the Home Secretary to face forward, so that his voice is picked up more easily and so that people can see him.

Jim Shannon (Strangford) (DUP): The Home Secretary and the Government will be aware that there has been some surprise at the reciprocal agreement to welcome Rwandan refugees to the United Kingdom. How can he demonstrate the safety of Rwanda as a third country while simultaneously accepting the conditions that produce refugees?

James Cleverly: The hon. Gentleman asks a very important question. This part of the treaty reflects the previous memorandum of understanding that has been in place for some time, and it is particularly tied to non-refoulement. It is envisaged that it will be used only in very exceptional circumstances, as I said in my statement. If there are circumstances where, for whatever reason, a refugee we have sent to Rwanda cannot remain there—these will be exceptionally rare cases—the only place they can be returned to will be the UK.

Richard Drax (South Dorset) (Con): Does my right hon. Friend agree that all these human rights laws were simply not designed for the massive problem of illegal, mainly economic migration that we face today, and that a review is urgently needed?

James Cleverly: These frameworks, of which we were a founding nation, were designed to deal with some of the issues we saw in the mid-20th century, with often large numbers of people moving relatively short distances for a limited period of time to flee either persecution, abuse or conflict. We are now living in fundamentally different circumstances. There is an industrial-scale attempt to use those important, well-intentioned laws and frameworks to facilitate an evil trade, the like of which we probably have not seen since the dark days of the international slave trade. It is incumbent upon us to put in place frameworks that protect those people who are being manipulated, smuggled and abused by people smugglers. We are seeking to do that with our friends in Europe, Africa and other parts of the world.

Rachael Maskell (York Central) (Lab/Co-op): If Rwanda is a safe jurisdiction, as the Home Secretary is trying to legislate to say that it is, can he explain why he believes there needs to be a provision in his Bill to override the powers of the courts?

James Cleverly: The Supreme Court judgment to which we are responding highlighted two particular areas, and the treaty addresses both those areas. It is the actions that Rwanda has taken in regard to strengthening its institutions and the commitment it has made to non-refoulement that will enable us to say in the Bill, reflecting on the treaty, that it is a safe country for these purposes. As I said in my response to an earlier question, the UNHCR relies on Rwanda for its refugee processing and it is therefore clear through its actions, if not its words, that it also regards Rwanda as a good partner for these purposes.

Sir Bill Wiggin (North Herefordshire) (Con): Like the Home Secretary, my constituents want to welcome genuine asylum seekers such as the Ukrainians and the Afghans who now live in my constituency. He will have detected some disquiet on the Conservative Benches about potential elements of the Bill, so will he assure the House we will be able to offer amendments that may improve it, if necessary?

James Cleverly: The Bill will go through the House, and although we are seeking to do this at pace, it will go through the processes. I have no doubt that hon. and right hon. Members will want to put forward amendments and of course the Government will listen to all ideas that seek to improve the efficiency of the Bill.

Mr Clive Betts (Sheffield South East) (Lab): Does the Home Secretary agree that our constituents would expect that, before we vote on any measure in this House, we thoroughly understand what it is going to cost? In the end, it is not our money we are spending; it is their money. Coming back to a question that he did not answer before, will he give a figure for how much it will cost this Government—our constituents—for each asylum seeker sent to Rwanda for the whole five years they are there? If he will not give us a figure now, will he agree to give a figure before we are asked to vote on the Bill?

James Cleverly: The Government have committed to releasing the figures on an annual basis—[*Interruption.*] The point I would make to the House on dealing with migration, securing our borders and tackling international criminal gangs is that none of these things are for free. We do these things because it is the right thing to do. The money that this country spent on the West Africa Squadron of the Royal Navy to break the international slave trade was not a small amount of money, but it was the right thing to do. It broke an evil trade and we are committed to breaking this evil trade.

Sir Christopher Chope (Christchurch) (Con): Will my right hon. Friend pay tribute to the Immigration Minister, who has apparently just resigned, and thank him for all the hard work he has put into trying to resolve these issues over several years, including working on this Bill? Does my right hon. Friend feel that the Government will be inhibited in their implementing of the Bill by the absence of the Immigration Minister? Will he also answer the concern that been raised on several occasions during this exchange—namely, that the Bill might be fine for dealing with the issue of Rwanda as a safe country in general but that it does not deal with the issue of individuals who might want to make claims based on their own individual circumstances on why they should not go to Rwanda?

James Cleverly: I have said from this Dispatch Box and in a number of other locations how much I value the work of the Immigration Minister. He has done a huge amount of work on this and in a number of other areas, and the work he has done to drive down small boat arrivals by a third has been absolutely instrumental. I have no doubt that the whole Government will work to ensure that this legislation achieves what I think we should all want to achieve, which is to break the business model of the people smugglers and to prevent people from being abused by them in an attempt to come and live in the UK.

Joanna Cherry (Edinburgh South West) (SNP): From the point of view of those of us who believe in the rule of law, the separation of powers and the universality of human rights, there are at least three extraordinary things about what the Home Secretary has said this evening. First, he says that he does not have confidence in the domestic courts of the United Kingdom because they cannot always be relied upon to do what he wants them to do. Secondly, he says that he will replace the jurisdiction of the domestic courts of the United Kingdom with ministerial fiat in relation to interim measures passed by a court presiding over a treaty to which we are fully signatories. Thirdly, as Jonathan Sumption has said, it is extraordinary for the law to say that the facts are other than they are, and then to oust the jurisdiction of the courts from determining whether that is the case. It is not just extraordinary; it is also not compliant with article 6, and of course the European convention on human rights is part of our domestic law by virtue of the Human Rights Act, which the Home Secretary is not repealing.

My question for the Home Secretary is this: is he proud of driving a coach and horses through the British constitution?

James Cleverly: What I am absolutely proud of is the fact that we are seeking to break the business model of the people smugglers. We recognise that, as the threat

from organised criminality and the tactics of people who prey on the weak and vulnerable and put their lives at risk evolve, so our response has to evolve. This is an international problem, and we are resolving it through international relationships. I am proud of the work that Rwanda has done to reform its institutions, with our support and the support of others. We on this side of the House will not rest until the people-smuggling gangs have been broken.

Sir Robert Goodwill (Scarborough and Whitby) (Con): I have been listening carefully to the questions from Opposition Members, and there have been a good many references to human rights, but surely the ultimate human right is the right to life. Does the Home Secretary agree that once this legislation is passed and comes into effect, fewer people will go to a watery grave in the English channel?

James Cleverly: My right hon. Friend has made a fundamental point. Every story I read of people who have drowned in the channel or the Mediterranean because their desire for a better life has been manipulated by criminals is heartbreaking, as I am sure it is for every Member of the House, and we are duty-bound to do something about it. Hand-wringing and stone-throwing from the Opposition Benches will not save those people's lives, so we choose to take action. We choose to break the criminal gangs, and we are working with international partners in Africa, on the continent and elsewhere to break the business model of those gangs. Opposition Members can either help, or they can stand aside while we try to do the right thing and prevent people from dying in the seas.

Lilian Greenwood (Nottingham South) (Lab): The deputy chair of the Conservative Party has said that the Government should just ignore the law and send people back anyway. Does the Home Secretary agree with the deputy chair of his party, and if he does, can he tell us when the Conservative party became the party that ripped up laws and supported disorder?

James Cleverly: We absolutely abide by international law.

Robin Millar (Aberconwy) (Con): Immigration, by any admission, is a complex, long-standing and developing challenge. I have listened carefully to the concerns, the obstacles and the different perspectives that have been raised this evening through questions, and I have also noticed the confidence with which my right hon. Friend has answered many of those questions. May I ask him to look ahead and say when he expects to be able to return to the House and declare the Bill a success?

James Cleverly: The timing of the passage of any Bill is in the hands of the two Chambers of this Parliament. We are not in control of the total timescale, but of course we are determined to move quickly. Every day that we delay in addressing the criminality of organised criminal people-smuggling gangs, more people's lives are put at risk. We intend to work quickly, and we seek the support of their lordships to move quickly, so that we can get a grip on this terrible situation and so that this set of proposals, in conjunction with the others that we are already implementing, can break the model of the people-smuggling gangs, save lives at sea, and encourage

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people who want to come to live and work in this country to do so by means of the numerous safe and legal routes that we have in place.

Stephen Farry (North Down) (Alliance): I am opposed to the entirety of the Bill on policy grounds, but, as a Northern Ireland MP, I have a particular duty to highlight the importance of the Human Rights Act to the Good Friday agreement, especially in respect of policing and justice reform; to article 2 of the Windsor framework; and to the policing and justice chapter of the EU-UK trade and co-operation agreement. May I ask the Home Secretary what steps his Department has taken to screen this policy and this Bill against all three of those?

James Cleverly: We are absolutely committed to maintaining peace in Northern Ireland. It is something that many people have spent their whole political lives pursuing and protecting. I assure the hon. Gentleman that we will always seek to protect the peace that so many people have worked so hard to bring.

Mike Kane (Wythenshawe and Sale East) (Lab): Rwandan Foreign Affairs Minister Biruta has said tonight:

“Without lawful behaviour by the UK, Rwanda would not be able to continue with the Migration and Economic Development Partnership.”

Without lawful behaviour, Home Secretary? It is being reported in the press that the Rwandan Government are getting cold feet because this deal is too toxic for them. Is that the case?

James Cleverly: No.

Peter Grant (Glenrothes) (SNP): The Home Secretary wants us to take great comfort from the fact that the treaty with Rwanda will be binding in international law. Then, in the next page of his statement, he assures us that next week he will bring in legislation that will, in certain circumstances, make it a legal requirement for British courts to act contrary to that same international law. How can he expect Rwanda to comply with its treaty obligations when his Government will pick and choose what treaties they comply with and what treaties they tear up?

James Cleverly: We will absolutely remain in compliance with international law.

Alex Cunningham (Stockton North) (Lab): The Home Secretary has used some choice language in this place, and in recent times he associated a particular favourite word of his to his own Government's Rwanda policy. What specific changes have been made for him to become such a robust defender of it now?

James Cleverly: I am not quite sure what the point of that question was, Mr Deputy Speaker. If the hon. Gentleman really wishes for me to do so, I can clarify the points I made that he refers to, but I suspect that he does not really want me to.

Richard Foord (Tiverton and Honiton) (LD): In her personal statement this afternoon, the former Home Secretary, the right hon. and learned Member for Fareham

(Suella Braverman), said that she had been unable to obtain the support of other Government Departments for her preferred method of dealing with applicants for asylum. She said:

“we must build Nightingale-style detention facilities to deliver the necessary capacity... The only way to do this...is with the support of the Ministry of Defence.”

Russia is on manoeuvres, more than 20,000 British troops are being deployed across northern Europe next year, and the Conservative Government are seeking to shrink the Army to 73,000. Does the Home Secretary, who was the Foreign Secretary last month, think that our armed forces should be training for war or for kettling asylum seekers into camps?

James Cleverly: Again, I am not at all sure how that question has anything to do with the proposals that we have put forward, but the hon. Gentleman will know that this party of Government will always support strong defence of this nation, unlike the Opposition parties.

Neil Coyle (Bermondsey and Old Southwark) (Lab): It is clear to the country that the Government are riven with division and chaos on this issue. Some still think that these plans are batshit, and some think that they do not go far enough, including the Immigration Minister, who has resigned. In an earlier answer today—

Mr Deputy Speaker (Mr Nigel Evans): Order. Did the hon. Member just swear?

Alison Thewliss: No, he quoted the Home Secretary!

Mr Deputy Speaker: Order. Please use other words.

Neil Coyle: Okay. In an earlier answer, the Home Secretary said that the Immigration Minister would be attending the Home Affairs Committee next Wednesday. Given that he has been embarrassed by his own team today, who will now be attending the Committee to take questions on this issue? Will it be him?

James Cleverly: It will be the Immigration Minister.

Mr Deputy Speaker: Thank you very much for your statement, Home Secretary, and for answering questions for well over an hour.

Alison Thewliss: On a point of order, Mr Deputy Speaker. Accuracy is incredibly important in this House, and I would not want something incorrect to be on the record. The Home Secretary said in his statement:

“Other countries have since copied our plans with Rwanda”.

I can find no evidence that that is accurate. Can you advise on this point of accuracy, Mr Deputy Speaker, because no country is copying the plan with Rwanda?

James Cleverly: Further to that point of order, Mr Deputy Speaker. A number of countries are exploring third-country—

Alison Thewliss: So it is not true.

James Cleverly: I'm sorry?

Alison Thewliss: “Exploring” is not “copying”.

James Cleverly: A number of countries are exploring third-country asylum processing. The example that springs most rapidly to mind is Italy's relationship with Albania.

Alison Thewliss: Further to that point of order, Mr Deputy Speaker. On a point of accuracy, those who are being moved to Albania will be under Italian law. That is not the case in the Rwanda plan.

Mr Deputy Speaker: We will now move on.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PLANT HEALTH

That the draft Plant Health etc. (Miscellaneous Fees) (Amendment) (England) Regulations 2023, which were laid before this House on 26 October, in the last session of Parliament, be approved.—(*Aaron Bell.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

RETAINED EU LAW REFORM

That the draft Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023, which were laid before this House on 7 November, be approved.—(*Aaron Bell.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

FINANCIAL SERVICES AND MARKETS

That the draft Financial Services and Markets Act 2000 (Financial Promotion) (Amendment) (No. 2) Order 2023, which was laid before this House on 7 November, be approved.—(*Aaron Bell.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

FINANCIAL SERVICES AND MARKETS

That the draft Financial Services and Markets Act 2023 (Benchmarks and Capital Requirements) (Amendment) Regulations 2023, which were laid before this House on 7 November, be approved.—(*Aaron Bell.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

FINANCIAL SERVICES AND MARKETS

That the draft Financial Services and Markets Act 2023 (Consequential Amendments) Regulations 2023, which were laid before this House on 7 November, be approved.—(*Aaron Bell.*)

Question agreed to.

Bank Profits: Windfall Tax

Motion made, and Question proposed, That this House do now adjourn.—(Aaron Bell.)

7.25 pm

Richard Burgon (Leeds East) (Lab): Today I am calling on the Government to introduce a windfall tax on the banks, which have exploited the cost of living crisis to make super-profits, just as the energy companies did before them. Such a tax could create much-needed funds to invest in our public services and to help bail out those hit hard by the ongoing economic crisis. Before I make the case for that, however, I want to look at where we are after 13 years of Tory misrule.

British economic growth was recently downgraded again. Britain has now seen well over a decade of economic stagnation. We are living through the largest fall in living standards since records began 75 years ago. This will be the first Parliament in history in which people are poorer at the end of it than at the beginning. What a record! Wages are set to be no higher in 2028 than they were 20 years before. That is the slowest wage growth in 200 years, and it has cost the average worker £10,700 a year in lost pay growth. Shockingly, 9 million younger workers have never worked in an economy where they have seen sustained average wage rises.

Income inequality in the UK is higher than in any other large European country. We have a much weaker economy and much lower living standards. That is the record of the Government's agenda of austerity, deep public service cuts and trickle-down economics. They have created a social nightmare, too. Fourteen million people live in poverty, including over 4 million children. One in seven people is facing hunger, and 6 million households are in fuel poverty. As the cost of living crisis continues to hit families across the UK, this should be a time to bail them out. It should be a time of public investment to boost economic growth and living standards, and to rescue our public services. Instead, the Government are plotting another £20 billion-worth of cuts to public spending. I cannot think of a single policy that would cause more economic and social harm.

When we talk of a worsening economic and social crisis, we cannot forget the class politics of it all: how it affects the 99% and how it affects the 1%. We hear a lot about the cost of living crisis, but it is not a crisis for the elites. For them, it has been boom time. There have never been so many UK billionaires, and British billionaires have increased their wealth by £120 million every single day over the past decade. The profits of the UK's largest companies are now 89% higher than before the pandemic. Bankers' bonuses have hit record highs. Bosses' pay at the largest 100 companies has been going up and up, and has increased by 16% in the past year.

One sector that has been doing very well out of the crisis is banking. Just like the oil and gas companies, the banks have used the crisis to line their pockets. While millions of people struggle to pay their mortgages and rents, the banks have been cashing in. Higher interest rates have enabled them to charge households more for mortgages and firms more for loans, but those higher interest rates have not been passed on to savers.

Jim Shannon (Strangford) (DUP): I commend the hon. Gentleman for bringing forward the debate; I spoke to him beforehand. Does he not agree that the

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closure of high-street banks—there have been some 11 in my constituency of Strangford—especially in rural communities, has left a massive problem of rural isolation and that there should be a windfall tax on the banks making profits, with that money routed to the rural communities who have felt the brunt of the banks' thirst for enhanced profits over service, which seems to be their calling card?

Richard Burgon: The hon. Member makes an important point. The example he gives of the closure of so many high-street banks, which disadvantages people in my community as well as in rural communities, just goes to show that the banks' huge increase in profits has not been achieved through delivering a better service to consumers at all. Higher interest rates have not been passed on to savers; they have been hoarded by the banks, creating a windfall for them of many billions for doing nothing productive.

Such a transfer from the public to banks would be unjustifiable at any time, but it is especially so when so many people are struggling to cover the essentials and our public services are on their knees due to Tory cuts. The banks should face the same type of tax on their unearned and underserved windfalls as the energy companies.

The pre-tax profits of the big four banks—Lloyds, Barclays, HSBC and NatWest—show why that would be a just tax. In the first nine months of 2023, they made a staggering £41 billion in pre-tax profits, which is almost double the £23 billion they made in the same period last year, according to research by Unite the union. The question we must answer is this: will we allow the Government to claim that more austerity and cuts are inevitable and that public investment is unaffordable, or are we to build a better tax system that focuses on making the wealthiest pay their fair share?

Richard Foord (Tiverton and Honiton) (LD): On that point about a better tax system, my understanding is that business likes certainty and that banks, like businesses, need to be able to predict the future fiscal regime, but earlier this year this Conservative Government cut the bank surcharge from 8% to 3%. So rather than a one-off windfall tax, would it not be better to reinstate the bank surcharge at 2016 levels, reinstate the bank levy at its previous rate from earlier this year and so have an additional £18 billion for His Majesty's Revenue and Customs between now and 2027?

Richard Burgon: The hon. Member makes a valuable intervention. I will come to how it was unjustifiable for the Government to reduce the surcharge in that way. Both approaches are possible and desirable, with yes, a windfall tax, but also reversing that cut.

If we build a fairer, better tax system that focuses on making the wealthiest pay their fair share, we can invest in rebuilding the economy so that it serves the majority of people, we can invest in renewing our public services, and we can give people back some hope. A windfall tax on unexpected and undeserved bank profits can play an important role in creating that fairer tax system. Banks are not reinvesting their profits in the economy; they are handing out huge pay and bonuses, which could go even higher, aided and abetted by the Government's decision to scrap the bonus cap.

That all comes at a time when the banks are turning their backs on local communities. As the hon. Member for Strangford (Jim Shannon) mentioned, bank branches have been disappearing from our high streets at an alarming rate. Since 2015, almost 6,000 branches have permanently closed their doors. At a time of deepening social crisis, while banks collect record profits, they have made it even more difficult for working people to access their finances and get financial advice.

Jim Shannon: Does the hon. Member not feel that there is something immoral about banks making high profits, closing branches and seeing their profit margins actually grow, while people are being left disadvantaged? There is something immoral about that. People are being disadvantaged, while others are making more.

Richard Burgon: The hon. Gentleman is completely correct: there is something immoral about the way that banks' profits are soaring while they are not delivering a better service for their customers, particularly vulnerable customers—the less affluent, the disabled and the elderly. That is not how we should be going about things, and he makes an important moral case.

Based on the latest quarterly results, a windfall tax in the UK could raise between £4 billion and £16 billion this year from the profits of the big four banks alone, depending on the form that that windfall tax takes. That is billions of pounds that could be used to boost public investment and to tackle the soaring inequality that we are facing. Spain's progressive Government offer us an example. They introduced a 4.8% windfall levy on certain bank incomes and commissions above a threshold of €800 million. Replicating that here could raise almost £4 billion this year. Even Margaret Thatcher introduced a form of windfall tax, with a 2.5% tax on banks' non-interest-bearing deposits. In words that sound all too familiar today, Thatcher said that the banks had

"made their large profits as a result of our policy of high interest rates rather than because of increased efficiency or better service to the customer."

Such a tax in the UK, according to Positive Money calculations, could raise up to £11 billion today, and a windfall tax, in whatever form, would be popular. According to a poll commissioned for the TUC, three quarters of the public support a windfall tax on banks' excess profits, including 76% of people who voted Conservative in 2019.

Perhaps the simplest move—we heard this in an earlier intervention—would be to reverse the tax break for banks that the Government introduced in last year's autumn statement. They slashed the bank profits surcharge from 8% to 3%, saying that this was to cushion them against the impact of higher corporation tax rates. But this surcharge, along with the banking levy, was one of the special taxes raised on banks after the financial crash due to the greater risks that banks posed to our wider economic stability. The risk they pose clearly still remains and so too should the surcharge.

The TUC general secretary, Paul Nowak, rightly described the slashing of the surcharge as starving our public services of much-needed funds at the worst possible time. Reversing it could provide key funds to, for example, introduce universal free school meals, scrap the two-child cap or fund a proper pay raise for junior doctors. The TUC estimates that the Treasury will lose at least £1.5 billion

a year over the next four years, although it believes that it is likely to be more given the recent boost to bank profits.

Positive Money estimates that reversing cuts to both the bank surcharge and the levy could raise more than £4 billion this year. We need to be clear about this: it was a political choice for the Prime Minister to slash the surcharge on the banks just as it was a political choice to scrap the cap on bankers' bonuses. Doing so is a sign of what is so wrong in our current taxation system.

It is clear that more of the same Tory dogma of the past 13 years of cuts and trickle-down economics is not the answer. All that that would succeed in doing is deepen the social crisis that is harming so many families in Britain. It is time that we put a stop to that. It is time to tackle the tax perks handed to the wealthy. The banks were bailed out when they were in trouble during the 2007 global financial crisis. It is now time for them to be taxed fairly to help bail out communities that are suffering because of the Tory party's focus on building an economy that serves the wealthy few while the vast majority fall ever further behind. A windfall tax on bank profits is a just policy, it is economically sound and it would be welcomed by people across this country. I look forward to the Minister's response.

7.39 pm

The Economic Secretary to the Treasury (Bim Afolami):

I congratulate the hon. Member for Leeds East (Richard Burgon) on securing this debate. He is an assiduous attender in the House, he cares a lot about these issues and I respect him deeply. In particular, I love his conversion, like that of his very good friend the Leader of the Opposition, to quoting and loving Margaret Thatcher. I cannot wait to hear the reports of how that goes down when he visits his local Labour party at the end of the week.

I am pleased that this debate provides me with an opportunity to set out the measures that the Government have already taken to ensure that banks make a fair and sustainable tax contribution, but before I get on to that, I cannot resist dealing with some of the points that the hon. Gentleman made about the economic context in which this country finds itself. He mentioned economic growth. It is important that he recognises that when they assessed the autumn statement that the Chancellor recently delivered to the House, the Office for Budget Responsibility and independent forecasters said that the pro-growth measures it contained represented the largest boost to economic growth over the forecast period of any fiscal event in a generation.

I think the hon. Gentleman said that austerity and public sector cuts were somehow inevitable, and that somehow the Treasury, Chancellor and Government felt that that was a good thing. We completely reject that characterisation. All I would say is that borrowing an extra £28 billion, as proposed by his Front-Bench team and the shadow Chancellor—I do not know whether it is the hon. Gentleman's idea or proposal—will end up raising inflation and raising interest rates, which is what makes austerity and cuts more likely.

Let me deal with the real substance of the hon. Gentleman's remarks on the banks and a windfall tax. First, it is important to highlight that financial and related professional services are a vital part of the UK economy. They employ nearly 2.5 million people, two

thirds of them outside London. Indeed, I am sure that the hon. Gentleman has many members of Leeds' thriving financial and professional services sector in his constituency.

As I laid out to TheCityUK's national conference earlier this month, I am committed to delivering the Chancellor's vision for a financial services sector that is open, sustainable, innovative and competitive, while also acting—this is very important—in the interests of communities, people and citizens all across our four nations. I urge the hon. Gentleman to consider my view and the Government's view that such ambitions do not contradict each other; rather, it is the UK's globally competitive financial services sector that supports jobs throughout this country and underpins access to finance—for individuals if they want to buy a home, for households, for businesses that need to borrow to expand and invest, and for consumers throughout the country.

Before we consider the potential merits of a bank windfall tax, I want to reflect on some of the bigger picture in respect of the health of the UK banking sector as a whole. We should be encouraged to see a strong, well-capitalised and competitive banking sector in the UK, in no small part owing to the significant regulatory and market reforms that have been implemented since the global financial crisis. Banks are the most important source of credit, providing individuals and businesses with the financial resources to succeed. For example, in 2022 banks lent a total of £65.1 billion to small and medium-sized businesses, which make up the majority of businesses in our country, and helped 370,000 first-time buyers on to the property ladder. That illustrates that these institutions are not in the pockets of fat cats; they serve the nation. They serve ordinary working people and early-stage entrepreneurs and businesspeople.

In addition, the retail savings market currently offers a range of competitive options to savers, who can now access the highest rates in recent years on a variety of instant-access and fixed-term products. The hon. Members for Strangford (Jim Shannon) and for Leeds East brought up the issue of bank branches, and I share their view that we need to maintain access to cash for rural communities. Indeed, the hon. Member for Leeds East will see from me and this Government that we believe we should speed up and spread banking hubs throughout as many of our communities as possible.

Richard Foord: I opened one of those banking hubs a fortnight ago in Axminster. I agree with the Minister that it is fantastic to see those facilities and I know my constituents are very grateful. When will we see the opening of the next tranche, such as a banking hub for Sidmouth?

Bim Afolami: This is a rolling programme. We are trying to speed it up and in due course there will, of course, be changes and updates to it.

It is equally important that banks make an equitable and sustainable tax contribution, and the Government have taken significant steps since 2010 to ensure that. First, as the hon. Member for Leeds East knows, we introduced the bank levy in the wake of the financial crisis. It was designed to encourage banks to move away from risky funding models and ensure that they make a fair contribution. The levy has raised vital revenue to help fund the public services we all rely on—over £28 billion so far—and, long after the financial crisis, it continues to bring in over £1 billion a year.

[Bim Afolami]

Secondly, in 2016 we introduced the bank corporation tax surcharge. Banks currently pay an additional 3% rate of tax on their profits, which, when combined with standard corporation tax, means that banks pay more tax on their profits—we would not know it from the hon. Gentleman's speech—than most other businesses, and a higher overall rate than when the surcharge was at 8%. The surcharge has raised over £13 billion and continues to bring in over £1.3 billion a year. We have also taken action to prevent banks from claiming tax relief on losses incurred during the financial crisis or on compensation payments for payment protection insurance and other cases of misconduct.

This money is the public's money. These measures help to support the needs and ambitions of our country's citizens when it is appropriate for the state to do so. I know that that is why the hon. Gentleman is so keen to see a windfall tax introduced. I share his concern for supporting the interests of his fellow citizens, but the measures I have outlined demonstrate how the Government already ensure that banks make a fair and sustainable tax contribution.

Having outlined how our current approach has generated significant tax revenue for the UK, I want to conclude by turning to how deviating from the approach I have set out—for example, by adopting a windfall tax as the hon. Gentleman suggests—would carry significant risk for the health and competitiveness of our banking sector, which in and of itself would be a significant risk for the health and competitiveness of our economy.

A jurisdiction's overall tax burden clearly informs decisions made by internationally active banks about where to operate. It is also clear that other international financial centres, which are our competitors, recognise that too. I want to be very clear that a higher level of bank taxation in the UK would significantly worsen our competitive position in relation to key global financial hubs in the US, Asia and Europe. It would have a threefold negative impact. First, it would put existing jobs at risk. Secondly, it would damage the chances of future jobs being created through new activity being set up. Finally, rather than raising significant yield for the Exchequer, I fear that it would have the opposite effect; it would jeopardise the considerable tax revenue that is already generated by the banking sector.

The banking sector's contribution to the UK's economy should not be underestimated. The amount of tax paid by banks is rightly proportionate to that contribution. Let me be clear: the Government still maintain that the sector should continue to make a fair and sustainable tax contribution. We have taken steps since 2010 to ensure that. It is no contradiction to say that we need a strong and competitive banking sector that supports individuals, households and businesses, because that has foundational importance to our economy.

Question put and agreed to.

7.48 pm

House adjourned.

Westminster Hall

Wednesday 6 December 2023

[YVONNE FOVARGUE *in the Chair*]

Conversion Practices

[Relevant Documents: e-petition 613556, Ensure Trans people are fully protected under any conversion therapy ban; e-petition 300976, Make LGBT conversion therapy illegal in the UK; Correspondence from the Chair of the Petitions Committee to the Minister for Women and Equalities, relating to conversion practices, reported to the House on 21 November 2023.]

9.30 am

Christian Wakeford (Bury South) (Lab): I beg to move,

That this House has considered Government policy on conversion practices.

It is a pleasure to serve under your chairmanship, Ms Fovargue—perhaps I will refer to you as Madam Chairman for simplicity.

Colleagues, let me tell the House about Sienna. Sienna, 31, is non-binary and was sent to conversion therapy by her father every summer between the ages of 12 and 15. Sienna has known that she is a lesbian since the age of 8, but her devout Catholic father planned for her to “pray the gay away” at camps. She recalls the worst part of the experience as being when the practitioner or administrator were abusive towards her when she was 14.

“They would often try to beat the ‘queer thoughts’ out of us. During my father’s last attempt at conversion therapy, I knew that these camps would never end if I didn’t pretend to be straight. So, I put on a facade of being ‘normal’ for him. It’s only then that the abuse ended.”

Sienna did not tell anyone about what she had been through until her late 20s. Instead, she turned to alcohol, drugs and sex as coping mechanisms.

“I didn’t care about what I was using to cope because it felt like no one cared about what happened to me. Eventually, I did talk about it with close friends and then my mother, years after she got divorced from my father. It was so difficult to open up about.

I’ve always known that I was different. I’ve struggled with my identity for years, but deep down I know who I am. I want countries that are yet to ban conversion therapy to know how damaging it is. It’s a barbaric practice that does more harm than anything else. I’ve known people who killed themselves because they weren’t allowed to be their true selves. Conversion therapy doesn’t work and should never be thought of.”

Ben, 34, is a gay man who also endured conversion therapy in a religious setting, which they describe as “brainwashing”. They say their religion seemed very friendly on the surface. However, there were rules, and mixing outside the religion was frowned upon. Doing so could result in being publicly reprimanded or, more dangerously, disfellowshipped. That meant being shunned by all in the religion, blacklisted and losing all support from friends and family. Their religious parents forced them into studying the Bible daily, attending regular meetings and completing study activities.

Florence Eshalomi (Vauxhall) (Lab/Co-op): I thank my hon. Friend for making such an important point. Does he recognise that some of us who are religious and have religious belief know that this practice is abhorrent?

Christian Wakeford: I thank my hon. Friend for that intervention. I would go one step further and say that not only is it abhorrent; it is evil, and there is no place for it in any part of society.

As well as study activities, Ben also had to go door to door and preach on the streets every week.

“From a very young age, I knew I was gay. However, I had been taught that homosexuality was disgusting in the eyes of God. I felt so alone with the feelings I had.”

Ben was outed by another member of their faith group, who found out that they had a boyfriend. Ben was 21.

“He gave me the ultimatum that I had to tell my parents before he did. We were dealing with a family bereavement, so it wasn’t the right time. I was petrified of the repercussions of coming out, so I initially did it by text message. I hoped it would soften the reaction when I was face-to-face with my parents. However, I was accused of deceiving my parents, and their reaction was hateful. They told me I was ‘disgusting’ as they feared what other people would say. Our family environment became a warzone.”

Ben’s parents tried to tell them that they were going through a phase and had just not met the right girl yet. That went on for months, destroying Ben’s mental health and leaving them with no choice but to endure religious study activities.

“They wanted to ‘make me see sense’. Over a year I had to talk about my sexuality in detail, as I risked being made homeless. I was even made to change my dress sense to stop wearing bright colours and have my hair cut short to appear more ‘masculine’.”

Ben had to read the same scriptures over and over again, even being given “homework” of watching heterosexual pornography, which they did in an attempt to regain stability over their life. Eventually, Ben hit rock bottom and repeatedly ran away from home.

“I have struggled with my sexuality all my life, and what I’ve been through means I now battle constantly with shame, fear, trust issues, needing validation and waiting for people to abandon me.”

I think we will all agree that that is no way to live.

“Everyone deserves a safe space. If I had that, it could have been my chance to escape earlier, and I want that option for anyone in my situation.”

I could go on and share countless testimonies from many people, but I will share the words of just one more person. Penny, 50, from Portsmouth, said it best in 2018:

“Conversion therapy...is abuse of the worst kind and must be stamped out.”

That was not just any Penny; that was our current Leader of the House, who was the Minister for Women and Equalities at the time of those words. Her article in *The Independent* went on to say that her Department would now consider

“all legislative and non-legislative options”

to prohibit promoting, offering or conducting the therapy in the UK. So as glad as I am to have secured this incredibly important debate, there really should be no need for it. Half a decade has passed, and the Government have betrayed the LGBT community on this issue. There has been U-turn after U-turn because we have had Conservative Prime Ministers who have been too weak to take on the right wing of the party.

[*Christian Wakeford*]

Banning all forms of so-called conversion therapy is the right and moral thing to do. A ban on conversion therapy is not woke, left wing or for snowflakes—or whatever other bizarre term certain people opposed to it want to offer up this week. It is not complicated, as some have made it out to be. There has been a failure of leadership. It is the right thing to do.

We sometimes go wrong in this House at times like this. This is not a debate—it should never be a debate. It is a conversation, at best. People are entitled to their own opinions; however, they are not entitled to their own facts. Underpinning this conversation is the fact that conversion cannot be done: we cannot change someone's sexuality or gender identity, just as you cannot change mine, Madam Chairman. People can go on all the courses and say all the prayers they want, but it cannot be done. It is physically impossible; in fact, it is perverted to think that it is possible.

For someone in a position of power to push their ideas of what sexuality is means that they are imagining what people are doing behind closed doors. It seems to me that that person not only has a problem, but is the problem—it is not the young person who is gay, lesbian or trans. It is not a choice to be lesbian, bi, gay or trans. If it were, why would anyone actively choose to make their life harder? Members should ask themselves the question: “Would I choose to face front-page demonisation almost every single day? Would I have chosen, decades ago, to be jailed for who I fell in love with? Would I choose to be part of a group that saw record levels of hate crime this year?” No, they would not—no one would. Why? Because it is not a choice. We all know who we are in this room. So what gives us the right to tell other people that they are not who they know they are, and to leave the door open for already vulnerable young people to be preyed upon by religious zealots and hateful bigots?

Every child and young person deserves the opportunity to be loved, respected and nurtured—to be a positive force in this world. There is no need for a slanging match on this issue. Not everybody is like the social norms we hold up in society, and that is okay; it is what makes us different, what we should be embracing. We are talking about real people—normal young people—but if we continue on the current path, they will only grow into adults who are severely damaged or, in some cases, dead. They will be dead because the Government did not change something from wrong to right with a flick of a pen on a piece of legislation. We need a meaningful ban on an abhorrent and evil practice.

I came to this House to do what I thought was the right thing—to protect those who are the most vulnerable—and I would like to think that every single Member in this room made that same choice: not to take sides and to argue this to the death, but to find solutions to these problems. That is why we in Labour have said that we will ban all forms of conversion therapy—no excuses, no loopholes; no one can consent to abuse.

It was disappointing to hear some of the accusations from the Government that a ban would inevitably criminalise parents talking to their children. That is a ludicrous suggestion. Parents should always be able to speak to their children, just as I am very fortunate to be

able to speak to my daughter. What we do not want, however, is parents sending their kids on a course to have the gay prayed out of them. The Government cannot afford to get this wrong; too many lives are literally at stake. My hopes and prayers are that we will—

Ian Paisley (North Antrim) (DUP): The hon. Member is raising some very deep points that need to be in a conversation and considered. Bad parenting is exactly that: bad parenting. But does he believe that, when addressing issues to do with conversion therapy—and therefore issues that go to puberty blockers and issues like that, on the other side of the debate—there should be a policy that says to parents, “You’re not allowed to have a say in that matter for your children, your infant”? Secondly, would it be his party’s policy not only that parents would not have a say on puberty blockers, but that there should not be a lower age limit at which puberty blockers should not be administered and that they should be administered at any age that it is thought they are required?

Christian Wakeford: While I thank the hon. Member for the intervention, I do not think that it is relevant to the debate.

Ian Paisley: It’s very relevant.

Christian Wakeford: I disagree with the hon. Member. This is about conversion therapy, not about some practices or whether or not someone is trans. I do not think that is relevant.

My hopes and prayers are that we will listen and recognise that outlawing conversion therapy can never have any get-out clauses. Anything else is a ban in name only.

Normally at this point I would finish my speech and sit down; however I want to finish by offering a hand of friendship to the Minister, in good faith. I know that he cares deeply and passionately about this issue. I have heard him speaking in the Chamber and spoken to him outside, and I know how passionately he cares about all this. I really hope that we can work together on this, so let us please work together on a ban on all forms of conversion therapy. Let us not look back at this time as a missed opportunity; let us do the right thing and ban this evil practice.

Several hon. Members *rose*—

Yvonne Fovargue (in the Chair): Order. I remind Members that they should bob if they wish to be called in this debate. I will be imposing an informal time limit of five minutes on speeches, and interventions should be short.

9.43 am

Peter Gibson (Darlington) (Con): It is a pleasure to serve under you chairmanship, Ms Fovargue. I congratulate the hon. Member for Bury South (Christian Wakeford) on leading today’s debate. I thank him particularly for sharing the deeply moving stories of Sienna and Ben. I also want to thank the 213 people from Darlington who signed the petition to ensure that trans people are protected under any ban, and the 325 residents of Darlington who signed the e-petition to ensure that LGBT conversion therapy is made illegal.

I cannot believe that we are still having a debate about this. It has been announced in two previous Queen's Speeches. It has been relentlessly pursued by a team of dedicated Members on this side of the House, including, most notably, my hon. Friends the Members for Rutland and Melton (Alicia Kearns) and for Carshalton and Wallington (Elliot Colburn). It has been raised in dozens of written parliamentary questions, and it has been raised many, many times in the Chamber. Indeed, it has been promised by countless Ministers at the Dispatch Box.

I know that the Minister is a good man. Indeed, he was described as an angel in a debate just last week. I know his personal intentions on this matter, and I know a good number of other Ministers who also want to see this policy delivered. The role of any Government is to protect their citizens, and Conservative Governments have a great track record: the Children Act 1989, the Protection from Harassment Act 1997, the Protection of Freedoms Act 2012, the Modern Slavery Act 2015, the Serious Crime Act 2015, the Stalking Protection Act 2019 and the Domestic Abuse Act 2021. To my mind, banning conversion practice abuse falls firmly within the remit of those Acts by protecting our citizens.

Our country has made significant progress in many respects on LGBT rights, but with rights come responsibilities, and we cannot be said to be in favour of equal rights if we are giving rights without balancing them with the responsibilities of protection. I have spoken on this issue many times in this place, yet despite the support right across the House for banning this dreadful practice, there has sadly been no progress. There is an argument that this abuse is already covered by the Offences Against the Person Act 1861, but there is no guidance for the police and the Crown Prosecution Service. Will the Minister please look into that?

There are jurisdictions around the world that have made progress on a ban, so I ask the Minister: what is so difficult? Why can we not make progress? Why is the UK so unique that we cannot do this? The Minister will say that it is difficult and complex, and that the Government are looking at it, but I encourage him to stop looking and, please, start doing.

9.46 am

Neale Hanvey (Kirkcaldy and Cowdenbeath) (Alba): I will struggle to get what I want to say into five minutes, but I will certainly have a stab at it. I will focus principally on the assertion that there is a need for a ban on conversion therapy, including for the conversion of trans people, and I want to look at it through a slightly different lens.

I will start with a quote from Kierkegaard:

"There are two ways to be fooled. One is to believe what isn't true; the other is to refuse to believe what is true."

That is, in essence, the point I want to make. Legislation is supposed to fix a problem, not create a new one, and where evidence of conversion practices exist, they will not be mitigated but exacerbated by such proposals. The true scandal that needs to be addressed is the medical and surgical conversion of young lesbians and gay males by affirming and transing away the gay.

This proposal rests on a bed of dangerous lies, and it is but one part of an assault on the sex-based rights of women, lesbians, gay men and bisexual people. It is

perpetrated by and done under the cover of once-important LGBT organisations such as Stonewall, which are erasing gay identities and are complicit in using the T to erase the LGB.

There are three legislative conceits that form part of this movement: gender self-ID, amendments to hate crime and public order legislation, and so-called conversion therapy bans. Each is the antithesis of what it purports to be. Self-ID is not about equality but about promoting supremacy, hate crime legislation is about silencing the raising of valid safeguarding concerns, and preventing conversion therapy is promoting the very thing it aims to stop. The planned Bill is today's modern conversion therapy scandal, and it is affecting vulnerable children and young people who may be gender non-conforming or struggling with normal yet distressing pubertal body dysmorphia. It would embed the lie that those young people have been born in the wrong body, that the normal development of puberty should be arrested with chemicals—something that can never be restarted or repaired—and that emotional distress can be fixed with hormones and irreversible radical surgical intervention.

That is being facilitated in Scotland and elsewhere by Government non-statutory guidance, promoted by activist teachers and enabled by others who are bamboozled, threatened and afraid to speak out because of the attacks carried out by radicalised gender activists. Social transition is being arranged and encouraged in schools, with parents and carers being completely excluded from their own child's care. The NSPCC recognises that as a form of grooming, stating:

"Groomers may introduce 'secrets' as a way to control or frighten the child."

Teachers prepared to keep secrets with children, to the exclusion of their parents or child protection teams, is not only dangerous to the child but legally precarious for that teacher, and they should be open to prosecution. None of those teachers are employed as experts in psychological therapy, dysphoria or complex gender assessment. What they are doing is top-to-tail dangerous and wrong. In their zeal, and in secret from parents, they are effectively denying vulnerable children access to the very therapeutic support that they so desperately and obviously need, from real experts, not gender ideology radicals. That is chilling.

Christian Wakeford: This is not a debate about trans rights; it is about conversion therapy. I think we have all acknowledged that conversion therapy is abhorrent and evil. If it is abhorrent and evil for gay and lesbian people, it is abhorrent and evil for trans people. How this conversation keeps descending to an anti-trans position is wrong. Will the hon. Gentleman think on that point: that conversion therapy is evil and just needs banning?

Neale Hanvey: I cannot really respond to the hon. Gentleman constructively because he is obviously not listening to the points I am making.

When I was a young lad—this might stretch Members' imagination—I was a very pretty boy. In the 1970s, I had long hair and flared trousers, and I was often confused for a girl. The question I am struggling with is this. Is it possible that I would have been open to this form of conversion therapy, and would not have become

[Neale Hanvey]

the successful, happy, gay man that I am today? I can only conclude that, yes, that could easily have happened to me.

We had plenty of struggles growing up, such as section 28. My friend the hon. and learned Member for Edinburgh South West (Joanna Cherry) and I attended the first ever Pride event in Edinburgh, Lark in the Park. We have faced these struggles and now we face them once again. I am absolutely exhausted from listening to people using my history and my struggle against me, when I am when I am attempting to stand up for the rights of young LGB people and protect their futures.

I appreciate that I need to draw to a close, so I will conclude with this. It is not a ban on conversion therapy that the Bill proposes; rather, it is rocket fuel for radicalised ideologues, to trans away the gay, depriving a generation of young LGB people from becoming the fabulous, vibrant and unique, gender non-conforming people they have every right to be.

9.52 am

Florence Eshalomi (Vauxhall) (Lab/Co-op): It is an honour to serve under your chairship, Ms Fovargue. I thank my hon. Friend the Member for Bury South (Christian Wakeford) for calling this debate. I come to this debate from a religious perspective. I am a serving Roman Catholic. I have worshipped at the same church on Brixton Road all my life. My life revolves around that church. I was not baptised there, but my sisters were. I met my husband there, and my children and my mum were baptised there.

We have to be clear that there are a number of people in the Christian faith who are proud of their sexuality, proud to be LGBT. It is important that religious leaders can offer support and counselling, because for many people in our communities, the church is the first support group. They trust the church more than politicians.

Mr Gregory Campbell (East Londonderry) (DUP): On the church and faith settings, does the hon. Member agree that any proposed ban will impinge on many people in a faith setting? They may wish, as mature adults, to go to a meeting—a formal or informal discussion setting—to talk about sexual matters, but they might feel that a ban would restrict that, or prevent them from doing that. That is because of the very radical agenda being pursued by some, not all, of the activists.

Florence Eshalomi: I thank the hon. Member for making that point. We need the Government to be clear, so that church leaders do not feel that they will be targeted on this. We should be happy and proud when it comes to GAY: God adores you. God adores all of us. That is the Bible that I was taught.

We must look at the timing of this debate. We have to be honest: this practice is not right; it has done untold harm to many LGBT people. A study in the US found that those who had undergone conversion therapy were twice as likely to have suicidal thoughts—that is a sin in the Bible. We need to look at how we can help people. That is not a rare occurrence; according to the 2017 national LGBT survey in the UK, one in 50 people who had undergone conversion therapy made suicide attempts.

For trans respondents, that number was one in seven. Those figures should worry and horrify us. Sadly, a succession of Governments have been either too uninterested or too weak to act on that.

I understand that for some in the Government, this issue may be difficult, but we should not put it in the “too difficult” box. Plans for a ban were first introduced three ex-Prime Ministers ago in July 2018—more than five years ago—but after years of consultation, delays and rumours, those plans were missing from the King’s Speech last month. That is yet another promise that the Government have broken. I invite the Minister, who I know cares about this passionately, to think about the impact of that unacceptable delay.

Ian Paisley: I am fascinated to see that there is demand for policy and action on the issue on both sides of the House. I want to know, as both a parent and a legislator, what the proposal is. Does the hon. Member believe, for example, that parents should be excluded from knowledge about what drugs our children are taking? Should there be a lower threshold for giving out those drugs? It is absolutely essential that we know that.

Florence Eshalomi: I thank the hon. Member for that point. I speak as a parent of an eight-year-old and a six-year-old. I want to know what is happening in my children’s lives, but we must be honest: some parents are bad parents, and children need to be protected. It is important that those parents who cause harm to their children should not make decisions about those children’s lives. That is my personal view.

After years of delays, we see yet another broken promise. We must think about the message that sends to the LGBTQ+ community. We have seen hate crime increase. Hate crime based on sexual orientation has gone up by 70% since 2018-19. In my constituency of Vauxhall, there have been disturbing attacks, rooted in suspected homophobia. When our LGBTQ+ community needs support, the Government are simply not on their side; they are dragging their feet on the issue.

I urge the Minister to think about the issue today. We on the Labour Benches support a ban on conversion practices, and want to ensure that all the areas and communities that are worried have their say and are fully consulted. The Minister needs to ensure that a Bill comes forward. Countless Conservative MPs have promised to deliver a ban, but have failed to deliver. The Minister should come forward with a full pledge today, and look at how we can introduce the ban in this Parliament as soon as possible.

9.58 am

Joanna Cherry (Edinburgh South West) (SNP): I come to the debate as a feminist and a lesbian who has been out since 1987. Like my friend the hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey), I have been active in the gay rights movement since the late ’80s, when I first campaigned against the introduction of section 28. Of course I oppose conversion therapy as it is conventionally understood, but I share the concerns of many feminists and lesbians that the inclusion of the concept of gender identity in any Bill risks threatening the professionals working with children and vulnerable people who are having issues with their gender if they seek to explore the reasons for that distress.

Over the past few years, there has been a worrying rise in the number of children, particularly girls, becoming convinced that they were born in the wrong body and seeking to take puberty-blocking drugs and sex hormones. Looking at the statistics, about 74% of teenagers referred to the gender identity development service at the Tavistock Centre are girls. Only 8.5% of those girls say that they are exclusively attracted to boys; almost 70% of them say that they are attracted only to other girls, and 20% are attracted to both sexes. In other words, the vast majority of teenage girls being referred to the GIDS clinic are lesbian or bisexual.

The treatment with puberty-blocking drugs and cross-sex hormones that I described is a controversial, experimental medical treatment for a complex problem. We have also seen an increase in the number of young people who have later regretted the irreversible damage done to their bodies and sought to de-transition. Young women, particularly those who may be internalising lesbophobia or misogyny, must be offered alternatives to such drastic medical pathways, and their teachers, parents and therapists should not be threatened with prison and fines for discussing the options with them.

In the years leading up to puberty, I, like many girls, was a tomboy and wanted to be a boy, but when I grew up, I realised I was a lesbian. It is really very common for young girls to want to be boys. Some of them grow up to be lesbians, some of them grow up to be trans, and some of them grow up to be straight, but they need time to grow up before they make irreversible decisions. What those campaigning for a ban often call “conversion therapy” is in fact legitimate protection of the time and space for a child to reconsider the conviction that they were born in the wrong body, so they can be stopped from going down a pathway of hormones and surgery, which sterilises them and can leave them with no adult sexual function.

Christian Wakeford: The hon. and learned Lady is making a powerful speech; I do not fully agree with it, but it is powerful none the less. It sounds very much as though she is insinuating that this is a trend or phase that young people and children will grow out of. Will she clarify that point?

Joanna Cherry: What I said, if the hon. Gentleman was listening, was that many young girls are confused, have gender dysphoria, want to be a boy and find the onset of puberty deeply alarming. There is a lot of internalised lesbophobia and internalised misogyny in our country at the moment, and I do not want the state to say that there must be an assumption that any girl who wants to be a boy should be told that she can become a boy. She needs to be allowed to explore whether that feeling comes from internalised lesbophobia or internalised misogyny. Sure, some of those girls may be trans, but the stats from the GIDS clinic show that most are lesbians. I do not want lesbians to be transed away. Staff at the GIDS clinic have expressed concern that that is what is happening.

As I said, many of the children who go down the medical pathway are same-sex attracted, and some of them are autistic. Of the first 70 adolescents referred to the Amsterdam clinic that pioneered puberty blockers for children, 62 were homosexual and only one was heterosexual. I am concerned that that is a form of

modern conversion therapy. I want young women, particularly those who may be lesbians, to be able to discuss what is making them wish they had been born a boy, with professional support if necessary, before they embark on life-changing treatment with puberty blockers, which could leave them permanently infertile and undergoing surgery to remove their breasts. There are documented examples of girls going through the procedure, deeply regretting it and wanting to de-transition.

Neale Hanvey: I hoped to include in my speech this comment from a young de-transitioner:

“I delayed my appointment for surgery for over two years, because I had doubts. But then they gave me an ultimatum and I knew that if I was not going to go through surgery I would lose my therapist.”

Does the hon. and learned Lady believe that that is coercive control or informed consent?

Joanna Cherry: I do not know the full facts of the case, but it sounds far from ideal. We must have informed consent, and children are not always in a position to give informed consent.

One would not know it from the Library briefing for this debate, which is extraordinarily one-sided and sets out only the views of certain stakeholders, but many lesbian, gay and bisexual people, and many feminists, share the concerns that I am expressing. LGB Alliance welcomes the fact that the UK Government plan to ban gay conversion therapy, but it is worried that

“the inclusion in the proposals of ‘transgender conversion’ therapy threatens to amplify what we consider to be the greatest risk to young LGB people today: the promotion of the notion that children who have gender dysphoria can change their sex, or should begin to do so, before they are fully adult.”

My friends at LGB Alliance are concerned that, “by a tragic irony”, some of the conversion proposals could lead to thousands of children, most of whom would have gone on to be happy lesbian, gay or bisexual adults,

“having their puberty blocked by experimental drugs and”
being

“pushed into life-long medical treatment.”

In other words, the legislation could promote, not stop, gay conversion therapy.

Sex Matters—I declare an interest, because I am on its advisory board—has put forward a proposal for legislation to ban what it calls “modern conversion therapy”, which should be considered. “Modern conversion therapy” means

“treating someone with medication or surgery to modify their sexual characteristics, when they...are too young or vulnerable to make a fully informed decision”,

or where they have

“confounding mental-health issues that have not been addressed”.

I am coming to the end of my speech, Ms Fovargue, but I had two interventions so I have taken a little longer. I note that the hon. Member for Bury South (Christian Wakeford) said that he wanted all forms of conversion therapy banned. Would he and the Minister think about modern conversion therapy, and making sure that lesbian, gay and bisexual teenagers are not told that they were born in the wrong body?

10.5 am

Sir John Hayes (South Holland and The Deepings) (Con): It is a pleasure to serve under your chairmanship, Ms Fovargue. Men and women are peculiar. All of us are characterised by as many particularities, preferences and preoccupations as can possibly be imagined. When we look from a distance, the beach looks uniform; when we get closer, every pebble is different, and so are we. Yet there is a constant in all our lives, and that constant is change, with all its joys and sorrows.

Change is at its most profound when we are growing, maturing and developing, as the hon. and learned Member for Edinburgh South West (Joanna Cherry) said. Some changes are permanent and some are ephemeral, but coping with both means learning from others—often others who know much more. Sometimes we need to ask; sometimes we need to question. If, in the secret garden of love, which is adorned with flowers of all kinds, some blooms are perpetual and some fade, and if we are told that what we choose is no longer permitted and that we need to be forced to grow a different flower altogether, can that be right? Can that be squared with the eclecticism, the strangeness and the particularity of life? For me, it cannot.

Exploring desire is a journey that we all travel. Being guided, counselled and advised sometimes helps us to navigate our way on that difficult journey. Prohibiting guidance, in my judgment, is a short step from a ban on friendship—friendship, which may make burdens lighter and suffocate the fire of fear. Could we, in conscience, really want to make consensual, quiet conversations illegal? No one in this Chamber and no one who contributes to this debate wants cruel, inhumane and spiteful interventions in people's particular and very different lives. Surely, we cannot ban the freedom to speak, to put our case, and to converse.

I glory in our differences in all its richness, and I congratulate in particular the hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey) on what I thought was an outstanding speech. Life is complicated, and in the mists of its confusion is the torch of free speech and free thought, which burns brightly.

Florence Eshalomi: On the right hon. Gentleman's point about life being complicated, it is complicated for a number of people, including the many black and minority ethnic people who still, to this day, have not had the courage to come out because of the stigma and fear. Does he not appreciate that those practices make it even harder for those people to speak out and be their true selves?

Sir John Hayes: If the hon. Lady is speaking of what I described as cruel and spiteful interventions in quiet, or sometimes less quiet, lives, then yes, of course. However, if she is referring to the kind of conversations that I described, which help people to navigate their way through life, would she really want those prohibited and made unlawful? I cannot think she would.

When we consider cancellations, bans and prohibitions—on whatever grounds, but particularly on the grounds of activists who legitimise them on the basis that they are progressive and that anyone who opposes them is a heretic—I say that if to be part of a crusade against puritanical militant transsexuals is heretical, then sign

me up. If it is heresy to say that sex is a biological fact, then count me in. On that basis, I am proud to be a heretic.

10.10 am

Jim Shannon (Strangford) (DUP): It is a real pleasure to serve under your chairship, Ms Fovargue, and to speak in this debate. I may have a slightly different opinion from many here due to where I come from. I hope that right hon. and hon. Members will show the respect that I have shown in listening to them and listen to me as I put forward my point of view. I say that, but some of the speeches this morning were incredibly balanced. As I have said, I may have a different opinion, but I'll tell you what: Members have put their point of view over very admirably and in a very balanced way, and that is appreciated.

I am very grateful that we are having this debate today on an important subject that will affect many in our constituencies: I have certainly had occasion to use my position as a representative to try and help people, although not on a regular basis. I will be very conscious not to give away any confidential information on issues or conversations I have had. I am not even going to talk much about individuals, because I would not want to have any impact on them, but parents have come to me with great concern over what is happening with their children.

I am going to give a parent's point of view, as both a parent and a representative. I very much recognise the need for nuance and a careful, measured analysis of the impacts of any policy proposals. It is vital to preface any discussion of conversion therapy by clearly condemning abuse and coercion of any kind, be it physical, mental or emotional. There can be no tolerance for any form of abuse in this country or any other. I express my deepest concern, sorrow and sympathy for all who have suffered from any form of harassment, abuse or discrimination. I say that very clearly as an introduction.

The issue at hand is wide-ranging and affects a number of areas. When we discuss possible legislation, we must reflect this broad awareness of the situation. Banning conversion therapy involves several parties, including children and youth, parents, schools, religious and belief communities, and others. I would like to address potential issues for several of those parties that may be caused by a ban on conversion therapy.

First, children and youth may be affected in significant ways by a conversion therapy ban as currently described. Such a ban could lead to limitations on the ability of children and youth to maintain informal or formal religious groups, such as prayer groups, which are used to promote spirituality and repentance in the Christian context. That is where I am coming from. People make their choices, but I am trying, as I do in all areas of my life, to be balanced in what I say and respect other people and points of view. With that in mind, I hope that people will also respect my point of view.

As a Christian myself, I recognise the importance of prayer as a tool to promote wellbeing. I believe that prayer can move mountains: the mountains in our lives, the mountains in the world, and the obstacles we come up against. For many Christians, it is an important devotional practice that may be limited by a conversion therapy ban. I am giving a parental point of view, and

hopefully a very balanced Christian point of view as well—I am trying to do that very humbly, respectfully and sincerely to everyone.

Another consequence of a potential conversion therapy ban is that parents could be significantly affected in their daily responsibilities for the welfare of their children. According to some of the proposed conversion therapy bans, parents could be legally threatened if they choose not to allow their children to take puberty blockers. My hon. Friend the Member for North Antrim (Ian Paisley) has referred to it twice, and I cannot ignore it. We cannot ignore this issue. It is a transformative medical practice, into which parents of children and youth surely ought to have an input. That is what the hon. Gentleman said, what my hon. Friend the Member for East Londonderry (Mr Campbell) has said, and that is what I believe as well.

I fear that a conversion therapy ban could leave well-meaning, responsible parents vulnerable to unfair legal measures and social retaliation. The hon. Member for Vauxhall (Florence Eshalomi) encompassed many of my thoughts. I know the hon. Lady very well, and we have had conversations, so I understand the issue.

Ms Fovargue, I recognise that the time you indicated is up. There are some things I need to put down. Do we have time?

Yvonne Fovargue (in the Chair): Yes

Jim Shannon: Thank you very much; I appreciate that.

It is vital for the wellbeing of any family that parents have the ability to raise their children within their own culture, religion or belief standards. If they are unable to do so, we will see negative impacts on families of all types, which will affect the wellbeing of communities and schools. We ought to embrace diversity, understanding and tolerance of others. Conversion therapy was addressed in the 2021 Queen's Speech. The background briefing notes for the Speech noted the Government's intention:

"We will ensure the action we take to stop this practice is proportionate and effective, and does not have unintended consequences."

There are unintended consequences to a conversion therapy ban—potentially some of those that have been described. I ask that we all diligently examine the effects of such a ban on every party that might be affected.

In conclusion, abuse of any kind is unacceptable, as is discrimination and intolerance. I ask that each of us—individually—closely examine our policies to ensure that those behaviours are properly condemned in all settings. We need to be building cultures of love, warmth and growth. I am grateful for my colleagues' important contributions to that effort, which I may or may not agree with. Let us continue to seek solutions that will foster those environments, while respecting the rights and duties of parents every time—of parents from diverse backgrounds. A conversion therapy ban as typically described does not, to me and to others, seem to do so. But I believe that we can, and will, come to solutions that will be in the best interest of all affected parties.

10.18 am

Kirsten Oswald (East Renfrewshire) (SNP): It is a pleasure to serve under your chairship, Ms Fovargue. I want to start by thanking the hon. Member for Bury

South (Christian Wakeford), who opened this debate extremely powerfully. The way he brought testimonies right to the forefront of his contribution was very moving and thought-provoking. I heard what he said about Sienna, who described being beaten as part of the conversion therapy that was forced on her. She described putting on a façade in an attempt at self-preservation and the horrific personal impact.

I also pay tribute to the excellent speech by the hon. Member for Vauxhall (Florence Eshalomi). She made some very powerful points from the standpoint of her faith, and that is something we should all take full account of. She described her worry for those in this situation who are plagued by harm and suicidal thoughts, and pointed out the damage she could see because of the delay and inaction from this UK Government.

We have to be clear: conversion practices should have no place in our society. They are harmful and discriminatory. Yet, in this place—and I say this with absolutely no intent to criticise the Minister, who I think feels very strongly about this—the UK Government are all over the place. The SNP Government in Scotland remain committed to banning these harmful practices, as far as that is possible within their devolved competence.

However, it is not just the SNP that expresses that view and oppose these practices. I have heard from Humanists UK, which says that conversion therapy causes lasting harm to people—I think that is true. Stonewall has pointed out that there have been five years, five months and three days of unkept commitments on this issue by the UK Government, and I look to the Minister to respond to that. The British Psychological Society has made its views on the issue clear. The Church of Scotland passed a motion at its general assembly calling for a ban.

The Royal College of Nursing has said that it is opposed to all forms of so-called "conversion therapy"—so-called is a sensible way to put it, because this is no therapy; let us be realistic about that—based on sexual orientation or gender identity. At its congress last year, members voted overwhelmingly to support a full ban on conversion practices in all four UK nations and they called for an LGBTQ+ inclusive ban on all forms of conversion practices.

Keir Mather (Selby and Ainsty) (Lab): The hon. Lady makes an important point about the timing and delay by the Government. As an LGBT young person, I feel genuinely privileged that I have not had to live through the scourge of section 28 or any of the other phases that colleagues in this room today have so nobly resisted in the past. However, does she agree that that compels us to ban the appalling practice of conversion therapy today for young people, who are trapped in a form of living hell that we have a power in this place to alleviate?

Kirsten Oswald: I am grateful to the hon. Gentleman for that contribution and I agree; that is our job. It is one that we need to take seriously and we really need to get a move on with it. It is unforgivable for it to have been strung out so long.

Going back to the people and organisations with significant knowledge who have commented on this issue, the British Medical Association has long opposed what it also says is so-called conversion therapy, believing that it must be banned in its entirety. It also points out

[Kirsten Oswald]

that the former Prime Minister, the right hon. Member for Maidenhead (Mrs May), first committed to banning conversion practices back in 2018. Again, we have that timeline. The BMA suggests that any proposals that are brought forward to ban these practices must extend to transgender and non-binary people. It points out that the UK Government's own analysis found that conversion therapies can result in negative mental health impacts, including depression and suicidal thoughts.

The BMA also points out that, given that transgender people are already most vulnerable to being subjected to conversion practices, with one in seven of them reporting that they have been offered or had conversion therapy, it is vital that any ban extends to gender identity. In addition, it points out that the UK Government previously cited legal complexity as justification for their decision to exclude gender identity from legislation, but says that conversion practices for sexual orientation and gender identity can be intrinsically linked, meaning that excluding conversion practices that target gender identity from the ban would in practice weaken any attempt to implement a ban.

These are people and organisations that are coming at this issue from a position of professional knowledge, or even professional expertise. We should listen to them. However, the UK Government are not doing that. In 2018, in their LGBT action plan the UK Government made a commitment to:

"bring forward proposals to end the practice of conversion therapy in the UK".

In 2021, the UK Government's Queen's Speech also included a commitment to bring forward measures to ban conversion therapy. Then, they ran a consultation on banning conversion therapy, which extended from October 2021 to February 2022. They have yet to publish their response to that consultation. They said that a draft Bill would subsequently be prepared for spring 2022. Then, in spring 2022, ITV reported that the UK Government no longer planned to introduce legislation to ban LGBTQ conversion therapy. However, after a huge media furore—it could even be reasonably described as fury—sparked by some Conservative Members, the UK Government made a screeching U-turn, saying that they would indeed introduce a ban.

All of that having happened, we are still no further forward. We are still in the same place, where nobody really knows what is going to happen. And it is not because we have not sought to find out. I had a look back at some of the questions that have been put to the UK Government. Way back in May of this year, the hon. Member for City of Durham (Mary Kelly Foy) asked the Minister what plans the Government had for pre-legislative scrutiny of its ban on conversion practices. In July, the Minister said that the Government would "shortly"—I think that we are stretching the definition—publish a draft Bill. If we go a little bit further forward, I asked the Minister, on 19 September, what plans were in place to publish a draft Bill. The Minister answered:

"No one in this country should be harmed or harassed for who they are"—

I agree—

"and attempts at so-called 'conversion therapy' are abhorrent."

Again, I agree. He finished by saying:

"That is why we are carefully considering this very complex issue. We will be setting out further details on this in due course".

I say to the Minister that "in due course" should not be five years.

It is not just me who has been asking. The same answer has been given to the hon. Member for Carshalton and Wallington (Elliot Colburn), my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), the hon. Member for Lichfield (Michael Fabricant) and the hon. Member for Darlington (Peter Gibson), who also referred to the volume of written questions and contributions on this issue. Those are not the only hon. Members; I just did not want to spend all of my contribution making a list.

I do not blame the Minister for this situation—I believe that he feels very deeply about this—but I say to him that we need action. We cannot carry on like this. It is deeply and grossly unfair. There is no credible evidence to suggest that conversion practices can change someone's sexual orientation or gender identity—not that we should wish to do that—but there is very credible evidence to tell us that these things cause significant harm. Nobody's identity should be up for debate and no one's identity should be treated as a political football, but I am afraid that that is what the UK Government are doing; they are diminishing people's rights because they see it as being politically expedient to do so. That is unforgivable. I would like to hear from the Minister about what is going to happen, how it can be that all of the commitments that we have heard have fallen by the wayside, what he thinks this means for the safeguarding for people who are in that most vulnerable of positions and how he thinks this can be remedied and rectified.

I want to re-emphasise the point that neither should we nor can we change who people are. It is cynically damaging and simply wrong that the UK Government have very deliberately put the brakes on this; it will never work. I will finish where the hon. Member for Bury South ended, by saying that people simply are who they are. They are worthy of respect. The need for a ban is greater than it ever was, and I look forward to hearing how the Minister thinks that we can go forward.

10.27 am

Anneliese Dodds (Oxford East) (Lab/Co-op): It is a pleasure to participate in this debate with you in the Chair, Ms Fovargue. I also thank my hon. Friend the Member for Bury South (Christian Wakeford) for securing such an important debate, for his powerful contribution and especially, as many Members have mentioned, for ensuring that Sienna and Ben's testimonies were heard in this place.

I do not know how others are feeling, but I have to confess to a certain sense of déjà vu. Just 18 months ago, we were in this Chamber considering a Petitions Committee debate on transgender conversion therapy. That debate, like this one, featured contributions from Members on both sides of the House concerning why a ban on all forms of coercive conversion practices was urgently needed. We have seen that again today, although this discussion has covered a wide range of other matters, which I will come back to. Here we are, a year and a half since that last debate, and there are still no legislative proposals before the House for a ban on conversion practices. When we met in June last year, I described the

policy process towards developing a legislative ban as chaotic; today, I can emphatically say that it has been shambolic.

Let me briefly recapitulate the merry-go-round that Ministers have been riding on—the hon. Member for East Renfrewshire (Kirsten Oswald) has gone through some of that. It is more than half a decade since the ban on so-called conversion therapy was first promised in the Government's ill-fated LGBT action plan, which was published back in the summer of 2018. After commissioning research and setting up an LGBT advisory panel to develop proposals, a draft conversion therapy Bill was first promised in the 2021 Queen's Speech. In March 2022, it was reported that the Government planned to drop the plans entirely, only to U-turn and recommit to a ban in the Queen's Speech that year, but one that would exclude transgender conversion practices. Then, at the beginning of this year, the Government U-turned again by committing to a trans-inclusive ban, but when the King's Speech finally arrived, there was no draft conversion therapy Bill. If hon. Members are a bit lost, that reflects the chaotic nature of what has happened. Four Prime Ministers and more than five years since a ban was first promised, we are no further along.

I suspect the Minister may join me in lamenting this sorry saga, but ultimately it is LGBT+ people I feel sorry for, because they have not been kept safe. I look forward to the Minister explaining what his Government's policy on conversion practices actually is now, because I want to understand why no draft Bill has been introduced and why the Government find it all so difficult. Is this really about policy differences, or is the problem that personalities in the Minister's Department simply do not want to deliver on what was promised? Can he confirm that there is a draft Bill ready to go, sitting in No. 10 waiting for sign-off from the Prime Minister? Does he welcome the move by my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle), backed by Members of the Conservative party, to introduce a private Member's Bill to do what the Government seem unable to do and ban conversion practices once and for all?

Ian Paisley: The hon. Lady can probably anticipate my question. As legislators, we are entitled to know what the Opposition's policy will be, if there is to be a different Prime Minister—a different personality—in place in the next year. Can we have clarity on puberty blockers, which form part of the proposal? Will there be a lower age limit? Will parental consent be required?

Anneliese Dodds: I am grateful to the hon. Gentleman for raising those issues. However, they are distinct from a ban on the practice of conversion therapy. I will come back to the exact drafting and how a ban should operate. I am slightly surprised that no one has mentioned that a review is being conducted by the paediatrician Hilary Cass into the treatment of children and young people in gender identity services. It has already produced an interim report and it is producing additional research. I think it is sensible to follow what that expert review produces. We will certainly examine its findings very closely, as we have its interim report.

Joanna Cherry: I am delighted to hear the hon. Lady say that her party will wait for the outcome of the Cass review, but what does she have to say about the statistics I cited showing that the vast majority of young girls and

teenagers referred to the gender identity clinic at Tavistock for therapy are same-sex attracted? Does she have any concern that what is going on here is a type of modern conversion therapy, converting young gay women into boys?

Anneliese Dodds: I am grateful to the hon. and learned Lady for her intervention, but I have actually said that a number of times before. The interim Cass review is clear about an issue that has not received any publicity from Government Members: the lack of psychological provision in general for children and young people, which is also impacting on those in gender services. That did not come as any surprise to those of us who do casework—we are well aware of that—but sadly the Government have not focused on it.

I also want to ask the Minister about pre-legislative scrutiny of a future Bill, to which the Government are apparently still committed. When will it get under way? Is the Minister confident that we will be able to conduct meaningful scrutiny before the end of this Parliament and the general election, or is this effectively window dressing to hide the reality that the proposals have been junked by the Minister for Women and Equalities with the connivance of the Prime Minister? Does this Minister accept that, as things stand, there simply is no meaningful Government policy on conversion practices?

We have been here before, and we have already heard all the excuses for the lack of action. Eighteen months ago, I asked whether the Government had gathered any evidence about the impact of a well-drafted ban on conversion practices on the provision of legitimate talking therapies.

Neale Hanvey: Will the hon. Lady give way?

Anneliese Dodds: I will continue for the moment, but the hon. Gentleman is welcome to intervene on me later if I have not answered his question.

I asked for any evidence or statements from medical bodies suggesting any concerns that a conversion therapy ban would have a chilling effect, or that a trans-inclusive ban would put such treatments at risk. I did not get any answers then and I do not expect to hear any today, because these are straw-man arguments, unfortunately erected by those trying to justify inaction. I say respectfully to the hon. Member and the hon. and learned Member for Edinburgh South West (Joanna Cherry) that conversion refers to changing, and not to the exploration of people's real selves, including for young gay men or young lesbian women.

Neale Hanvey: The shadow Minister is raising the central point of my contribution. Many young people who have been through gender services and have then decided to desist from transition have realised that, in fact, they were always gay. What safeguards or principles does she envisage would be introduced to prevent the acceleration through affirmation of young gay people into gender services, where they are experiencing conversion therapy of radical surgical and medical intervention, which is distorting their future lives? One young man said that his sex had been lobotomised.

Anneliese Dodds: I am grateful to the hon. Member, but I will not take any more interventions—I am conscious that there are others who need to speak. The point about surgical and medical interventions is precisely

[Anneliese Dodds]

what the Cass review has been working on. I will come to the issue of precisely how a Bill would be drafted, so the hon. Member will hear my comments on that in a moment.

However, I need to ask the Minister another question. Last summer, I wondered whether we would back here in another year asking exactly the same questions. Well, here we are, asking the same questions and, I suspect, getting exactly the same answers, going round in circles. I feel sorry for the Minister; I know that his hands are tied. The hon. Member for Darlington (Peter Gibson) was spot on in that regard, although perhaps even this Minister would not be able to live up to his celestial claims. Surely the Minister is getting fed up with making excuses for his colleagues, who do not have the courage to tell LGBT+ people that banning these abusive practices is not a priority for the Conservative Government.

We have a different approach; we acknowledge that there are complexities.

Peter Gibson: Will the shadow Minister give way?

Anneliese Dodds: I will push on to give others time. There are complexities but it is our job to protect the public from harm. Labour, like the BMA, the Royal College of Psychiatrists and countless other organisations, believes that conversion practices constitute abuse. We are clear that a Bill to ban those practices must, of course, be carefully and sensitively drafted, so that it does not cover psychological support and treatment, non-directive counselling or the pastoral relationship between teachers and pupils, or religious leaders and worshippers.

My hon. Friend the Member for Vauxhall (Florence Eshalomi) set out clearly that those practices are not a part of religious worship. She provided a clear answer to the hon. Member for Strangford (Jim Shannon), who always puts his points respectfully. These are matters that legislators can work through sensibly, and I am confident we will do so.

A ban would not cover quiet conversations and friendships, contrary to the claims of the right hon. Member for South Holland and The Deepings (Sir John Hayes). A ban would not cover discussions within families, which are based on the need for love and support. A ban would not—and must not—have an impact on the provision of psychological, medical and supportive services for children and young people. As I said, much more support and psychological counselling is needed, not less, and that is very clear from the interim Cass review.

Labour also believes that any ban must be carefully, tightly and clearly worded, and appropriately implemented and assessed. That should surely be par for the course for any legislation, and it must apply to a ban on conversion practices, too. I remain confident that it is possible to deliver a ban without ending up in the quagmire in which the Government have found themselves.

I have the utmost respect for the Minister; I know he is in a difficult spot. I say, slightly cheekily, that someone cannot choose their boss. However, if he did rise to say again that this is all too difficult and complicated, I would gently ask him whether he considers the Conservative Government are still fit for purpose.

Peter Gibson: Will the shadow Minister give way?

Anneliese Dodds: Sorry, but I have said I will not to give others time.

LGBT+ people need a Government that will not simply use complexity, which is common to all legislation, as an excuse for inaction. The Government should instead ensure that every LGBT+ person can live their lives in dignity and free from abuse, just like everyone else.

10.40 am

The Minister for Equalities (Stuart Andrew): It is a pleasure to serve under your chairship this morning, Ms Fovargue. I congratulate the hon. Member for Bury South (Christian Wakeford) on securing the debate. I fully empathise with the strength of feeling shown today on this issue, appreciate the candour of the debate, and empathise with some of the emotional and harrowing stories that we heard, in particular those of Sienna and Ben.

So-called conversion therapy practices are dangerous and pseudo-scientific. They are based on two ill-founded beliefs: one is that being LGBT is a defect and that not being LGBT is somehow preferable, and the other is that it is possible to forcibly change somebody who identifies as LGBT to fit that preference.

I want to lay out my position clearly. Lesbian, gay, bisexual and trans people are invaluable, loved and integral members of the UK communities, and they deserve to be able to live authentically and openly, without fear of discrimination or of being targeted by perpetrators of conversion practices. To put it simply, conversion practices are wrong, and they do not work. The practices can take many different, sometimes overlapping, forms. They may involve the use of physical or sexual violence to hurt, scare and punish the victim. They may also involve abusive and hateful language—shouting at and continuously berating someone for being gay or trans.

Such harmful efforts may also be pitched as therapy, but far from being legitimate support, they are carried out by someone with a predetermined outcome in mind and a specific desire to change the individual accordingly. They may involve telling the LGBT person that their identity is wrong or an illness, and claiming that they can be fixed to be “normal.” To be clear, I absolutely condemn those acts. No individual should be forced or coerced into changing their identity.

I completely understand and empathise with the strong views expressed by hon. Members who want to see meaningful and timely action by the Government. I fully appreciate that the uncertainty around the Government’s next steps in this space, and how those have been reported and discussed, has sometimes been unsettling and frustrating, not least for the LGBT community, who are undoubtedly the group most affected by the issue. I express my sympathies with those sentiments and my apologies for the delay. I continue to be committed to tackling conversion practices—as I was long before I was a Minister—and delivering on our manifesto commitment to combat harassment and violence against LGBT people.

I am working closely with the Minister for Women and Equalities in the hopes of setting out further details in Parliament on the Government’s plans in this space

in the near future. Last week in this hall, a debate was held on the 20th anniversary of the repeal of section 28. There was a consensus that this country has come a long way on LGBT rights. I am proud that the UK has built one of the most comprehensive and robust legislative protection frameworks for LGBT people in the world, but of course there is more to do. Many harmful, physically violent acts done in the name of conversion practice are, rightly, already illegal in this country, but there remains a gap, albeit narrow, in the existing legislative framework, particularly surrounding non-physical and speech-based acts, such as specific instances of verbal degradation or abuse that are not covered by existing legislation.

Peter Gibson: The Minister will be aware of my recent written parliamentary question and the question that I raised in my speech about whether the provisions in existing legislation, such as the Offences against the Person Act 1861, are sufficient to tackle some abusive practices that are used in conversion therapy. Are the Government actively looking at providing guidance for the Crown Prosecution Service and the police, based on what may already be on the statute book, to provide them with the tools to tackle those practices?

Stuart Andrew: My hon. Friend raises an important point. There are elements that could bring about prosecutions, but we are aware that more work needs to be done on providing the guidance that the police, the CPS and so on need. There have been accusations that nothing has been happening in the past couple of months, but that is part of the work that we have been looking at. What could we do to provide encouragement and confidence to those who are implementing the protections of the law and give them the guidance that they will need? I hope that we will be able to provide more of an update on that in the time to come.

Sir John Hayes: The Minister will be aware that many young people go through gender dysphoria and there is some evidence that that has increased over time. Growing up is a confusing time, as I said in my speech. Although I entirely agree with him about prohibiting cruel and spiteful practice, on the business of seeking counsel during that confusion from family or friends, or perhaps from an organisation or a church, we surely would not want to ban that.

Stuart Andrew: My right hon. Friend raises a point that I am about to address.

Sir John Hayes: Can he hurry up?

Stuart Andrew: Absolutely. I think we can agree that we must take particular care in this area when we consider legislative action. Any legislation targeting harmful practices must not affect the wider ability of parents, teachers, councillors, religious leaders or healthcare practitioners to have open, exploratory and sometimes even challenging conversations with young people who are expressing or exploring their identity. The hon. Member for Vauxhall (Florence Eshalomi) put it very well when she talked about her church and many people seeking support from that church. Protecting legitimate talking therapies is essential, especially for young people. We must not inadvertently criminalise or have a chilling effect on legitimate interventions and conversations.

I know from personal experience that it was conversations with my mum that helped me get through my period of coming out and realising what my sexuality was. I would not want my mum to feel that she could not have that honest conversation. Despite the fact that I am a big supporter of the conversion practices Bill, I have, as I have got into the detail, recognised that there are complexities that need to be addressed to ensure that those honest conversations can be had.

Neale Hanvey: Will the Minister give way?

Joanna Cherry: Will the Minister give way?

Stuart Andrew: I will give way to the hon. Gentleman first and then the hon. and learned Lady.

Neale Hanvey: The Minister touches on a really important point: what exactly is in scope here? For many of us with deep concerns, particularly the ones that I have raised, it is important that we understand that practices such as affirmation-only models, which accelerate young people on to irreversible pathways, would form part of any conversion therapy ban and that we ensure that young people are given the space, as he was so lucky to have—the space and time of his mother; myself likewise—to explore their identity and move forward with confidence. When will the Government set out exactly what is in scope and what is to be banned? That might assuage some of the concerns that many people have. Will it include preventing teachers who have absolutely no experience in gender ideology or gender identity care from keeping secrets from parents?

Stuart Andrew: The hon. Gentleman makes some interesting points, but there is an assumption that conversion is a one-way street. It is not. It goes both ways. That is what we are trying to address in the draft Bill. There has been some criticism, but our intention is to have pre-legislative scrutiny precisely so that we can check that we have got this right and that it will be the right legislation to bring about the banning of abhorrent practices that are happening to young people. I was not going to mention this, but I was part of a church. My faith is very important to me. But when I was coming out, some of the things that were said to me took me to the edge of ending it all—although it is something I never thought of doing—because it was so horrific.

I want to stop those practices being done to other people. Of course I do. However, I want to make sure that we get this absolutely right and make good legislation. Others have mentioned legislation around the world: yes, other countries may have introduced it, but how many prosecutions have they brought? Does the legislation cover the issue in the way that was intended? That is why we are considering other legislation carefully, to see what we can learn from it and get it right.

Joanna Cherry: I am delighted to hear that the Minister is giving this such careful thought. Has he read the interim report of the Cass review? It states:

“We have heard from young lesbians who felt pressured to identify as transgender male.”

Does he agree that we should wait until we get the final report of Hilary Cass’s review before framing any legislation?

Stuart Andrew: Obviously I have read it, and I look forward to seeing the final report. It will be an important area of work. I cannot give specifics on timing, but if PLS is being done at the time, I imagine it will include consideration of the review's findings.

Florence Eshalomi: I know that the Minister cares deeply and passionately about the issue. I commend him for his honesty about his personal experience, but, equally—I do not impose my faith on anyone—I recognise that many people in the faith community welcome everybody and respect them for who they are. On the issue of parents and schools, after every little scratch or sneeze, I get a letter home about what my children are doing. We will work through this with schools and, in the case of the small minority of parents who, sadly, do not have the best interests of their children at heart, we will make sure that the legislation protects those children.

Stuart Andrew: The hon. Lady makes an important point. I have always been welcomed at every church to which I have been since that time.

Florence Eshalomi: You are welcome at my church.

Stuart Andrew: Thank you. That is very nice. Society has moved on, but some people are still subjected to pretty horrific experiences.

Christian Wakeford: I thank the Minister for giving way and for the careful thought he is putting into his responses, especially in sharing his experience. My sympathy goes out to him for having had to endure it.

If the Prime Minister supports a ban—I think we all support a ban, although what it might look like is open to debate—surely the earlier we start pre-legislative scrutiny, the sooner we can answer these questions. We do not necessarily need to wait for reports to be finished; they can be added into the scrutiny as and when they are complete. Surely we should have the conversations and scrutiny now and feed into the process later. Does the Minister agree?

Stuart Andrew: I hope it will not be too much longer before the hon. Gentleman enjoys the opportunity to put that suggestion forward. I hope the House will understand what I am trying to get at.

During my time as Minister for Equalities, to ensure that I fully understand all the viewpoints and concerns, departmental officials and I have engaged with a wide range of stakeholders on conversion practices, including with victims and survivors, LGBT rights groups, healthcare professionals, faith groups and groups advocating for sex-based rights. I am grateful to the stakeholders and the victims who have provided their testimonials and contributions through the Government's public consultation. I am also grateful to everyone here for taking the time to consider and inform debate on how best to tackle this issue.

These sensitive issues must be discussed in a respectful and tolerant way, in line with our shared values. As we know, with such strength of feeling, the debate and rhetoric has the potential to become divisive and toxic. I am therefore encouraged by the many Members of the House and members of the public who get their points across while remaining open and respectful towards those holding differing views. We must remember that these discussions concern the lives of real people, not theoretical scenarios or sensationalist headlines, and that all individuals deserve to be spoken about and treated with dignity and compassion. In the same way, all victims of conversion practices deserve adequate, free and confidential support. That is why the Government continue to fund a support service open to all victims and those at risk of conversion practices, regardless of their background or circumstances. The support service is operated by Galop, the UK's leading LGBT anti-violence charity. It combines decades of expertise with an approach of patience and empathy. The confidential service is open to anyone who is currently experiencing, has previously experienced or is at risk of experiencing conversion practices. The service helps people to not only to report their situation, but to access tailored support and guidance on relevant external assistance such as counselling or emergency housing. I encourage anyone affected by or at risk of conversion practices to contact the service as soon as possible so that they can get the help they need.

Once again, I thank the hon. Member for Bury South and all colleagues who have contributed to the debate. I personally understand the significance of a Bill; I will do everything I can to ensure that we can get to pre-legislative scrutiny as soon as possible, and I hope that we can continue to work together towards our shared vision of a fairer and more inclusive society.

10.56 am

Christian Wakeford: I thank all hon. Members for their contributions. Although I may not necessarily agree with everything that everyone has said, we can disagree respectfully. These conversations need to take place, and I urge the Minister to bring forward pre-legislative scrutiny sooner rather than later.

Many Members could not be here today, including the hon. Member for Bishop Auckland (Dehenna Davison), and many other Members who have been mentioned, especially in the questions raised by the SNP spokesperson, the hon. Member for East Renfrewshire (Kirsten Oswald). Many people in this place are deeply passionate about this conversation, and I am sure that a majority in the House would want to see delivery. Again, I urge the Minister for a timely response, but we will do what we can to help that process along the way. I thank all Members for their contributions and you, Ms Fovargue, for your chairmanship. Hopefully we can start the conversation moving forward from this point.

Question put and agreed to.

Resolved,

That this House has considered Government policy on conversion practices.

Horserace Betting Levy Board and Horse Welfare

11 am

Yvonne Fovargue (in the Chair): I will call George Eustice to move the motion and then call the Minister to respond. There will not be an opportunity for the Member in charge to wind up, as per the convention of the 30-minute debate.

George Eustice (Camborne and Redruth) (Con): I beg to move,

That this House has considered the Horserace Betting Levy Board and horse welfare.

I am delighted to have the opportunity to discuss this matter. The British horseracing industry is important and successful, and the UK is a global leader in thoroughbred breeding. However, it is also a sector that faces some challenges: some financial and others relating to the growing pressure on the social licence that is necessary for horseracing to continue. Behind episodes such as the invasion of the course by animal rights activists at the grand national last year, there is a broader but far less vociferous public concern about equine welfare linked to horseracing and, in particular, the fate of horses that retire from horseracing. It is my view that activities that depend on the maintenance of that social licence for their continuation cannot take those matters for granted or dismiss such things as the views of animal rights activists. They have to work constantly to improve their approach to animal welfare.

Thankfully for the industry, there are many fabulous charities. In my own constituency, we have Racehorse Relief, which I visited earlier this year. The charity focuses on rehoming retired racehorses through a combination of retraining them so they can be used for riding and pairing them with the right rider who can take care of them properly and, crucially, is able to handle them. The charity maintains an interest in the horses in its care throughout their lives, even when they might be placed with new owners who will ride and take care of them. Yet like any charity—any Member who visits charities will face this—funding is an issue. As we have seen rising costs, particularly for things such as forage, hay and so on, funding has become a challenge for the charity and many others like it across the country.

Last summer, I went on something of a wild goose chase to try to identify the right place to get funding for great charities such as Racehorse Relief. First, I thought I had come up with a brilliant idea: what we really needed to do at a point of policy was to have a levy on the betting companies that make the money from horseracing and then use that money to support charities such as Racehorse Relief, which deal with some of the externalities linked to horseracing and in particular the welfare of retired horses. I was over the moon to discover that I was not the first person to come up with such an idea. Indeed, this House passed the Betting Levy Act 1961, establishing the Horserace Betting Levy Board, which collects a significant budget each year from bookmakers.

At that point, I had spoken to and investigated the Horserace Betting Levy Board and I was told that it tends not to give direct grants to individual charities and makes money available through other organisations that then deal directly with charities. I thought that was

fair enough and I understood that. It was suggested to me that I ought to talk to the charity Retraining of Racehorses. That sounded like a perfectly obvious thing to do, because the name is on the tin. As an organisation that retrain and rehomes racehorses, it seemed to be the right place to go.

When I went to Retraining of Racehorses, it too had no money. I understand that a couple of years ago, the horseracing industry carried out a review of what it called aftercare—that is, the charities such as Racehorse Relief that care for horses when they have retired. It was concluded at that point that RoR should be the lead charity in that space. It is fair to say that the board of RoR and the chief executive at the time sensed a hospital pass coming their way with such a recommendation. They feared they would end up with the responsibility and that everybody would be signposted to them to support such charities, but they had no funding to deliver on that.

At this point, it was suggested to me that what I really needed to do was to talk to the Racing Foundation, which was established following the sale—the privatisation—of the Tote. I thought that this was something, that George Osbourne was a clever chap who had it all in hand and was thinking about these things, and that it is the Racing Foundation that makes grants available for equine welfare. I looked on their website and, rather ominously, under the equine welfare sector, it refers to other organisations that might be able to help; there are a multitude of additional signposts to other organisations. On the specific issue of welfare, the Racing Foundation website simply states that there are no more grants available for equine welfare, since it has decided to make all of its support available through another organisation called the Horse Welfare Board.

It is clear that what actually happened here is that, following the RoR's decision not to become the lead in this space, the industry decided that what it really needed was another organisation—another board—to make sense of all of its boards and to try to join up all the inactivity of the rest of the organisations. I phoned the chairman of the Horse Welfare Board and said, "All signs point to you. Everyone says that they give the budget to you now and that you are in charge of delivering animal welfare and providing support for the aftercare sector". He chuckled down the phone and said, "We have no money". The reason for that is that the other organisations do not give any meaningful budget to the Horse Welfare Board; it operates on something of a shoestring. It does some very good work, and I pay tribute, in particular, to my hon. Friend the Member for Chatham and Aylesford (Tracey Crouch), who I know was instrumental in the setting up of that board—and also sits on it—but it has very limited resources.

In my experience in government, there is a phenomenon that I used to describe as circular signposting, where every organisation points an individual to a different organisation until they eventually end up back where they started. There are lots of organisations that could—and perhaps should—do something that find it too easy to do nothing and suggest that somebody else should do something. When a Minister comes across that phenomenon, there is a very important question they must ask: who has the money? In this case, it is very

[George Eustice]

clear that the Horserace Betting Levy Board has the money. It collects almost £100 million a year from bookmakers.

The HBLB was established under the Horserace Betting Levy Act 1961, which was amended by several other Acts. The HBLB is currently principally governed by the provisions of the Betting, Gaming and Lotteries Act 1963. That Act sets out three quite broad criteria for the HBLB to pursue, which are improving breeding, investment in veterinary science, and another incredibly broad provision, which is simply to improve horseracing. That can be interpreted in a very broad way.

Dr Neil Hudson (Penrith and The Border) (Con): I am grateful to my right hon. Friend for giving way, and I congratulate him on securing this important debate. As a veterinary surgeon, I declare my professional interest; in the past, with other veterinary colleagues, I have been in receipt of HBLB research funding. I can therefore testify to the benefits of HBLB funding for advancing veterinary science in education and horseracing. It funds the equine infectious disease surveillance team at Cambridge Veterinary School, which is led by Dr Richard Newton. The HBLB also funds disease surveillance through Rossdale Laboratories at Newmarket and produces the codes of practice for equine infectious diseases. Does my right hon. Friend agree that this excellent work, funded by the HBLB, is vital for the health and welfare of horses, for the UK's biosecurity, and for the future of a thriving British horseracing industry?

George Eustice: I thank my hon. Friend for that intervention. I completely agree that HBLB does some very important work when it comes to veterinary research.

However, I want to focus particularly on the aftercare sector, because that is where the HBLB has been found wanting, in my view, and to continue my analysis of the 1963 Act, which, as well as having quite a broad remit, gives the Secretary of State a clear, direct power—a power that is exercised by the current Minister. Section 25 of the 1963 Act says that the HBLB can carry out any of its activities only “with the approval of” the Secretary of State and “subject to any conditions” that the Secretary of State might choose to put in place. It is a very broad power. It goes beyond the Secretary of State just approving a business plan every three years. There is no need for the Minister to wait for that. The Minister has a very clear power under section 25 to intervene and give a direction at any point that he might choose. It gives him the power to disregard any business plan, should he choose to, and to disregard the views of the horseracing industry or, indeed, the bookmakers when it comes to determining the correct level of the levy collected.

Let us look at the current business plan for the HBLB. What does it do with the £100 million that it has? The short answer is that the overwhelming majority of it, £79 million a year, is blown on prize money. Indeed, its report suggests that during the covid crisis, when the Government made available all sorts of grants to help industries in distress, a £21.5 million additional grant from the taxpayer was given to the HBLB. What did it do with that extra money? It spent it on prize

money. Don't get me wrong; I do not begrudge prizes for winners of competitions. But what is wrong with a cup? Between the wars, my great-grandfather used to do a lot of showing of pigs. He did not get huge amounts of prize money, but he used to win all sorts of wonderful trophies—sometimes outright, by winning them year after year after year. That probably should be enough, because after all, it is often quite wealthy individuals involved in horseracing.

Mr Laurence Robertson (Tewkesbury) (Con): I congratulate my right hon. Friend on securing this debate and I draw the House's attention to my entry in the Register of Members' Financial Interests, which does not include horseracing ownership. I am sure that he will agree that the prize money in this country is below that across the world, and very serious issues are coming up because of that. He is of course absolutely right to say how important horse welfare is, but the horserace betting levy money does need to be fairly distributed to ensure the continuation of the sport.

George Eustice: I do. I was being provocative in my last comments, because I recognise that in horseracing globally there is a culture of prize money and that the UK is trying to compete with others internationally. But I would contest the point in this way. Why can the industry not find sponsors to help to provide the prize money? Why is it always the animal welfare sector that has to deal with the external costs of horseracing and be expected to go round with a begging bowl, asking for charitable donations, while prize money is deemed to be a right and paid for by the taxpayer?

In conclusion, I have a few key proposals. The first relates to the machinery of government. I have huge respect for the current Minister and his interest in this role, but my view is that responsibility for the HBLB should be transferred to the Department for Environment, Food and Rural Affairs. The reason for that is that DEFRA is the principal Department dealing with other levy bodies, such as the Agriculture and Horticulture Development Board. It has a lot of experience of levy bodies and how to govern them effectively. It is also the Department that has all the veterinary expertise, through the Animal and Plant Health Agency, and it is the Department that tends to have Ministers who have a passion for and an interest in equines.

The second proposal that I would make, recognising that such a transfer would take some time, is that the current Minister and the Department for Culture, Media and Sport should be far more assertive in its approach to the HBLB and not see its role as simply arbitrating on a dispute about what the level of the levy should be or just approving a business plan every few years, but should use its power to direct in section 25 to be very clear that it wants more money to go on animal welfare. Therefore, my final request to the Minister today is that he uses his power under section 25 to tell the HBLB that he expects it to give £12 million a year, out of its £99 million budget, to the aftercare sector. I believe that it can do so by top-slicing the budget and making that £12 million available to the Retraining of Racehorses charity, or to the Horse Welfare Board, or to a combination of the two. He has the power to do that; I seek an assurance from him today that he will act in that space.

11.15 am

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Stuart Andrew): It is a pleasure to serve under your chairmanship again this morning, Ms Fovargue.

I thank my right hon. Friend the Member for Camborne and Redruth (George Eustice) for securing this important and timely debate, and I appreciate the support that he gives not only to horse welfare but to animal welfare in general. As he mentioned, the charity Retraining for Racehorses is in his constituency, and he has been in touch with it about the HBLB. I am also aware of the vital work that that charity does in supporting and retraining former racehorses, which go on to “second careers” in areas such as polo, eventing and supporting equine therapy programmes for humans.

The Government acknowledge the significant contribution that racing makes to our economy. As has been rightly mentioned, it plays a central role in the livelihoods of many people in rural communities. The employment that it supports at racecourses, training yards and breeding operations, and across related sectors, reflects a powerful industry that is respected at home and abroad. It is one that I am keen to understand further through the visit to a training yard that I will make next week.

The Government recognise that British racing is a substantial asset in this country, and we remain committed to supporting it. Horseracing is the second biggest sport in the UK in terms of attendance, and according to the British Horseracing Authority racing is worth over £4 billion to our economy, in direct, indirect and associated expenditure. The public’s love of racing is shown by the number of people who attend flagship race meetings, with more than 200,000 people attending Cheltenham over its four days. On my visit to Newmarket this week, and in discussions that I have had with both the Jockey Club and the Arena Racing Company, I have seen at first hand how important racing is. British horseracing and breeding enjoys a reputation as a global leader and is promoted worldwide as part of our GREAT campaign.

My right hon. Friend talked about the importance of the levy. The horserace betting levy has evolved in step with the betting industry since it was introduced in the 1960s, as he mentioned. The statutory purpose of the levy is to support the improvement of breeds of horses, the advancement or encouragement of veterinary science or veterinary education, and the improvement of horseracing. The Horserace Betting Levy Board’s expenditure covers those three statutory purposes, all of which support horse welfare to some extent. That is evident in the goals set out in the board’s three-year business plan, one of which is to drive high-quality care and support for horses involved in racing. The board is now looking to set multi-year allocations of spend in this area.

In total, the Horserace Betting Levy Board spends around £3.5 million annually on horse-related areas, such as science and educational research, and on a number of horse welfare projects. Over the last 20 years, Great British Racing has invested over £47 million in veterinary research and education, with funding invested by the HBLB and more recently by the Racing Foundation.

The largest proportion of the levy is used to support prize money, as my right hon. Friend mentioned. I will say a bit more about prize money, because there is a

misconception that it is about lining the pockets of a few millionaires—the owners of the horses. In fact, prize money is a means of injecting funds into the wider racing ecosystem, through the employment of trainers, jockeys, work riders and a whole host of people in more than 500 training yards who are involved in caring for horses and putting on race days.

The ability for prize money to cover the costs of training is a key consideration for people deciding to enter the industry, which in turn determines the number of horses entered for races. Maintaining the field size is an important factor in staging race days that are attractive to owners and racegoers. This generates prize money, both directly through racecourse income and indirectly through levy board support.

In 2017, the Government extended the levy to online bookmakers and fixed the rate at 10%, so that it no longer had to be negotiated each year. The 2017 reforms almost doubled the amount of levy collected, from £49 million to £95 million, and the levy continues to perform well. Even in 2020–21, with racing suspended for two months, and betting shops closed for much longer, it returned £82 million. The forecast for 2022–23 is £100 million. The principle of a statutory levy on betting activity on horseracing has never applied to other sports. The bespoke arrangements for horseracing reflect the unique and interdependent relationship between betting and racing, and are in line with international precedents in other horseracing jurisdictions.

My hon. Friend the Member for Tewkesbury (Mr Robertson) said we should transfer responsibility to DEFRA. Our Department works very closely with DEFRA, which leads on animal welfare—I will say a bit more about that later. However, DCMS oversees the whole of the sporting sector, of which horseracing is a part, and has a strong track record of stewardship of major sporting events. With a wide range of public bodies under the Department’s sponsorship, including other sporting bodies such as Sport England, DCMS is well placed to provide robust sponsorship to the Horserace Betting Levy Board and to ensure that it is meeting its statutory requirements.

The support the Department has provided to the sector can be seen in the support given during the pandemic, as my right hon. Friend the Member for Camborne and Redruth mentioned. A loan was provided and work was undertaken alongside other sporting bodies to help sport to resume behind closed doors, and horseracing was the first sport to do so. I hope all this will reassure my right hon. Friend that at DCMS we do have the best interests of horseracing at heart, and it is at the forefront of our thinking.

As my right hon. Friend mentioned, the British Horseracing Association—horseracing’s governing and regulatory body—is responsible for the safety of horseraces at British race courses. Like all domestic and captive animals, horses are afforded protection under the Animal Welfare Act 2006. Under this legislation, it is an offence to cause any unnecessary suffering to an animal, or for an owner or keeper to fail to provide for its welfare needs.

In February 2020, the Horse Welfare Board published “A life well lived”, its five-year strategic plan for the welfare of horses bred for racing. The strategy includes traceability for horses bred for the sport, a strong focus on safety and wellbeing, a more proactive approach to

[Stuart Andrew]

communications, and improved data collection. The BHA has identified 26 projects to drive continuous improvement in equine wellbeing, and £5.5 million has been invested by the Racing Foundation and the Horserace Betting Levy Board into that equine welfare work. That was certainly welcomed by the Government.

The BHA also works in collaboration with the RSPCA and World Horse Welfare to make racetracks as safe as possible. That was seen this year when, for example, the BHA revised its rules for the use of the whip. The new rules include a threshold on the number of times the whip may be used, as well as changes to the markers on all hurdles and fences from orange to white. I am pleased to see, as a consequence of British racing's investment in safety and welfare, the number of horses that have suffered fatal injuries has decreased.

However, I recognise the points that my right hon. Friend mentioned. He knows that we are currently reviewing the horserace betting levy. The BHA has presented its case that there is a significant gap in its funding. It believes that that means it is unable to compete with jurisdictions such as Ireland and France, as my hon. Friend the Member for Tewkesbury mentioned, and it has submitted suggestions for how to close the gap. We are considering those proposals as we undertake our review, which is due by April. While I cannot pre-empt the outcome of that, I want to reassure my right hon. Friend the Member for Camborne and Redruth that a decision will be firmly based on the evidence.

George Eustice: I am delighted to hear that decisions will be based on the evidence in the usual way. Does my right hon. Friend recognise that this juncture, when he is in a position to arbitrate on what the levy should be and potentially to determine what the future business plan should look like, is a moment when he could really effect change? If he felt that I was being too generous to charities by saying they should have £12 million from the budget, maybe a few million pounds a year would be a start. I hope he might consider that when he engages in those negotiations.

Stuart Andrew: My right hon. Friend pre-empts what I was just about to say. He has raised some very important points, and, as I am also the Minister with responsibility for charities, I know how challenging the economic climate has been for them, in terms of raising funds and so on. However, we are in regular conversations, and I have regular meetings with the likes of the British Horseracing Authority, and I can assure him that I will definitely raise the issues that he has highlighted at my next meeting, because the welfare of horses that are no longer racing and the sustainability of the charities that he mentioned are very important.

My right hon. Friend alluded to section 25 in the legislation. I need to explore that further, but I give him my commitment that I understand the points he is making. I understand the challenges that those important charities face, and, recognising the current challenges across horseracing as a whole, I will see what I can do to highlight that important issue.

Mr Robertson: My right hon. Friend the Member for Camborne and Redruth (George Eustice) raised the issue of Retraining of Racehorses, but there are a number of smaller charities that the Minister is no doubt aware of, such as HEROS—Homing Ex-Racehorses Organisation Scheme—which is based near Lambourn and brings retired racehorses together with youngsters who have lost their way, to the benefit of both. It is an excellent charity. The Minister will be looking at the charities, and there are lots of smaller charities that could perhaps also benefit from a little more attention.

Stuart Andrew: I fear that this is going to become a bidding war for charities all over the country, but I get my hon. Friend's point. My commitment to my right hon. Friend the Member for Camborne and Redruth and to hon. Members here, as a consequence of this debate, is that I will highlight the points that he has raised—the particular challenges that those welfare charities are facing—and give the body the opportunity to address those first, before I look at what other options may be available.

Dr Hudson: I am grateful to my right hon. Friend the Minister for giving way. He referred to how racing stopped during the pandemic for a period, but he will also be aware that it stopped for a few days in 2019 because of equine influenza. Does he agree that it is vital that some of the levy money goes back into veterinary science and equine infectious disease surveillance for the protection of the horses, so that the British horseracing industry can thrive?

Stuart Andrew: One of the key reasons that I went to Newmarket was not just to enjoy a day at the races, but to see for myself the investment being made in the welfare of those horses, and I must say that it was incredibly impressive. My hon. Friend is right; we need to maintain those standards, and he has just given me another question to raise when I meet with the body in the next couple of weeks. I thank right hon. and hon. Members for their contributions to this debate.

Question put and agreed to.

11.27 am

Sitting suspended.

Elderly and Vulnerable People: Loneliness and Isolation

[MR VIRENDRA SHARMA *in the Chair*]

2.30 pm

Derek Thomas (St Ives) (Con): I beg to move,

That this House has considered loneliness and isolation in elderly and vulnerable people.

Imagine a room of people of all ages and demographics. In this gathering, there will be vulnerable people. It is reasonable to say that a small child is vulnerable. People with visual and hearing impairments could be described as vulnerable. People with severe learning disabilities or lifelong debilitating conditions could be described as vulnerable.

In that room full of people, we would also find those who feel vulnerable and withdrawn simply because of the way we do daily modern society. They are being left behind. They can no longer access what they may have taken for granted just a few years ago. Modern life has potentially destined many of them to a life of loneliness and isolation. I want to focus my thoughts this afternoon on those people, because their vulnerability does not need to be accommodated or catered for; it is entirely avoidable.

First, I thank my constituent, Chris Goninan, who has been the driving force behind the Penwith 50+ Forum for many years. This remarkable organisation celebrates its 20th birthday this year, after two decades of enhancing the quality of life for older people in Penwith. A vital part of improving their quality of life is tackling loneliness, whether that is through driving people to church or social events or starting a local radio station to keep them in touch. I was a district councillor when we started Penwith Radio. It is now Coast FM, but it has stuck to its core mission of connecting the local community, giving good local news, information and advice to people, and reassuring them, in their homes, about their local area and the part they play in it.

In three weeks' time, the 50+ Forum will be hosting its Christmas lunch at Pengarth Day Centre for older people who would otherwise be spending Christmas alone. I look back with fondness at the work of the 50+ Forum. I had a role as the champion for children and young people on Penwith District Council. Together with Chris Goninan, the champion for older people, I organised intergenerational events such as car washes at the fire station in Penzance and St Buryan Garage. I also supported the St Ives 50+ Forum's efforts to secure a minibus from the Department for Transport, which enables volunteers to ferry older people to meetings and appointments, which makes such a difference to the lived experience of many elderly people in my constituency.

It is appropriate to be holding a debate on loneliness among older people at this time, as Christmas can be the hardest time for those without family around them. According to Age UK, 1.6 million older people find Christmas day the toughest of the year, with over 1 million elderly people feeling lonely over the festive season.

Chris is among friends, as the British Red Cross has recently published a call to action on tackling loneliness and building community, which has been supported by over 90 sector partners, including Age UK, Mind and

the Duke of Edinburgh's Award. Together as a sector, they are calling for renewed national leadership on loneliness and connection, and a dedicated Minister for loneliness to lead a refreshed national strategy, overseen by the Prime Minister and supported by a cross-governmental team. The strategy would set out measurable objectives to be delivered across Government to address loneliness across all ages and among key risk groups. The sector is also calling for accountability for delivering on loneliness, and annual reporting by the UK Government, against their delivery of key strategic objectives, on how Government Departments have contributed to tackling loneliness and building connection, and national monitoring on levels of loneliness.

The Centre for Ageing Better is promoting a good home hub, which would offer practical support, advice about financial support, home assessments, trustworthy signposting—particularly to tradespeople and others who would work in the home—and support to get the most efficient and appropriate housing. This kind of model would ensure proper engagement and care that can specifically address isolation and loneliness.

Age UK is also fully engaged in the issues that Chris and his 50+ Forum friends are campaigning on, and has its own campaign, "Offline and Overlooked", which focuses on ensuring that older people who are not online have fair and equal access to public services. An example of how Age UK is trying to address the problem is the telephone friendship service, which matches older people with a volunteer for a regular chat each week. Many older people say that the calls are the highlight of their week, and their volunteer friend might be the only person they get to speak to. In 2022, Age UK supported 239,656 telephone friendship calls, and 94% of people said that their wellbeing had improved since they started receiving the calls.

Age UK also runs the Silver Line helpline, a 24-hour, free, confidential service for older people. The Silver Line provides friendship, conversation and support for people aged 55 and over, especially those who may be experiencing loneliness and isolation. In 2022, the helpline handled 183,280 calls, but even this service is at risk, as we ditch copper landlines and switch to wi-fi-only connectivity in our homes.

There is no concern when the power supply is maintained. However, even this week, thousands of homes lost connectivity to the electricity supply due to the severe weather. I have some very concerned constituents, especially on the Lizard peninsula, who fear being completely cut off when this technology is fully adopted. I have yet to get an adequate response to inquiries that I have raised in order to reassure people that they will not be left in the dark without a phone or any means of communication. Age UK's telephone friendship service or the Silver Line helpline is no use at all if a power cut kills people's telephone connections.

Anyone can be lonely, but the elderly and the disabled are particularly vulnerable. One in three people over the age of 75 says that their loneliness is out of control. Life events such as the loss of a partner, combined with reduced mobility or managing on a fixed income, isolate people from social contact, which we all need to combat loneliness. Those factors can converge and reinforce themselves; loneliness affects mental health, which causes

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people to lose confidence in their ability to socialise, or to feel overwhelmed in social settings, and so they become more lonely.

Dr Neil Hudson (Penrith and The Border) (Con): I congratulate my hon. Friend on securing a debate on this vital topic. As he will know as a fellow member of the Environment, Food and Rural Affairs Select Committee, we published our report this year on rural mental health. Rural isolation is a real risk factor, in terms the pressures it places on people's mental health. We stress the importance of connectivity, whether physical in terms of transport, or virtual in terms of broadband or the mobile phone signal. I have been privileged to welcome new bus vehicles to my constituency—the Border Rambler and the Fellrunner vehicle—which were provided by volunteer networks and offer people a lifeline. Does he agree that it is important to support rural bus networks at central and local government level, as well as at volunteer level? They are a lifeline for people, and we should strongly support them.

Derek Thomas: I support that, and my hon. Friend is right to refer to our report from the EFRA Committee. In my constituency, we have a number of community-led bus schemes. Douglas Woolcock, for example, runs two buses that allow people to get to appointments and other things that they need to lead normal lives and fulfil normal functions. It is right to welcome broadband and all the things that connect homes and communities, but so often we rely on community organisations and volunteers to provide some of these services—things that it is important that only communities can do—but they should not be welcomed at the expense of things that maybe the state should continue to support and foster.

To support that point, the Minister's own Department has reported that loneliness can contribute to early death. The effect of loneliness on mortality is thought to be on a par with that of other public health priorities, such as obesity and smoking, and it also increases the risk of depression, low self-esteem, reported sleep problems and an increased stress response. Loneliness also creates a greater risk of cognitive decline and the onset of dementia, all of which are good reasons to be discussing the issue today and trying to find solutions to address loneliness and isolation as much as we can.

We referred to fibre and broadband connectivity, and some older people are able to break the cycle through technology. That is a fantastic thing. Like many of us, one 70-year-old in my constituency discovered Zoom over lockdown. Now her family has to work around her busy schedule of Zoom calls to friends old and new all over the world. Evenings are out because she talks to America, and early mornings are for new friends in New Zealand. But—and this is a big “but”—she was only able to do that because she had a grandson who could talk her through setting up Zoom on her computer. I would like to meet him so he can help me. She also had a daughter who could talk her through buying a computer. I could not say how often I go to my 16-year-old just to try to set up wi-fi calling on my phone.

For many elderly people, that is not the case. Social isolation leads to digital exclusion, and digital exclusion leads to further social isolation. Life becomes more

difficult for the 2.4 million people aged 65 or over who do not use the internet. The more they are cut off from everyday activity, the lonelier they become. The same is true of people with disabilities, who make up 60% of internet non-users.

The Government have not published a digital inclusion strategy since 2014, yet so much of our lives is online now. We can all give anecdotal evidence and examples from our own lives, but the statistics show an increase in average monthly data usage of 731% since the 2014 strategy was published. As many of us do more and more on our smartphones, it is easy to forget that more than 3 million people aged 65 or over do not use one, and 1.6 million do not even possess a mobile phone.

Another point that tends not to get much airtime is the dramatic shift in how some letter and small parcel delivery companies have evolved their business. The delivery man or woman rarely takes time to wait for someone to answer the door or even check if anyone is in. Instead, they use their technology to record the delivery and move on to the next address. Although it is not the job of delivery drivers to look after the wellbeing of residents, this is another aspect of human interaction lost to people who might not see anyone from one day to the next.

We are all familiar with the recent campaign against ticket office closures on the rail network, and we will remember the argument that 86% of train tickets are now bought online. However, we need to remember who is buying the other 14%—or, as is the case in Penzance, who is buying the third of tickets that are sold in the ticket office. As one of my constituents wrote to me when Penzance ticket office was under threat,

“Not everyone has computers or mobile phones, especially in Cornwall where mobile reception can be poor and many older people aren't computer-savvy. The staff in Penzance are professional, kind and thoughtful. They demonstrate an understanding of levels of ability both physical and mental. They are never impatient or unkind and frequently find a much better deal than friends do online!”

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The hon. Member is making an excellent speech that really strikes a chord with all of us. In my constituency, and indeed in the whole of the north of Scotland, the Bank of Scotland has announced that it will remove all its mobile banks. One can imagine what that means for old and vulnerable people experiencing loneliness in my vast and scattered constituency. That is why I will be raising the matter repeatedly in this place.

Derek Thomas: I appreciate that intervention. I was in a meeting this morning about finances, and there was an audible desire to get everything digital—that is, until we start thinking about the very people we are showing we care for today. They will never be in that space, and will never be confident or comfortable, or even feel—I will cover this later—that the risks of banking online are worth taking.

As we race towards a potentially digital-only platform, it is our job, and the Government's job, to pause and ask who will miss out or be left behind, and to ensure that that does not happen. As I have said, my main concern is those whose loneliness and isolation can be completely avoided if we get this right. Although change is welcome, we must be sensitive, take people with us, and accommodate those who cannot jump on in the same way that perhaps we can.

The testimony about ticket offices given to the train companies' consultation persuaded the Government that they should ask train operators to withdraw their proposals. People object to moving everything online. Indeed, they might not even be able to do that. There will always be some people who struggle with the internet, and they need to be catered for. I want the Department for Transport's example to be followed by all Departments, and I ask the Minister to take a lead on that. We have protected elderly people who cannot navigate the internet but want to navigate a journey to see friends or relatives; now we need to help them to navigate their day-to-day lives.

As public services increasingly move online, day-to-day essentials such as banking, making an NHS appointment or even paying for parking become more difficult for those who are offline. All Government services should be accessible to those who are not online. At the moment, many councils provide no offline access to housing benefit, council tax reductions, rebates or blue badge applications. That is completely unacceptable.

Last month, I asked the Secretary of State for Transport whether he will ensure that people without internet access can use Driver and Vehicle Licensing Agency services, such as paying road tax or renewing their driving licences, after the DVLA contract with the Post Office expires in March next year. The response was that the "vast majority" of licences were renewed online, and there was no guarantee that the contract would be renewed.

I recognise that there is a commercial discussion to be had about the cost of renewing the contract, but the Government should factor in the cost to older people whose social lives depend on the ability to drive—as is the case for many in rural constituencies such as mine, as was referred to earlier—and the cost to the Post Office itself. Six million customers access DVLA services across post office counters, and half of them pay in cash. Removing those services from post offices will not just impact vulnerable people, but remove an important source of revenue for such vital and often very rural services, which provide people with access where it is not otherwise available.

Post offices have always been important to rural communities. They have become even more important as a backstop for those who cannot access essential cash, postal and Government services elsewhere. Recent research found that only 47% of those aged 65 and over said they could find an alternative way of accessing pensions and social benefits. The Government should be doing everything they can to support the network. Access to cash is essential for elderly people, many of whom cannot or will not bank online. Even those older people who are comfortable with email feel uncomfortable banking online or transferring money electronically. We have heard many examples from our constituents of fraud and scams, which quite rightly concern more vulnerable people. Age UK's research shows that 27% of people over 65 manage their accounts via a branch or physical location such as a post office.

Without banking services, those who do not bank online are cut adrift and are less able to participate in society, so the roll-out of banking hubs must increase at pace to avoid leaving communities to become banking deserts. At the moment, Link will consider a banking

hub only after all commercial banks have left, as they have in St Ives and Helston, in my constituency. Helston Town Council and others deserve credit for convincing Link to provide the town with a banking hub. It will open next year, but that means that the town will have been without a bank for a whole year. There should be a more proactive approach that ensures that no one is left without a counter service.

If nothing else, the Government should ensure that all Government services are easily accessible to everyone, even those without access to the internet, and nowhere more so than in the NHS. Last week, I had an email from an 81-year-old constituent. His wife, who is not computer literate, received an email that she did not understand. Luckily, he was able to cope, but he complained that he had to jump through hoops to download a document even to understand what the email was about. Other older people do not have a helpful spouse. As my constituent wrote:

"I find it staggering that the NHS in Cornwall insist on trying to communicate with patients via email, text messages and mobile phone—when some of us don't have a signal or are too old to deal with so called improved services. Frankly, a simple telephone call would suffice or at least if any form of communication contained a telephone number."

Because of the work we do for our constituents, we all know that "improved services" are not necessarily improved. Last month, the journal *BMJ Quality & Safety* carried a report about the safety incidents resulting from remote consultations: missed, inaccurate or delayed diagnoses; delayed referrals; and underestimates of severity or urgency.

But even when remote consultations are medically justified, they do nothing to combat social isolation. A face-to-face consultation is more than an evidence gathering exercise: it can be the only social interaction many older people have. I met with a number of people from the Penwith 50+ Forum last Saturday, and one lady made a very important point. She said that when she went to see her GP face to face, he picked up other medical conditions of which she was completely unaware and which could not have been picked up on an online or telephone consultation. In the long run, social isolation will cost the NHS and the Government more. Loneliness is associated with an increased risk of high blood pressure and reduced immunity against infections. It increases the risk of coronary heart disease by 29% and the risk of stroke by 32%. We know that loneliness can be as dangerous as obesity or smoking: it increases the risk of early mortality by 26%.

I recognise that I have covered a lot of ground, but it needs to be said that the Government have the ability to fix this and help many of our older and vulnerable constituents to avoid a very bleak existence. As the Government consult on eliminating smoking altogether, for example, will the Minister commit to a similarly aggressive approach to tackling loneliness? Will he engage with Age UK, the British Red Cross, and others who are concerned about the current direction of travel and make a proper assessment of how many of our constituents, especially those over 65, are impacted by so many services moving online? In conclusion, I am convinced that the loneliness and vulnerability that so many people face would be eliminated if we responded adequately and effectively to this challenge.

2.51 pm

Tim Farron (Westmorland and Lonsdale) (LD): It is an honour to serve under your guidance, Mr Sharma, and a pleasure to follow the hon. Member for St Ives (Derek Thomas), who made an excellent speech. I congratulate him on securing a debate of such value and importance.

Loneliness and isolation can affect any one of us at any given time, and over periods of time. They can be caused by all sorts of things. None of us is immune to them. If we are to value the dignity of every single human being, we need to accept that, sometimes, the person affected could be us, or someone we know or come into contact with. These people are valuable, and we need to care about them. The consequences of loneliness and isolation are often physical as well as emotional, so we should care deeply. The hon. Member for St Ives is right to point out the particular susceptibility of younger people to loneliness and isolation.

Westmorland and Lonsdale is, of course, the most beautiful place in the whole of the United Kingdom, if not the planet, and definitely in north-west England. It is also the oldest place in north-west England: we have the oldest population of any constituency there. Nationwide, 19% of people are above 65. In Westmorland and Lonsdale, the figure is 28.5%. My average constituent is 10 years above the national average age—I am above that age now, but never mind. The consequences are significant. Look at what happened last weekend. It shows that while age and other forms of vulnerability can be triggers for isolation, so can rurality, as my neighbour, the hon. Member for Penrith and The Border (Dr Hudson), and the hon. Member for St Ives have said. Isolation was massively multiplied in Cumbria over the last few days, during which there was pretty extreme weather, even by our standards.

This is the moment to pay tribute to all those across our communities in Westmorland who sought to meet people who were snowed in, often in desperate and isolated circumstances: the police, all Westmorland and Furness Council workers, and people working for Electricity North West. I also thank all those who opened the doors of schools, village centres, community buildings, and indeed their businesses for strangers in their hour of need. It is a reminder of how important community is, how difficult it is to construct, and that it is an organic thing. It is a reminder of how precious it is, and in the last few days in Cumbria, we have seen it at its best, but we remember too that community is under extreme threat, especially rural communities such as ours.

I got a call a few weeks ago from an older gentleman; he was 80. He rang my office team for advice on something fairly basic. He lives in a community of about 14 houses, not too far from Hawkshead in the Lake district. He apologised—he should not have done—for ringing us and said, “This is the sort of thing I should’ve been able to find out myself. I would’ve called my neighbours, or knocked on their doors, but I haven’t got any.” There are 14 houses, but only one of them is lived in, and it is lived in by a single widowed man. I thought that was desperately sad. Across our communities, there are so many people like that gentleman.

Second home ownership has grown to the extent that many of our communities are hollowed out. Coniston, for example, which did a brilliant job for all the people

stranded there over the weekend, is a wonderful community, but 50% of its properties are not lived in all year round. We need to think about how loneliness is effected—how we create isolation by allowing the market to let rip on our housing stock, and by not having full-time residential communities.

There are things the Government can do about that. The Government have promised to do something about short-term lets. The problem is that they are taking quite a while. Perhaps when the Minister sums up, he will address the fact that the Government made a promise—the Minister at the time made a promise to me during the Levelling-up and Regeneration Bill’s progress through the Commons—to change planning law so that short-term lets would become a separate category of use from long-term lets. That is important, because tenants of long-term lets are long-term community members, whereas the tenant of a short-term let will change by the week. That can have a big impact on our community as a whole, but it also reduces the sense of community and the number of people living in it.

Will the Minister say, in his remarks at the end, whether the Government will keep that promise to bring in a change to the planning law in April, so that communities like mine, right the way from Appleby to Coniston, and from Windermere to Kirkby Stephen, can have a high number of homes that are always lived in, and so that our communities can fight against isolation?

A knock-on effect of so many properties in our communities in Westmorland and the rest of Cumbria not being permanently lived in is that the workforce is hollowed out. We already have an older population, which therefore has greater care needs and vulnerability. We also have a smaller reservoir of people of working age to care for them, who can afford to live in the area and serve those needs. That adds to the sense of isolation. Tackling the housing crisis is also about tackling the care crisis and the loneliness crisis.

For many vulnerable people—not just older people, but people living with long-term chronic conditions or learning difficulties, and all sorts of people in vulnerable circumstances—the presence of overnight NHS care is of great significance. I raise this for a reason: at Westmorland General Hospital, Cumbria Health on Call, which covers our out-of-ours service, has chosen in the last two months to end overnight doctor cover on Tuesdays, Wednesdays and Thursdays, so those living in our communities can expect nobody from Kendal to come and help them, and for there to be fewer doctors available across the whole of Cumbria. If they could find a doctor to travel at 4 o’clock in the morning to someone with palliative care needs, or someone with a learning difficulty who has some kind of illness, they would have to come from Barrow or Penrith, and would probably only come to the south lakes—to Grasmere, Grange or Kendal—having already dealt with their local patients. That is deeply troubling, and puts the most vulnerable people in our community at risk.

Immobility and ill health obviously make it harder for people to get out and engage with others in and around their community, and make them more isolated. I am sure fellow hon. Members here could say the same, but I know from local statistics that one in nine human beings in my constituency is on a hospital waiting list. Not every single one of those people is housebound as a result, but a very significant number of people are

significantly less mobile because of the length of time it takes them to get treated and made well, and to be able to function in our society.

I want to talk about farmers quickly—I hope it is not too jarring. My hon. Friend the Member for Somerton and Frome (Sarah Dyke) asked an excellent question in the main Chamber the other day about the mental health of farmers, who are, by definition, an often isolated group of people. They tend to be older, although we would love to get more young people into farming and are desperately trying to do that. The transition from the old farm payments scheme to the new one is leaving the average hill farmer in my constituency over 40% poorer than they were three or four years ago. That is intolerable.

Just imagine a gentleman in his 60s who has farmed for 40 years and is the fifth or sixth generation of farmer to look after the farm. Because of the transition, he sees his business disappearing and feels that he will be the one who loses the family farm. What does that do to his mental health? What does it make him feel like? The sense of isolation and of having no one to talk to is critical, and we need to challenge that. We need to get the public policy right, so that we do not put people in those positions, but we also need to reach out to people in the most isolated situations.

The hon. Member for St Ives made a really important point about ticket offices. I will not reiterate everything he said, but because it was a railway-related issue, it made me think about the Beeching cuts in the 1960s. What we learn from that mistake is that we can be too quick to dispense with the old when we have been beguiled by the new. The new in the 1960s was the bright, new, shiny motorways, and the old was these useless old railway lines. We were wrong. What is the new and the old today? The new is obviously digital connectivity and all that. There is nothing wrong with that; in fact, it is super good, or capable of being so for many people. The old is human interaction, and the danger is that we are losing that. As we have heard, switching to digital voice and digital-only communication leaves people completely and utterly isolated when the electricity goes off in a snowstorm. I would like BT, Openreach and the Government as a whole to think carefully about how to ensure resilience.

Post offices in communities are enormously important, and I am delighted that we are making progress. The Under-Secretary of State for Business and Trade, the hon. Member for Thirsk and Malton (Kevin Hollinrake), has very kindly helped on this matter. In Shap and Hawkshead, we have been able to reopen post offices that were under threat of closure or had closed. That is a reminder that we should invest in post offices as community hubs, and revise the Driver and Vehicle Licensing Agency's withdrawal from them. Post offices will have a mosaic of sources of funding, and the DVLA will be one of them.

High street banks have withdrawn from all but two of the communities in my vast constituency. Banks have saved, as a conservative estimate, £2.5 billion a year by closing down their high street networks. Why is not more than a tiny fraction of that being ploughed back into post offices, so that they can become community hubs in every single village and community? That would hopefully tackle isolation.

Bus services are obviously vital too. Post pandemic, pretty much 100% of under-65s have gone back to using buses, but there is only a 70% return for those over 65. That means that 30% of older people who were using the bus network before the pandemic are not doing so now. We need to encourage people back on to buses, and we need the buses to be there in the first place. What use is a £2 bus fare or a bus pass if there is no bus? The fact that we have not devolved to councils such as Cumberland and Westmorland and Furness the power and resources to deliver their own bus services keeps those communities isolated.

Patricia Gibson (North Ayrshire and Arran) (SNP): The hon. Gentleman makes an important point about bus services, but does he agree that one of the challenges for bus companies right across the UK is that it is very difficult to recruit and retain bus drivers? That has a real impact on services, which have not yet quite returned to pre-pandemic levels, and will never do so with this constant pressure on staffing. Of course, the Government are not addressing that with their new work visa rules.

Tim Farron: The big problem in areas such as mine is that the workforce is too small. There are various reasons for that, but the two principal ones are the lack of affordable homes for local people to live in and the silly visa rules, which prevent the economy from working properly. If we are going to control our borders, why do we not control them in our interests, rather than just make silly points? I absolutely agree with the hon. Lady's point, which is not silly but very important. If we are to staff rural services, we need a workforce big enough to do that.

Digital connectivity is vital for maintaining face-to-face human contact, which can mitigate loneliness and isolation and build resilience. Digital connectivity is so important. As the Government move towards Project Gigabit, which is a good thing, we should not think that one size fits all. There are communities that would be better served by switching back to the voucher system that we used before, and by our allowing community providers such as B4RN in Cumbria to deliver services. I was at a public meeting on Saturday in Murton about the communities in Murton, Hilton, Ormside and Warcop. How can we connect those communities? We can wait years for Project Gigabit to catch up, because they are in the deferred scope, or we can invest now and use the voucher system and B4RN.

Finally, we have heard a lot of talk about Margaret Thatcher in recent days and weeks, for all sorts of reasons. She once famously said that there was no such thing as society. Much as I admired the lady, I disagreed with her, but sometimes things can become self-fulfilling prophecies. Over the last 40 years—I certainly do not blame just the late Prime Minister for this at all; it is something we all bear responsibility for—there has been a privatisation not so much of our economy but of ourselves, an atomisation and a loss of community that is deeply troubling.

Places like mine are very beautiful, but are therefore expensive to live in. Another former Prime Minister, Lord Cameron, talked about the big society. The problem is that if we do not intervene in our communities and our housing market, they are available only to people from high society, and not to the big society. I want a community that is accessible and available to all. Particularly

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at this time of year, if we believe in the innate dignity of every single human being, we need to think practically about how we include people. We need a public policy that builds community, rather than knocking it down, and that intervenes when the market builds the opposite of what we want.

Several hon. Members *rose*—

Mr Virendra Sharma (in the Chair): Order. I will not set a time limit on speeches, but perhaps Members will stick to about seven minutes. I will call the Front-Bench speakers at 3.28 pm.

3.7 pm

Rachael Maskell (York Central) (Lab/Co-op): It is a pleasure to see you in the Chair, Mr Sharma. I congratulate the hon. Member for St Ives (Derek Thomas) on opening today's debate and focusing on the digital economy.

We must remember that digital can be used as a positive, as well as a negative, and we need to focus. As we move at an even greater pace into a new age of AI and so many other technologies, we need to make sure that they work for everyone. The inequality that has been driven through the digital sphere has really shown itself, particularly among more marginalised groups.

It is a pleasure to follow the hon. Member for Westmorland and Lonsdale (Tim Farron), who focused on public services that have been withdrawn. Many of those services, such as post office and rail services, were once in public ownership, and the Government could drive the opportunities to enable connectivity. I think particularly of Royal Mail and the opportunities that we have there, if we see it not as a business, but as a public service that serves communities and checks in on individuals who are elderly or isolated; we know that would make a significant difference.

I thank the organisations that contribute so much, both locally in our communities and nationally. Age UK, the Marmalade Trust, the Jo Cox Foundation—it is a real pleasure to see my hon. Friend the Member for Batley and Spen (Kim Leadbeater) here—and the Red Cross do phenomenal work. My local community group, York Neighbours, helps with one-off projects, ensures that there are regular phone calls to individuals, and arranges connectivity groups and outings.

I take issue with the point that the hon. Member for St Ives made about needing a new national strategy. We have a very comprehensive national strategy. In fact, it is exhausting to read, because it covers every single Department in detail. We have that as a background, but the question is whether it delivers and meets the needs of people in our communities. I think we need to take a different approach, and to bring it into a public health framework. We should look at how we can deliver more locally. Ultimately, we can talk about grand plans, but this is about delivery. We have the structure; we know the problems; we have identified the need; we understand the causes; and we have definitions. We need to move beyond that now.

Kim Leadbeater (Batley and Spen) (Lab): I thank my hon. Friend for giving way and for securing this important debate. Does she agree that we have achieved a great deal in this place on the issue of loneliness and, crucially, that that has been on a cross-party basis? I am extremely

proud of the work of the Jo Cox Commission on Loneliness, which resulted in the world's first Minister for loneliness, my good friend the hon. Member for Chatham and Aylesford (Tracey Crouch), and the first cross-Government loneliness strategy, which my hon. Friend referred to. Does she agree that, whoever forms the next Government, we must ensure that this issue is kept firmly on the agenda? We need to ensure that it is embedded in all Departments and across all sectors. My hon. Friend rightly paid tribute to the voluntary sector, which does a lot of the heavy lifting around loneliness, but every sector has a role to play. Will she also join me, as I hope everybody else in the House will, at the Tackling Loneliness Together festive fair at 2 pm next Monday in the Attlee Suite?

Rachael Maskell: I am grateful to my hon. Friend, who never misses an opportunity. I pay tribute not only to the incredible work she does in this place, but to Jo, who put this agenda on all our radars and did a phenomenal piece of work in raising its importance.

Another major point I want to make is about the interventions that we need—I have been reading a speech I made in this place two and a half years ago, and it feels like we have not moved the framework forward since that time. Recently, in the Health and Social Care Committee, we had some incredible witnesses, who talked about dealing with suicide among men, although there is a lot of cut-across and move-across. I was struck by a piece of data we were given showing that 45% of males who take their own lives live alone. That really brings out the pain and the isolation. People have not asked questions, so others are left very much in the margins.

Young people are now the group who experience the most loneliness in our society. What are schools doing to intervene and ensure that there is good socialisation? Children are so stressed at the moment because they are having to meet the requirements set down by the state, but are they confident individuals who can make social connections? How do we facilitate that to help them to navigate the ever more complex world in which they are growing up?

What about the GP and every other connection, such as the Department for Work and Pensions, for those who need support—not least the disabled people in our communities? What about local authorities? If a question was asked in every interaction to find out whether people were experiencing loneliness or isolation, we could start to put strategies in place to address those needs.

There is a real need to look at statutory services and to ask how we can build a framework, but also to look at what is happening across society. As we get older, these issues get more difficult. As we have heard, there are 7.8 million people on waiting lists. People are frailer and they get more withdrawn and isolated from communities and society, so it is harder and takes more effort to make those connections. It is important that we really look into that to find out not only the scale of what is happening locally and to ask those difficult questions, but to provide the necessary services, and particularly youth services. There used to be luncheon clubs for older people, but they have just gone. The funding crisis in local authorities is making things even more difficult, so my third request is that we invest in a public health strategy that enables pilot projects to move forward and to make those connections once again.

3.14 pm

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It is a pleasure to serve under your chairmanship, Mr Sharma. Having heard the excellent speech from the hon. Member for St Ives (Derek Thomas), I feel he has taken away most of my speech.

First, I want to re-emphasise the point about mobile banks being taken away in the north of Scotland. The county of Sutherland covers 2,028 square miles of the United Kingdom. It has one bank branch—the Bank of Scotland in Golspie. It is a huge area, yet they are going to take away the mobile banks. For all the reasons pointed out by the hon. Member for St Ives, that impacts on the old and the vulnerable. I just repeat that point to underline how such bad decisions can be taken from time to time.

I want to think about another group who are vulnerable: the young. In 1997, a very good and laudable organisation was set up called TYKES Young Carers. It, too, is based in Golspie, in east Sutherland, where the bank branch is presently. Over the years, it has supported young carers, who we define as those between the ages of five and 25. It now covers the whole county of Sutherland—a vast area. TYKES Young Carers advocates for, and raises awareness of, issues by engaging with community and statutory agencies and with other organisations. It is there to highlight the challenges faced by young people, perhaps because a parent is unwell or because the young person is going to school but then, after school, is going back to look after their family.

I want to give one example. For obvious reasons, I cannot give names, but living in an isolated house in my constituency, there is a mum who is disabled. She has three children—one aged 10, one aged six and one aged five. The 10-year-old displays quite strongly what might be called attachment disorder: she does not want to be away from her mum, because she feels she is there to care for her mum. That in turn interferes with her education. She is only 10—God help us all—but she does all the cooking and cleaning in the house and looks after her younger siblings.

To give an example of something that went wrong in the home, the cooker recently blew up at the beginning of the weekend and no longer worked. What does a young child of only 10 do about that? TYKES, bless it, got another cooker to that location, which—we should remember—is remote. But then—would you believe it?—the oven went off. Again, TYKES stepped in. What I want to say is this: I had a happy childhood, and I remember being 10 with pleasure—I remember going off to Cubs and being with my mum and dad—but just think what things are like for this child, right now in our society. But for TYKES, her life would be unimaginable.

What does TYKES do? It gives fantastic support, and I will give some examples. Each of the families involved—there are a number of them, for different reasons—will get £100 to help with the cost of living and to pay for Christmas. TYKES has its base in Golspie, and in that base there is also a cosy room where young carers can get together. If it were not for TYKES, some young carers would go home from school and be on their tod—if that is not loneliness, I do not know what is—looking after a parent, siblings or whoever. TYKES gives them a place to get together, talk and share their troubles with each other—a trouble shared is a trouble halved. They can get under a blanket, they

can do their homework or they can use the pool table—they can just have something of a normal life. Finally, TYKES gives out parcels of food and helps in so many other ways—it does advocacy, engages with social services and engages with anyone who can help those families.

To conclude, this organisation—this is perhaps like what my hon. Friend the Member for Westmorland and Lonsdale (Tim Farron) was saying—is a shining example of people getting together for the good of others, because they care about them for fundamental reasons of human decency. My hon. Friend was quite right: the notion of society is precious, and I am sure that, in all our constituencies, there will be examples of groups similar to the one I have just described that are willing to do good to help. If we can remember and build on that, perhaps we can reach out to the lonely and vulnerable and do something to help them with their lives. If the child I mentioned, aged 10, had not been reached out to, God alone knows what it would have meant for the rest of her life. It could have caused damage that could never be repaired.

3.19 pm

Jim Shannon (Strangford) (DUP): May I say what a pleasure it is to follow all the hon. Members who have spoken so far? They have made some fantastic contributions—particularly the hon. Member for St Ives (Derek Thomas), who led the debate. By requesting it, he has allowed us all to participate and to make our own contributions.

Like the hon. Member for St Ives, I represent a rural and coastal constituency, with many homes situated out of the way, isolated from the centres of towns and villages. When the Minister kindly visited my constituency, he had the opportunity to travel through it, but he perhaps did not see all the things that this debate is about, although we were pleased to have him and we look forward to him coming back—such are the memories made on these occasions. In many of the houses in my constituency, there are older couples who have lived in their homes for years—we would say years and years and years; that is how long it is—but despite that there is still a sense of loneliness in the area. So it is great to be able to discuss what more we can do to combat that.

I cannot even begin to count how many fantastic community hubs and men's sheds there are in my constituency to support and assist the elderly, those who are lonely and those who may not have any drive or focus and who, in some cases, may have depression, anxiety and mental health issues. I have worked closely with Cathy Polley, who manages the Ards Community Network in Strangford. She is an instrumental figure in the community, providing a safe place for people of all ages, not just the elderly.

Community support is absolutely essential. When constituents live more rurally, it is crucial to have those hubs in villages, where they are closer to home for the elderly to access. We have often talked in this place about the struggle of rural transport, and the SNP spokesperson, the hon. Member for North Ayrshire and Arran (Patricia Gibson), asked about rural transport in her intervention. That is an issue for all our constituents, and ensuring that local connection will make all the difference. The hon. Member for Westmorland and Lonsdale (Tim Farron) referred to the £2 pass and asked what good a £2 ticket is if there are no buses. It is a good question. We need to have real access; that is important.

[Jim Shannon]

There have been so many advances in society recently that ultimately cause a feeling of vulnerability and isolation in the elderly population. In Strangford, I have witnessed the closure of many high street banks because everything is now online or seems to be heading that way, and local shops have closed because we have less footfall and an environment where most services are provided through the internet. That is further isolating the elderly population, and it saddens me immensely to think of elderly couples who may not have any family and who may struggle to renew their passports, sort out online banking and so on.

I have had people come into my office for help with these things—rest assured, we are more than happy to help, and we do so regularly. I suspect that all Members do the same, and the hon. Member for Westmorland and Lonsdale referred to one such occasion. Sometimes our constituents just need someone to talk to, but sometimes they need someone to sort things out as well. We have the staff, and we have the online contacts, so why not just do that? They are always grateful, which makes our job 10 times easier. I have to say that it brings me a lot of joy as well.

I am very pleased that the hon. Member for Batley and Spen (Kim Leadbeater) is present. I had intended to speak about my next point even before she came in—I knew she would probably read *Hansard* tomorrow and catch up anyway—but I am pleased that she is here now. I want to speak about the Jo Cox Commission on Loneliness. Many of us are aware of it, and the hon. Member for York Central (Rachael Maskell) referred to it. During her time as an MP, Jo Cox was dedicated to combating loneliness in the UK. Jo formed an independent cross-party commission of MPs and artists to highlight the fact that we can all do something to help lonely people in our community. I remember Jo's words: she wanted to

“turbocharge the public's awareness of loneliness”.

By bringing together all those MPs, bodies and charities, that is what she did. It really is a pleasure to see the hon. Member for Batley and Spen in her place today.

Following Jo's tragic murder, the commission was taken forward in her memory by the right hon. Member for Leeds West (Rachel Reeves) and Seema Kennedy, the former Member for South Ribble. It is fantastic that the campaign that Jo started, which has left a legacy for her—her sister, the hon. Member for Batley and Spen, will carry that on—is being supported and that more is being done to tackle loneliness across the United Kingdom of Great Britain and Northern Ireland.

There are so many fantastic services available for elderly people, but it is right to ensure that those services are accessible to them and that they are encouraged to avail themselves of them, especially in the run-up to Christmas, when feelings of loneliness are heightened as we remember those we have lost. When I say to somebody, “Have a lovely Christmas,” I am always conscious that it might not be. Christmas might be the time that they lost someone, and that will be their eternal memory of Christmas—every Christmas, repeated forever and ever, amen. I am therefore always a wee bit hesitant when I say, “Have a nice Christmas,” or whatever it may be. I hope that their Christmas will be a nice Christmas.

At a time of year when there is supposed to be so much joy, we often forget that there is an older population who are struggling. We can all do something small this Christmas, such as make a phone call. About three weeks ago, I read a suggestion in the paper that we not just call an elderly neighbour but call round and see him or her. That is something that we should all be doing and that each MP should encourage people to do—I put a press release out along those lines, because I thought it was important to do so. We should support an elderly person we know and give them some company. It is a joyous time of year, because it is when our saviour was born, and that is important, but it is also a time when people need support. The hon. Member for St Ives is to be commended for bringing this debate forward; he has done something to which we can all relate and on which we can all act.

Kim Leadbeater: I thank the hon. Gentleman for his kind words about the Jo Cox Commission on Loneliness. He makes an important point. Will he join me in paying tribute to the many volunteers and organisations that will be reaching out to people over the festive period and ensuring, as far as is possible, that no one feels lonely or alone? Does he also agree that January and February can be very lonely months for people? Because there is so much going on around Christmastime, it can be easy to stay connected; as we approach January and February, it can feel a little harder, and sometimes people feel even more isolated.

Jim Shannon: I was anticipating that the hon. Lady would intervene and I am happy that she did. She is right: Christmas is over, the new year comes in and very quickly people are thinking about paying off their debts, but the loneliness that was there before Christmas is still there in January and February. With that in mind, I conclude, and I thank the hon. Lady for her intervention.

3.27 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I, too, am delighted to participate in this debate on the loneliness and isolation faced by elderly and vulnerable people. I echo the thanks to the hon. Member for St Ives (Derek Thomas) for bringing this important debate forward.

Older people are especially vulnerable to loneliness and social isolation, which have a serious effect on their physical and mental health, as we have heard. Hundreds of thousands of elderly people, and especially those over the age of 75, are lonely and cut off from society across the UK. According to Age UK, more than 2 million people in England over the age of 75 live alone, and more than 1 million older people say they go over a month without speaking to a friend, neighbour or family member. Some 282,000 older people in Scotland feel lonely some or most of the time. More than a quarter of people over 75 said they felt lonely some or most of the time within the previous week, and almost one in five of those aged 60 to 74 reported feeling very lonely. One in four people aged over 60 said they do not meet a friend, relative, neighbour or work colleague socially with any regularity.

Those living alone are most likely to feel lonely: four in 10 of single pensioners—38%—report feelings of loneliness. More than a third of those with long-term health conditions feel lonely, and people who live in

socially disadvantaged and deprived areas are almost twice as likely to feel lonely as those living in the least socially deprived areas. We know that loneliness is associated with a 50% increase in the risk of dementia, a 29% increase in heart disease and a 32% increase in the risk of stroke. Of course, we know from previous debates that loneliness is associated with higher rates of depression, anxiety and suicide. Those stark and frightening statistics remind us that loneliness is a public health emergency. Loneliness among heart failure patients is associated with a nearly four times increased risk of death, whereas 68% of lonely people have an increased risk of hospitalisation and 57% have an increased risk of visiting the emergency department.

People can be lonely for a variety of reasons: getting older, losing mobility, no longer having the hub of family around them, retiring and not having the social contact that work often brings, the death of spouses or friends, friends moving away, or disability. Whatever the cause, it is shockingly easy to be left feeling alone and vulnerable, which can lead to depression and, as we have heard, a serious decline in physical and mental wellbeing.

Someone who is lonely probably feels it is difficult to reach out because there is a stigma surrounding loneliness, despite its prevalence. Older people tend to find it difficult to ask for help because they often feel it compromises their pride. It is worth pointing out that, although my focus today is primarily on older people, loneliness affects people of all ages, as we have heard. However, it is truly shocking to think of the hundreds of thousands of older people across the UK who go a week or more without meeting a single friend, relative or neighbour. I have to say at this stage that taking away the free TV licences for over-75s did not help. TV is not a replacement for social contact, but it provides an important connection with the outside world, and older people who live on their own often rely on the television for company.

The Scottish Government's loneliness strategy is a great start, but there is still a long way to go, as the statistics tell us. Tackling loneliness should be a public health priority across all Governments and Departments. The fact is that society has changed. The social fabric that once bound us together is not as strong as it was. We are much less likely, no matter our age, to know who our neighbours are or to speak to them. Each household is much more detached from the households in its vicinity, so neighbourhood support is not what it once was. That even applies in my lifetime—I have seen that change.

Since 2000, the number of people in Scotland aged 65 and over has increased by a third, while the number of children being born has fallen by 6%. In my local authority of North Ayrshire, the projection is that in the next 10 years, 35,000 people will be aged 65 and over, which will be a quarter of North Ayrshire's entire population. That has huge implications for tackling loneliness and for our social care provision. There will be a 50% increase in over-60s in Scotland by 2033. Currently, 21% of rural dwellers are over 60, and that is of course set to increase. There are huge challenges for us in those shocking statistics, and we need a plan and strategy for how we as a society will deal with that, because it will put a huge strain on our ability to tackle loneliness and to reach out and care for older people.

That work of reaching out to care for and support people who are lonely is going on across our communities, as we have heard.

Digitisation and the technical revolution have often left old people feeling more isolated and more left behind. Social spaces are now being replaced by machines—self-scanning at tills in supermarkets is the work of the devil in my view, and online banking again takes away yet more social contact. Even libraries are under threat—libraries where people can go not just for heat but for a kind word and a conversation. The ticket offices referred to earlier were never really an issue in Scotland, because in Scotland our railway is under public ownership. When the idea of closing ticket offices was mooted, the Scottish Government consulted the people of Scotland and decided to protect every single ticket office that was open at the time.

There is a problem with digitisation, and I want to pay tribute to the organisations in my constituency that do wonderful work to combat loneliness in towns across North Ayrshire and Arran, such as Arran Community and Voluntary Service, the Beith Community Development Trust, CLASP HOPE—the Community Led Action and Support Project's Helping Older People Evolve scheme—in Stevenston, the dementia cafés that operate in Ardrossan and Saltcoats, and Cafe Solace in Kilbirnie and Ardrossan, which provides a nutritious three-course meal for a couple of pounds. As important as that healthy meal is, people do not really come for the food—they come for the banter and the chat. I occasionally have the pleasure of serving food in that café, and I can assure everyone that it is not really about the food, nutritious as it is.

Of course, there are also the men's sheds, which have been mentioned already. We have wonderful men's sheds in my constituency in Garnock Valley and Ardrossan. We also have a vibrant allotment sector, which includes the Elm park allotments in Ardrossan, the organic growers of Fairlie, and the Kilbirnie allotment in Sersley Drive. I also pay tribute to the Silver Line helpline service, which has already been mentioned. I know that Age Scotland offers advice, friendship and support, and I want to pay tribute to its impressive "Share What You Love" campaign.

Loneliness is a blight that we must continue to tackle, and we are perhaps more mindful of it as Christmas approaches. For many people, it is true that Christmas is the most difficult time of the year with the jollity surrounding us simply reminding those who are lonely just how desperately lonely they are. The condition is prevalent all year round, regardless of seasons. It truly is a public health issue, and we need to recognise the work done by our volunteers each and every day to help combat it. We need to keep shining a light on it to ensure that we are mindful of the issue in our communities every single day.

3.37 pm

Lilian Greenwood (Nottingham South) (Lab): It is a pleasure to see you in the Chair this afternoon, Mr Sharma. I add my congratulations to the hon. Member for St Ives (Derek Thomas) on securing the debate and setting out the very real challenges that many older and more vulnerable people face with a lack of social connection, particularly in the context of an increasingly digital world. As others have said, the debate is timely.

[Lilian Greenwood]

As we approach the festive season, we are bombarded by images of joyful social gatherings and family parties, but for many people, Christmas is anything but merry. I welcome the call made by the hon. Member for Strangford (Jim Shannon) for all of us to reach out to our neighbours.

Across the country, millions of people, including at least 1.4 million older people, feel lonely every day. While loneliness—

“the subjective, unwelcome feeling of a lack or loss of companionship”—

is a normal human emotion that most of us experience at some point in our lives, when it becomes persistent, it can have profound consequences for our health, happiness and wellbeing. Chronic loneliness, as has already been said, is associated with a greater risk of physical and mental ill health. As my hon. Friend the Member for York Central (Rachael Maskell) rightly highlighted, there are links between social isolation and suicide. Regularly feeling lonely is as bad for us as obesity or smoking—it has been suggested that its impact compares to smoking 15 cigarettes a day. Therefore, it is right that the Government have recognised loneliness as one of the greatest public health challenges of our time.

Like other public health issues, loneliness is a systemic problem. If someone is poor, has a long-term illness, is disabled, faces discrimination, is unemployed, or lives in inadequate housing or in a deprived area, they are more likely to experience loneliness. In recent years, work has been increasingly undertaken across the country to raise awareness of the problem of loneliness and to begin to tackle it. It has also been a regular subject of debate here in Parliament. That builds on the pioneering efforts of Jo Cox, the foundation established to continue her work, the all-party group on tackling loneliness and connected communities—so brilliantly co-chaired by my hon. Friend the Member for Batley and Spen (Kim Leadbeater) and the hon. Member for Chatham and Aylesford (Tracey Crouch)—and organisations working across the sector, including the British Red Cross, the Campaign to End Loneliness and many others that have been mentioned.

The Government’s 2018 loneliness strategy set out clear objectives and plans to meet them, but despite the actions of organisations in the public, private and community and voluntary sectors, the problem has not gone away. In fact, following the pandemic it has got worse. Analysis by the Office for National Statistics shows that the number of people who are chronically lonely has risen to 3.83 million—half a million more than in the first year of the pandemic—and that more than 7% of the population now say they are always or often lonely.

Given that people are feeling lonelier than ever, it is important to re-examine the strategy to ensure it is fit for purpose and meets the new challenges we face, including the combined impacts of the pandemic and the ongoing cost of living crisis. That is not just the right thing to do because we want stronger communities in which people enjoy better lives; it makes economic sense too. Keeping people healthy reduces pressure on the NHS and social care services. People who feel connected and part of their community are more productive, which reduces the cost to business of high staff turnover and sickness absence, so we all stand to benefit from more connected communities.

Loneliness is subjective—we all experience it differently—so there is no one-size-fits-all solution. Anyone can feel lonely, although there is evidence to suggest that it is most widespread among young people. The hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) movingly described the needs of children and families.

It is important that we examine loneliness among different demographics, including the elderly and those with vulnerabilities, because if we understand the causes and experiences, we can improve the effectiveness of initiatives to prevent and address it. For older people, loneliness can often start when they retire from work or suffer bereavement, particularly if they lose a spouse or close friend. The grief of losing loved ones can lead to people feeling they have no one to open up to. That can be compounded by other factors: people over 50 are more likely to be lonely if they are in poor health, unable to do the things they want, feel they do not belong in their neighbourhood or live alone.

Maintaining or making new connections in our local community can be more important than ever as we get older, yet many neighbourhoods are not designed to be age-friendly or accessible. Social infrastructure is not strong enough to help those at risk of loneliness get out into their community safely, and local transport does not always support connection. Even where community facilities and opportunities for connection exist, the rising cost of living acts as a barrier to accessing them. Age UK found that older people are being pushed into debt, are living in cold homes and are cutting back on time with friends and family. Two fifths of respondents to a British Red Cross poll said that they had restricted how much they socialised because of the increased cost of living.

Disabled people are also at particular risk of experiencing loneliness. There are 16 million people in the UK with disabilities, and 45% of pension-age adults are disabled. That means that a significant and rising proportion of the population is at higher risk. Disabled people face barriers in daily life that make them more likely to be chronically lonely than non-disabled people. Mobility difficulties can restrict people’s ability to access or participate in activities. Hearing loss affects more than 11 million people, predominantly among older demographics. It is often undiagnosed and untreated, making social interaction increasingly difficult.

Living with chronic pain can also cause people to withdraw from social activity. As the hon. Member for Westmorland and Lonsdale (Tim Farron) said, that is exacerbated by long waiting times for NHS treatment. If people repeatedly encounter barriers when they try to engage in social activities, it understandably leaves them not wanting to try again. Bad experiences can cause people to lose their confidence and feel that they do not belong or are not accepted, which leads to more loneliness.

Of course, it is not just individuals’ impairment that restricts their participation; too often, our communities are not built to be accessible. For example, a walk to the shops, the café or the local library can feel impossible if there is no bench to stop and rest on along the route, if there is no seat at the bus stop, if the street lighting is inadequate, or if the pavement is uneven, potholed or obstructed by parked cars. All hon. Members said that access to public transport is particularly important for the elderly and those with disabilities. There has been a

marked decline in local bus services, particularly in rural areas, and again, a free bus pass is no help if there is no service to use it on.

As we better understand the problem of loneliness, we need to refocus on the measures needed to overcome it and I welcome the loneliness sector's call to action. It is clear that tackling loneliness would benefit everyone in society and that requires a concerted effort across Government Departments. We must also ensure that those with expertise, particularly the organisations in the community and voluntary sector that best engage with and amplify the voices of those with lived experience, are involved in helping to develop a revised strategy.

There are real challenges to be confronted. Over the past decade, much of the infrastructure that supports communities has been eroded. That includes the loss or decline of critical social shared spaces in local communities, such as youth centres, community centres, libraries and parks, which are the foundation for connected communities. I wonder how such facilities have suffered in places that have large numbers of second homes, as was highlighted. I hope the Minister will set out the policies and investment that he plans to grow the social infrastructure needed to support positive outcomes for local communities.

Charities and voluntary organisations are operating under increased strain as they face rising demand for their services and higher costs at precisely the same time that there is a reduction in charitable giving and a decline in volunteering. Can the Minister set out his plans to ensure the organisations we rely on to bring people together, which deliver many of the initiatives to tackle loneliness and help people engage with them, can survive this winter? It is increasingly clear that local authorities are operating under extreme financial pressures. Social care is in crisis and the extra spending required to meet rising demand is not only leaving vulnerable people without the support they need, but leading to cuts in other vital but non-statutory services. Again, what do the Government intend to do to address that?

I wanted to mention the lack of access to digital and online services, but that has probably been covered by previous speakers. I will reference the importance of Government doing all they can to increase access to digital technologies and the skills to use them and protect those who need additional support. There is much for this Government and the next to do to ensure that we build the strong, resilient and connected communities that will enable everyone to lead happy, healthier and more fulfilling lives, even as we grow older.

3.47 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Stuart Andrew): It is a pleasure to serve under your chairmanship, Mr Sharma. This is my third Westminster Hall debate today; clearly, I am the only Minister on duty. However, that brings with it a personal achievement because it means I have been in this room more often than the hon. Member for Strangford (Jim Shannon) today.

I thank my hon. Friend the Member for St Ives (Derek Thomas) for securing the debate and all hon. Members for their thoughtful contributions on this important issue. It really is important to raise the profile of loneliness and isolation among elderly and vulnerable people. I welcome the opportunity to talk about what we are trying to do in that area.

Loneliness does not discriminate. The Government are committed to ensuring that everyone can benefit from the power of meaningful connection, particularly the most vulnerable members of our society. Loneliness is a complex issue that we can only address in partnership and across sectors, and I want to celebrate the meaningful work being done in many of our constituencies to further and encourage those social connections. Much of that work is carried out by the civil society sector: for example, Age UK, which we have heard about and which has been referenced today for its excellent work, and those organisations that are vital in the mission to tackle loneliness. The Jo Cox Foundation, of course, has done tremendous amounts of work on that important area.

Research that we have commissioned shows that those who are most vulnerable and at risk of loneliness include those who live alone, disabled people, LGBT people, young people—which is why we have focused very heavily this year on a campaign for students going to university for the first time—and those on lower incomes, to name a few. The hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) rightly raised the issue of young carers. I also want to think about young people who are in care. I was really struck when we heard from a young person in care at the APPG meeting. The most heartbreaking thing she said was, “I’m never going to be in a place long enough for it to be worth trying to form friendships.” That should not be something we hear from young people.

However, people of all backgrounds can experience loneliness at any time of life. There are also certain life events that can trigger loneliness, such as retirement, divorce and bereavement. If people feel this way always or often, it can have a serious impact on physical and mental health and wellbeing. Government action to tackle loneliness among the most vulnerable in our society is driven by the three key objectives set out in the world-first strategy for tackling loneliness of 2018: to reduce the stigma of loneliness by building the national conversation, to drive a lasting shift so that relationships and loneliness are considered by organisations across society, and to improve the evidence base to make a compelling case for ongoing action.

To reduce the stigma of loneliness, the Government have a national communications campaign that has reached millions of people to raise awareness and provide advice on what people can do to help themselves and others if they are feeling lonely. Last year, our campaign became part of the Department of Health and Social Care's “Better Health: Every mind matters” campaign. This year, we published research exploring the prevalence of stigma associated with loneliness in England. That research found three types of stigma: self-stigma, perceived social stigma and actual social stigma. One of the key findings was that older people feel stigma around loneliness driven by concerns that they will be a burden to their family and lose their independence. For example, some older people felt that their role as a parent meant that they were not meant to seek support from their children. That research is informing our work on building the national conversation on loneliness.

During loneliness awareness week this summer, I shared my personal experience of loneliness with *The Times* and *The Sun*. I have to say that I was overwhelmed by the response I had from people right across the globe. It revealed that, despite awareness raised during the pandemic,

[Stuart Andrew]

it is still unusual to speak about loneliness in public. I hope that my small contribution will play a small part in helping to reduce stigma around loneliness. As the Minister responsible, if I cannot talk about it, how can I get everybody else to start talking about it?

We are committed to driving a lasting shift in Government and across organisations in society to ensure that loneliness is considered as a matter of course in all policymaking. Since the publication of the strategy in 2018, the Government and their partners have invested almost £80 million into tackling loneliness. At the local level, we have supported community projects, such as song-writing groups in Devon and dance classes in Bedfordshire, which benefit vulnerable older people in the community. We have also supported health and wellbeing projects, such as online chat services in Durham, and projects that support education, climate and the environment, such as nature walks in Lambeth. We have also taken nationwide action, such as expanding the social prescribing programme, which connects people to activities and services in their communities to meet their wellbeing needs. That helps to tackle loneliness at its source and reduce the impact on public services.

While digital technology can be a great resource to connect people, that opportunity is not equally available to all, as we have heard from many here today. That is why we recognised the importance of it during the pandemic. The Department for Culture, Media and Sport invested £34 million to help the sector adapt to get more people online by giving them the support, devices, data and skills they need to be able to connect. We are continuing to work closely with stakeholders to understand the challenges that digital inclusion presents, and I will raise the matter continually with my colleagues to consider how the services we provide can be more mindful of those challenges. This must be a cross-sector effort. I applaud Sky for its “Sky Cares” initiative, which incorporates befriending into the roles of its call centre staff, and Barclays for its “Digital Eagles” initiative, which involves visiting existing groups to bring digital banking skills to those who need it most.

We are committed to tackling loneliness for all, and in March 2023 we launched the know your neighbourhood fund, a package of up to £30 million to create volunteering opportunities and help reduce loneliness. It will go to new and existing activity in 27 of the most deprived areas. I recently visited one of the projects in Hull, where Age UK was running a befriending service. It was creating volunteering opportunities for younger people to befriend older people who have been feeling isolated, and make them feel part of the wider community. Just a few weeks ago, I visited Waterside Farm Leisure Centre on Canvey Island, one of the recipients of Sport England funding designed to bring investment into local communities. I had the chance to take part in an exercise

class with elderly people, many of whom were coming together simply because it was an opportunity not only to be active but to meet with other people.

In 2021, we launched the tackling loneliness hub as a dedicated online forum to connect individuals and organisations working to tackle loneliness. Members can develop relationships, learn and upskill from events and workshops, and share the latest research and insights on what works. Organisations represented include Age UK, the English Football League Trust, the Co-op Foundation and the British Red Cross. Membership now stands at over 600 organisations from the public, private, academic and charity sectors. It is worth highlighting the fact that we are recognised as world leaders. I have been pleased to welcome and have conversations with people from Sweden, Japan, Finland and the United States, and we continue to work across countries to learn from each other.

I am conscious of time and the need for my hon. Friend the Member for St Ives to be able to sum up, but I will just say that we recognise the fact that loneliness can affect all people, regardless of their background. We know that there are specific issues around each set of people we are talking about, but we will continue to work closely together, right across Government. I have brought together Ministers from 11 different Departments, and we will continue to work closely so that we do not lose momentum, but do everything we can to tackle loneliness in this country. As others have said, as we approach Christmas, if we see someone alone, we should just stop and say hello; it might be the only gift they get this Christmas. But let us continue that in January, February, March and the rest of the year.

3.57 pm

Derek Thomas: I thank all colleagues for their contributions. We have covered a huge amount of ground and we have been able to demonstrate our understanding and care for lonely people of any age or demographic, wherever they live. It is heartening to hear what is going on to try to address that. I thank the Minister for his response, particularly his point that this is a cross-Government matter. One thing that concerns people is the fact that different Departments have different responsibilities, but getting all those Ministers together under his leadership is really encouraging.

Most of the tea, coffee and cake I have had as an MP has been in small community groups that are trying to address this situation. Let us demonstrate that we are on their side. The Government and all parties are determined to address this and make loneliness and isolation, where possible, a thing of the past.

Question put and agreed to.

Resolved,

That this House has considered loneliness and isolation in elderly and vulnerable people.

Hertfordshire SEND Services: Ofsted Findings

4 pm

Daisy Cooper (St Albans) (LD): I beg to move,

That this House has considered Ofsted findings on Hertfordshire's SEND services.

It is a pleasure to serve under your chairmanship, Mr Sharma.

I am relieved to have secured this debate in the wake of the damning inspection report by Ofsted and the Care Quality Commission on Hertfordshire's special educational needs and disability service. Hertfordshire has received the worst possible inspection outcome. I would like to say that that was a shocking revelation, but sadly it did not come as a surprise to me or the scores of constituents who have contacted me in previous years about their experiences of SEND in the county. I had already written to Ofsted twice this year to plead with it to bring forward the inspection as quickly as possible. It finally took place in July and was published in November. I have lost count of the number of families in St Albans I have spoken to who have reached breaking point. My casework team now spend a third of their time on SEND casework.

The Ofsted report sets out, albeit in fairly sanitised terms, what it is like to be a child or young person with special educational needs or disabilities in our area. It describes the poor communication with families about their education, health and care plans. It is explicit about the lengthy delays in preparing the plans. It is clear that when EHCPs are produced, they are often of poor quality. Inspectors also document the local authority's continued failure to put in place the measures in those EHCPs that would ensure that children's needs are met. The report echoes the experiences of so many families in St Albans and across Hertfordshire who have contacted me. Those families have been forced to fight every step of the way to get an EHCP, and even then many have to progress their child's case to formal routes such as tribunals. But even with a tribunal finding in their favour, families still often struggle to get Hertfordshire to deliver on the ruling in a timely way.

The Ofsted report includes all that and more, but it cannot convey the heartbreak and human cost of the failures inflicted on families, so I want to share the experience of just one of my constituents. Charlie—not their real name—is a single parent to three children, two of whom have special educational needs. Charlie contacted me more than a year ago in utter desperation. Their oldest child had been permanently excluded from a mainstream school that could not meet their needs, and one of their younger children had been placed on a reduced timetable. The family was at breaking point. The local authority was well aware of the exclusion and had finally agreed, three months earlier, that special school places were urgently needed, but Charlie could not get any indication of when places might be available or any other support while the places were secured. In fact, calls and emails to the local authority went unanswered. Then, SEND officers failed to turn up to Charlie's child's exclusion panel. After that, a case was not presented correctly at a separate special needs panel, causing a further three-month delay, and then the council failed to even communicate the decision of that panel to the family. There was an utter failure in communication.

During this time, Charlie was unable to work. Having used all their annual leave, they were forced to take an unpaid sabbatical. Their bank had been sympathetic for the first three months and had allowed deferred mortgage payments, but with no update from the authority's SEND service on planned provision, which would have enabled them to return to work, Charlie was about to lose the family home and was at real risk of losing their job. There was a very real danger that a parent and their three children would be made destitute and homeless. As a result, the children were, naturally, becoming more and more dysregulated. Their emotional wellbeing and mental health were deteriorating quickly, and their educational development had halted and in some respects gone into reverse.

When Charlie contacted me and highlighted just how close their family was to collapse, I contacted Hertfordshire County Council, stressing the urgency in no uncertain terms. Astonishingly, I too struggled to get any reply from the council. I had to follow up several times to finally secure a Zoom call with the responsible officers. I sent concise and direct questions about the case in advance of the meeting, hoping that I would get answers. Despite between eight and 10 officers joining that Zoom call, I was unable to get answers to even the most basic questions. I asked if Hertfordshire County Council would pay for the transport of a child from their home to the school, and not one of the officers could answer that question. In the end, I was told that a school placement would likely be in place within two weeks; in reality, it was another six weeks before it was provided. The urgent meeting was held in December last year, yet I was still following up on one of the EHCPs in late March of this year. Even to this day, the county council has failed to confirm the provision for the younger of Charlie's children.

I would like to assure the House that that awful case is an isolated one, but it is not. Each and every week, my team and I get yet more examples of the chaos and confusion in the SEND service in Hertfordshire. It appears that there is simply no effective triage in place. The service is in such a state of meltdown that they simply cannot distinguish between emergencies and non-urgent inquiries. Hertfordshire MPs of all political persuasions have repeatedly asked for a more effective triage system so that we can escalate urgent SEND cases, yet we still do not have one; perhaps, after years of dysfunction, there are just too many emergencies to cope with.

I will turn to how on earth we got to this point, and I am afraid that it boils down to cold hard cash—or the lack of it. Fundamentally, our county of Hertfordshire suffers from two connected problems of the Government's making. First, the Government's flawed national funding formula is based on historical spend, not current need. That means that children in Hertfordshire are still receiving far less per head than children in comparable neighbouring counties, such as Buckinghamshire. Secondly, the funding that Hertfordshire County Council receives does not stretch as far as it could because it must spend huge amounts on expensive placements in the independent sector.

I will turn to the funding formula. This year, SEND children in neighbouring Buckinghamshire receive an average of £935 per head, while children in Hertfordshire receive just £614. That stems from the Government's broken funding formula, which takes spending in 2017

[Daisy Cooper]

as a baseline figure, and that has been particularly devastating for Hertfordshire. In 2017, £2.2 million of high-needs SEND funding was diverted from regular spending to provide new special school places by the county council as a one-off investment, and that figure therefore was not included in the baseline calculation at all. Additionally and, in my view, inexcusably, Hertfordshire's Conservative administration returned £3.7 million, which was allocated for SEND by central Government. Its reasoning was that it was not given enough time to allocate it in that financial year, although I suspect, if asked, many families who were reliant on SEND services at the time would find that pretty hard to swallow.

All in all, the Department for Education formula ignores £5.9 million of annual spend that should have been taken into account when formulating the baseline. I have raised that with Ministers repeatedly in meetings, letters and parliamentary questions since 2021, and I have provided ample analysis from the local authority to demonstrate the disparity. In May this year, I received a shocking response from the then Minister for Children, the right hon. Member for East Surrey (Claire Coutinho). She suggested that by including the additional money in the baseline calculation, it would merely increase that year's funding by £2 million, so it was not even worth adjusting. We would bite off their hand for £2 million. I understand that Department for Education officials met with Hertfordshire County Council yesterday to examine those figures again, and I hope the Minister may have an update for me today.

My first question is: will the Minister immediately release that £2 million, particularly in the light of Hertfordshire County Council's announcement last week that without drastic action by the Conservative administration, the schools budget will be overspent by £15 million?

Secondly, when will the Government change the funding formula so that it is based on current need? The DFE has tried to justify the decision not to correct the formula by suggesting that Hertfordshire's spend is increasing by a greater percentage each year compared with authorities such as Buckinghamshire. However, at the current year-on-year increase, it would take 15 years to achieve parity. That means that a three-year-old in Hertfordshire today would have to finish all their formal education before they would get equal funding with a child in Buckinghamshire for their SEND needs. That is indefensible.

My third question is about funding for special school places. HCC officers also tell me that, alongside having one of the lowest rates of funding per head, the council also has some of the highest costs. That is a result of needing to place more and more students in independent and out-of-county schools. I am relieved that some new school places were secured in 2019 in the council's wave 2 bid, but I was very disappointed to be told just last week by officials from the Department for Education that Hertfordshire's recent application for a new special school—which would go some way to mitigating that cost—was refused.

It was suggested to me that there might have been problems with that application, but HCC officials say they did not receive any negative feedback. Honestly, parents and MPs are simply not interested in finger pointing—we just want to see new school places created. Will the

Minister commit to working with Hertfordshire to ensure that it can submit an application that has the best possible chance, so that our county can secure funding for the additional special school places that we so desperately need?

I have two other questions that are directly related to Ofsted. Both day-to-day funding and investment in special schools need to be addressed if we are to see any improvement in outcomes for families in Hertfordshire, but the issues in Hertfordshire now run much deeper than just the financial challenges, as Charlie's example so clearly and devastatingly illustrates. We have all seen the Ofsted report, and I am disappointed that the Secretary of State has not—yet, perhaps—appointed a commissioner to support the council in rebuilding the service.

I welcome the news of the appointment of Dame Christine Lenehan as an independent chair of the improvement board, but the improvement plans that were presented to Hertfordshire MPs in 2023 by HCC were devastatingly similar to the ones presented to us in 2021. If anything, services have not got better; they have got worse. Families in my constituency have been waiting for far too long, so my next question is: will Ministers now grasp the nettle and immediately issue a formal improvement notice? My final question is: will the Minister appoint a SEND commissioner to get Hertfordshire back on track, in the way that the Government supported Birmingham City Council when its SEND services were found to be failing?

There is no doubt that SEND services are in crisis right across England. In the longer term, I urge the Government to end the postcode lottery of provision. Liberal Democrats would establish a national body to fund high needs SEND, and take pressure off local councils' decimated balance sheets. But today I ask Minister to step up and take this opportunity to improve the lives of children and families in St Albans, and right across Hertfordshire. I ask him to please issue an improvement notice, please appoint a SEND commissioner to drive improvement forward, please release the £2 million adjustment without delay, and please, for goodness' sake, fix the absurd funding formula that puts children in Hertfordshire at a permanent disadvantage—for at least the next 15 years. I look forward to the Minister's response.

4.14 pm

David Johnston (Wantage) (Con): It is a pleasure to serve under your chairmanship, Mr Sharma. I congratulate the hon. Member for St Albans (Daisy Cooper) on securing a debate on such an important subject. Improving the special educational needs and disabilities system across the country is a priority for this Government, and that includes improving services for children and young people with SEND in Hertfordshire.

The Government's ambition for children and young people with SEND is for them to thrive, fulfil their potential, and lead happy, healthy and productive adult lives. That means making sure that they have access to the right support in the right place at the right time, and intervening when a local authority is not providing that. I was therefore very disappointed to learn that Ofsted inspectors have significant concerns about the experiences and outcomes for children with SEND in Hertfordshire. The issues raised in the report are serious. I need to be confident that the local area partnership is taking the right actions to secure rapid and sustainable improvement.

DFE officials, along with NHS England advisers, are due to meet local leaders next week to scrutinise and challenge their improvement plan in response to the inspection. They will seek assurances about the actions that leaders are taking to improve SEND provision rapidly. The local authority has already appointed Dame Christine Lenehan, as the hon. Member noted. She was director at the Council for Disabled Children and will be the new independent chair of the partnership's multi-agency improvement board. She is one of the country's most highly respected and experienced SEND experts. I have every confidence that she will push the local authority to take the actions that it should take and move it in the right direction.

The Department for Education has also appointed a specialist professional SEND adviser to provide additional advice and support to the local SEND leaders and to the Department until such time as the Secretary of State is satisfied that that is no longer required. It is essential that rapid action is taken to improve SEND services in Hertfordshire and that the local area partnership accepts collective responsibility and accountability for delivering the agreed actions. That will require a relentless focus on improvement across all service providers so that children, young people and families can access the support that they need.

Let me turn to the hon. Lady's questions about funding. Funding for mainstream schools and high needs funding for children and young people with complex needs will be more than £1.8 billion higher next year than this financial year. Total schools funding will be £59.6 billion—its highest ever level in real terms per pupil. Within that total, high needs funding will be over £10.5 billion in 2024-25—an increase of more than 60% on the 2019-20 allocations. That will help local authorities and schools with the increasing costs of supporting children and young people with SEND.

We recently announced provisional 2024-25 high needs allocations for local authorities, and Hertfordshire's allocation is £187 million, which is £8.4 million more than the council will receive this year—a cumulative increase of 29% per head over the three years since 2021-22.

Daisy Cooper: The Minister talks about the allocation that will be given to Hertfordshire County Council. Will he confirm that he will instruct his officials to speak directly to HCC about what should have been included in the 2017 baseline, so that we make sure that the money that we are going to receive is a fair reflection of what we should get?

David Johnston: If officials have not had that conversation already, I am happy for them to discuss that point with the council. This is the first time that I have heard that point from the hon. Lady today. I am well aware that she and other right hon. and hon. Members representing Hertfordshire have had discussions and correspondence with my predecessors at the Department about the way that the high needs funding formula works for Hertfordshire and other counties, and particularly the different levels of per-head funding that the council receives compared with neighbours. As she might know, officials from the Department met Hertfordshire County Council officers yesterday to discuss the local authority's concerns, in addition to the meeting that she had with officials last week.

As the hon. Lady suggested, the situation is partly due to the historical spend factor in the formula that was in place when we came to power in 2010 and which used to be used as a proxy for supply and demand. We have been reducing the weight of that factor over time, but because of how much it made up the formula that we inherited, it is not something that can be changed immediately. That is why, as she suggested, the increases for Hertfordshire are higher than for others as we try to close the gap.

Daisy Cooper: I accept that the increase cannot happen "immediately", to use the Minister's word, but does he agree that 15 years is too long? And if it is, and if immediately is not possible, is there a midway point? Might he look at how Hertfordshire can catch up with Buckinghamshire's funding, for example, in a few years? Even knowing that that can happen over two or three years, or a maximum of four years, would bring huge relief to our services. Although I might accept him saying that it cannot happen immediately, I cannot accept him saying that it still has to happen over 15 years.

David Johnston: I can say to the hon. Lady only that we review the formula every single year. This is not the only factor that is within the formula. I believe that the gap is closing as a result of what we have been doing. As part of our annual process, we will look at every authority to see what is happening.

To turn to the hon. Lady's questions about special school places, we know that demand for specialist provision in Hertfordshire currently exceeds the number of available places. We have published more than £1.5 billion of high needs provision capital allocations for the 2022-23 and 2023-24 financial years as part of our transformational £2.6 billion investment into high needs provision between 2022 and 2025. That includes almost £27 million for Hertfordshire. Local authorities can use the funding to deliver new places in mainstream and special schools, as well as other specialist settings, and to improve the suitability and accessibility of existing buildings.

Local authorities can also commission new schools through the free school presumption route. Hertfordshire held a successful free school presumption competition in autumn '22 to identify an academy sponsor to open a 60-place primary school in Potters Bar. The new school is planned to open by September 2025. In addition, a 60-place secondary special free school, the James Marks Academy, was opened in September this year.

Hertfordshire has a county-wide capital programme to deliver the key priorities of the county's SEND special school place planning strategy. I understand that the local authority intends to extend the current SEND sufficiency strategy by one year into 2025 to provide additional specialist provision places and resource provisions for children with communication needs in mainstream schools, ensuring that children can attend the provision stated on their EHCP and that their needs are met in the most appropriate local provision.

As well as expanding special resource provision in mainstream schools across the county, a priority from Hertfordshire County Council's strategy is to open more permanent places for pupils with severe learning difficulties, physical and neurological impairment, and social, emotional and communication development need.

[David Johnston]

Positive actions have been taken. For example, the county is establishing a number of new specialist resource provisions in mainstream schools for children with communication needs. Four secondary provisions with 20 places each are being developed. One is already open and the other three will open in the next academic year. Those will be followed by nine primary provisions with 12 places each across the next two academic years.

I thank the hon. Lady again for bringing this matter forward and for raising the issues that she is seeing with Hertfordshire's SEND provision. We all care passionately about the outcomes there, along with SEND outcomes across the country, and that is why this Government are determined to transform the system with our reform plan.

Question put and agreed to.

4.24 pm

Sitting suspended.

Fatalities in Childbirth: Statutory Leave and Pay

4.30 pm

Darren Henry (Broxtowe) (Con): I beg to move,

That this House has considered fatalities in childbirth and statutory leave and pay.

It is a pleasure to serve under your chairmanship, Mr Sharma. I start by thanking those who are here to speak. This is an incredibly important topic, so I am grateful to all those who have given up their time to be here. I extend my thanks to my hon. Friend the Member for Stafford (Theo Clarke), who has launched the all-party parliamentary group for birth trauma and who does vital work in this area. My hon. Friend the Member for Truro and Falmouth (Cherilyn Mackrory), who sadly could not be here, does incredibly important work as part of the APPG on baby loss. I am glad to see the hon. Member for Strangford (Jim Shannon), who has spoken passionately on the topic since he was first elected.

I will focus my remarks on losing a partner during childbirth. The reason I called the debate is down to Aaron. Aaron was a constituent who came to see me at a constituency surgery in Stapleford with his three-week-old baby Tim in his arms. Tim's mother Bernadette tragically passed away in childbirth. As I have stated previously, Bernadette would no doubt have been the most loving and dedicated mother, who also had ambitious plans for continuing a long career in the NHS. She is missed tremendously by her loved ones.

Aaron brought to my attention the fact that there are circumstances in the event of the death of a child's parent during childbirth in which the surviving partner is not entitled to parental leave. Aaron found himself in the agonising position of losing a loved one and having to raise a new-born child alone. That situation was made worse when he realised he did not qualify for shared parental leave and pay. Aaron was fortunate in that he worked for an incredibly understanding employer, who allowed Aaron the leave and pay he required to look after Tim. Others may not be so lucky.

It must be entrenched in law that people can have time with their newborn and time to grieve without the fear of unemployment. I previously presented a ten-minute rule Bill on this topic called Shared Parental Leave and Pay (Bereavement) Bill to try to make a vital change to the law. Unfortunately, I was unlucky in the private Member's Bill ballot, but I am delighted that, after he was successful in the ballot, my hon. Friend the Member for Ogmore (Chris Elmore) has presented a private Member's Bill that would create that change. I am incredibly grateful to him for doing so, and I look forward to following and supporting the Bill as it progresses.

This truly is a non-partisan issue, and I have been incredibly grateful since starting my campaign on this topic to have had support from hon. Members across all major political parties. It is incredibly important to state that although this is not an issue that affects thousands of people across the country, for those it does affect the consequences are huge. Changing the law to ensure that leave and pay are available to those who find themselves in situations such as Aaron's will ensure that no other parent is faced in the devastating position of having to raise a child while grieving and doing so in the shadow of avoidable job insecurity.

In cases such as these, the people whom shared parental leave was created to help are often the ones who are missing out. When faced with this life-altering set of circumstances, Aaron was confronted with having to cope with the challenges of being a new parent and the prospect of job insecurity, all in the midst of extraordinary grief. That is more than most of us could handle.

Parental leave in the UK is something we should be proud of. Since the Employment Rights Act 1996 and the Maternity and Parental Leave etc. Regulations 1999, entitlement and access to maternity leave and pay have existed. On a similar note, entitlement to paternity or shared parental leave, though more limited, is fairly straightforward to access. However, a small change can close the existing gap. Shared parental leave was established in 2015. When it was introduced, the Government stated that it had been created in order

“to move away from the current old-fashioned and inflexible arrangements and create a new more equal system, which allows both parents to keep a strong link to their workplace.”

Shared parental leave was introduced to allow parents access to their workplace and their family. Now that is precisely what is being prevented in cases such as Aaron's. In such cases, it seems that the people shared parental leave was created to help are the ones missing out. When faced with this life-altering set of circumstances, Aaron was confronted with having to cope with the challenges of being a new parent and the prospect of new job insecurity, all while in the midst of extraordinary grief. That is more than many of us could handle.

Changing the law around shared parental leave in cases of bereavement is not contentious. It simply seeks to allow individuals the right, due to circumstances beyond their control, to take leave and be with their child.

Chris Elmore (Ogmore) (Lab): Thank you, Mr Sharma, for allowing me to speak; I apologise for being late. The hon. Gentleman has said several times that this is cross-party. It is not a political issue; it is basically one of conscience. Allowing such a change does not impact thousands of people. I hope that in the course of the passage of my private Member's Bill we can work constructively.

If he will allow me, I would say to the Minister that he and I have worked together on many issues during my time in this House. I genuinely hope we can come to a position where the Bill can be passed and bring about this change, not just for Aaron and his family but for those who will sadly follow him in those circumstances. I hope we can do that in the cross-party process, and that the Minister would agree.

Darren Henry: I thank the hon. Gentleman for his intervention, with which I certainly agree. As I mentioned, he has campaigned a long time for something similar to be done. I am glad he is taking this issue on board, which is truly cross-party. All major political parties signed my Shared Parental Leave and Pay (Bereavement) Bill. I thank him for his intervention and agree with him on that point.

The businesses that employ individuals in such circumstances are being negatively impacted. That is a topic I have heard raised as a concern. I believe some may have trepidation that such a change in law could cripple small businesses, which cannot afford that type

of leave. To that point, I would say that an incredibly small number of people and businesses would be affected. It is not an issue that affects thousands.

Furthermore, if such leave is not allowed, those businesses could be faced with losing their valued employee—a situation that I am sure many would seek to avoid. I hope the effect that a change would have on businesses would be small in comparison with the benefit gained by the individual receiving leave and pay.

To be eligible for shared parental leave and statutory shared parental pay currently in the UK, both parents must share responsibility for the child at birth and meet work and pay criteria. Those are different depending on which parent wants to use the shared parental leave and pay. For the mother's partner to take shared parental leave and pay, the mother must have been working for at least 26 weeks of the 66 weeks before the week the baby is due—the 26 weeks do not have to be in a row—and in addition, to have earned at least £390 in total across any 13 of the 66 weeks. The mother's partner must have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date, and stay with the same employer until they start their shared parental leave.

Practically speaking, a surviving partner could be entitled to take shared parental leave, but they would need to meet the criteria I have just mentioned. Aaron did not. That means that under the current requirements many will not qualify for shared parental leave and pay. I am determined that we introduce a day-one right for a parent to access both leave and pay in the circumstance of losing their partner in childbirth.

As a father, I know that being a parent to a newborn is a huge undertaking at the best of times. I cannot imagine being in that position while facing the fact that your partner has died in childbirth. I desperately want to ensure that people like Aaron are never in the position of being without support. I truly hope that no one has to find themselves in the same position as Aaron, who was unable to share the beginning of Tim's life with his loving wife. However, a change in the law would mean that those who do would not be without the law behind them.

I thank those who have come here to speak on the issue. I look forward to hearing everyone's contributions.

4.40 pm

Jim Shannon (Strangford) (DUP): Thank you for calling me, Mr Sharma. May I say what a joy it is to follow the hon. Member for Broxtowe (Darren Henry) and wish him well in his endeavours to make this law? I did not know until now that the hon. Member for Ogmore (Chris Elmore) had kindly donated his private Member's Bill to the hon. Gentleman for this purpose. I thank him for that and hope that, with that consensus from Members from parties on both sides of the House, the Government will put their hands up and say, “Let's go with it and let's do it.” That would please both hon. Gentlemen, as well as every one of us who signed the 10-minute rule Bill, which I did last year.

The hon. Member for Broxtowe is right that I have a particular interest in the matter. I am proud to be a signatory to the ten-minute rule Bill and to stand in Westminster Hall today alongside him and friends from a variety of parties. I know that the shadow Minister for the Scottish National party, the hon. Member for North

[Jim Shannon]

Ayrshire and Arran (Patricia Gibson), has a particular interest in the matter as well. Indeed, I believe the hon. Lady may have had a ten-minute rule Bill on the subject in the past. We have a real consensus of opinion from everyone in this room.

This is a topic that is not and cannot be forgotten. I know that my colleague, the hon. Member for Broxtowe, is determined to see that the requisite changes are made to ensure that those going through the most immense, unspeakable and, for us, unimaginable pain have the level of support that they are entitled to. It is indeed unimaginable that the letter of the law would have the support designated for grieving parents circumnavigated, as the hon. Member for Broxtowe outlined. With the greatest respect, I cannot understand how it is possible that somebody who has lost both their partner and their child could not be eligible to receive the highest level of support. I can only imagine that that has been unintentional.

I try to be respectful in my comments, so I am sure the Minister will indicate the direction in which Government will go on the private Member's Bill, which was kindly donated. The hon. Member for Ogmores did so in an attempt to rectify the mistake and I wholeheartedly support him in his aim, yet again along with other hon. Members here in Westminster Hall.

Interestingly, businesses are also asking for these changes to enable them to acknowledge the depth of pain that someone is going through and help in whatever way they can. If we have that request from individuals who have suffered and are in terrible pain, and we have businesses that support that, it seems to me that a consensus is building. Hopefully, that will make it much easier to acknowledge the depth of pain that someone is going through and help them in any way possible. For that purpose, we look to the Minister. He has compassion and responds to such things. I know by his very nature the type of person the Minister is and I hope—as I always do—for a positive response.

The fact is that since Government ceased part-funding sick pay, it has been coming solely from businesses, and small and medium businesses can find themselves struggling to offer support when their finances are tight. The change would enable businesses to allow the small amount of time off or the shared parental leave with no burden on the company itself. As the hon. Member for Broxtowe said, that is a small request and a small ask, but one that would make a significant difference to people.

As a father, and a grandfather to six grandchildren, the subject of this debate honestly strikes me in the very pit of my stomach. I may not really understand the pain felt by those who have lost loved ones, but I do know without any doubt that they need support and help to process and deal with that pain.

I want to tell a story that I know will resonate in particular with the SNP spokesperson, the hon. Member for North Ayrshire and Arran, because I know some of what she has experienced in her life. One of my beloved constituents—I call her that because it is true—was attempting to find out where her stillborn son had been buried some 58 years ago when she passed away. She never did get to see the place, get answers or hear what had gone on. The pain that that lovely lady experienced over the years has always preyed on my mind. She was trying to find that information because she had not

been able to process the grief at the time, and it stayed with her until the week she died—for all those 58 years. I knew her very, very well; I have photographs of her in my office. The system in place at the time basically told her that nothing had happened, and to forget it. That is the way it was dealt with years ago. She could not forget it, of course, and she lived with her grief every day of her life.

This debate is about not only giving financial support to people who have suffered this loss, but ensuring emotional recognition of their loss as meaningful and worthy of support, to allow them to process their grief while receiving financial help for that limited but vital time. The hon. Member for Broxtowe has done this House proud, and I thank him for securing this debate. I also thank the hon. Member for Ogmores, who was here one minute and away the next, for his contribution. I really do look forward to something coming from the consensus of opinion we have had across Westminster Hall today, and I look forward to working alongside the Minister to make that happen—I hope we will be able to do so. I also look forward to hearing from the SNP spokesperson, the hon. Member for North Ayrshire and Arran, and the shadow Minister, the hon. Member for Ellesmere Port and Neston (Justin Madders); their contributions will add to the debate and reinforce the consensus of political opinion. We all want the same thing for our constituents—let's do that.

4.47 pm

Theo Clarke (Stafford) (Con): It is an honour to serve under your chairmanship, Mr Sharma. I congratulate my hon. Friend the Member for Broxtowe (Darren Henry) on securing today's important debate on fatalities in childbirth and statutory leave and pay, and particularly on his very moving speech. I was saddened to hear about the personal circumstances of my hon. Friend's constituent, which inspired him to take action on this issue, and I commend him for the work he has done on drafting the Shared Parental Leave and Pay (Bereavement) Bill, to which I am very sympathetic. I am delighted that it was picked up by the Opposition in the recent private Member's Bill ballot.

I welcome the work done by the Minister, my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake), who introduced the right to paid statutory parental bereavement leave back in 2018, which was very welcome. I also pay tribute to my hon. Friend the Member for Truro and Falmouth (Cherilyn Mackrory), who has done such fantastic campaigning on stillbirth certificates, and fantastic work as chair of the APPG on baby loss. We work very closely together on issues affecting parents across the country.

Having listened to my hon. Friend the Member for Broxtowe, I absolutely agree that there is so much more that the Government could do in the very specific circumstances that he outlined. It does not seem right that my hon. Friend's constituent was not entitled to leave, given that his wife tragically passed away while giving birth to their son. I hope that the Government consider that there should be shared parental leave in the very specific case in which one of the child's parents has died.

I am here, as chair of the APPG for birth trauma, specifically to speak up for fathers who have been affected by this issue. Since sharing in the Chamber in October the story of the traumatic birth of my daughter,

I have been inundated with stories from mothers from across the UK, who have written to me about their birth trauma. Interestingly, it was not just mums but fathers getting in touch, and that is who I would like to talk about today. From reading the many personal and harrowing stories I have been sent, it is clear to me that fathers also feel that they are not being listened to. They are often very traumatised after witnessing a traumatic birth, especially after the death of their partner or baby.

Birth trauma is caused by traumatic events or complications in birth. The term can apply to those who experience symptoms of psychological distress after childbirth or physical injuries sustained during delivery. Those events and complications can include surgical procedures—for example, when a sudden emergency requires a caesarean section—a long labour in severe pain for many hours, or of course the sad loss of a child. With permission, I will share examples from emails that I have received. I thank the Birth Trauma Association for all its support for my birth trauma campaign, and for helping me to collate these stories. One mother wrote to me about her experiences at King's College Hospital in London:

"I had been told to lie as still as possible, so I got my husband's attention, and he started shouting to get someone's attention as our baby had gone blue. She was exhausted and had been placed face down on my chest and stopped breathing. We had to shout several times to get somebody's attention and alarm bells were then rung and my daughter was taken away to be resuscitated. My husband suffered PTSD for months after".

Another wrote:

"There was also a lack of support for my partner. He was left on his own for very long periods of time and wasn't kept informed. No one checked in on him. Considering what was going on with me, he wasn't a priority when it was a very traumatic experience for him as well."

Imagine the terror that you would feel if your partner was going through that traumatic experience. It is clear that birth trauma does not only affect mothers, who have often suffered significant birth injuries like mine, as well as psychological trauma, which can stay with them for a long time.

I welcome the fact that in my recent debate on birth trauma, the Government announced the roll-out of the obstetric anal sphincter injury care bundle to all hospital trusts to reduce the risk of injuries in childbirth, but the Government could do so much more to help mothers with their aftercare. We must not forget that partners and fathers also need our support. That is why in our recent meeting I called on the Government and Health Secretary to: add birth trauma to the women's health strategy, not just in one line, but in a meaningful way; recruit more midwives to ensure safe levels of staffing in maternity care; ensure that perinatal mental health services are available across the UK, so that we end the postcode lottery; ensure that the post-natal six-week check with a GP is offered to all mothers, and includes questions about the mother's physical and mental health, as well as about the baby; ensure better education for parents, so that there is informed consent; ensure proper continuity of care; provide national post-birth services; and give parents a safe space to speak about their experiences of difficult childbirth.

The Government are to be commended for their support for my birth trauma campaign so far, and I am delighted to support my hon. Friend the Member for Broxtowe. I hope that today's debate is a reminder of how much more there is for us to do.

4.52 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I am delighted to participate in this debate on statutory parental bereavement leave and pay for those whose partners have died in childbirth, given that I almost died in childbirth. In fact, my husband was informed that I would not survive. I did, but sadly my baby was stillborn, so this issue has particular personal resonance for me.

Over the years, I have championed the cause of statutory parental bereavement leave and pay, and worked across parties and constructively with Ministers, including the Minister here. Two weeks' paid bereavement leave for all parents who lose a child up to the age of 18 was a huge, important step in improving bereavement support. I was delighted that the Government accepted my amendment, which said that the two weeks should extend to those who suffered a stillbirth, and be in addition to their maternity and paternity leave. The Minister will recall that the passing of the legislation was a very emotional moment. For those who had invested so much in the measures, their coming into effect in 2020 showed this Parliament at its best. I was heartened by the support that they offer bereaved parents, and will continue offer them in years to come.

I pay tribute to my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), who successfully brought forward a Bill to ensure additional leave—beyond statutory paternity and maternity pay—for new parents who have a sick or premature baby. It is now the Neonatal Care (Leave and Pay) Act 2023.

The ask today, for one day's statutory paid leave for those whose partner dies in childbirth, is certainly one that I would support; but as I think the Minister knows from previously sparring with me on these issues, I would go further. Last year, I brought forward a private Member's Bill—the Bereavement (Leave and Pay) Bill—that would provide two weeks' paid bereavement leave for all those who lose a close family member. We can debate what we mean by and how we define the term "close family member", and I am happy to do that, but the principle that as a society we should recognise the impact of grief, which can be so debilitating and profound, seems to me to be right.

I believe that this is an idea whose time has come. It cannot be right that when we suffer the loss of a close relative, our right to leave, paid or otherwise, should be entirely down to the discretion of the employer. Thousands of employees are unable to take leave without fearing that it will undermine their job security. Those in less well paid jobs are far less likely to receive any discretionary time off with pay when they suffer a bereavement, or to have any compassionate leave at all, which is grossly unfair. That is why I brought forward my private Member's Bill to address the issue. I tabled motions, secured debates, presented petitions and brought forward the private Member's Bill, none of which, I am sorry to say, managed to persuade the Government, so I hope that the hon. Member for Broxtowe has better luck than I did.

I have long campaigned on better statutory bereavement support. My Bill last year seemed timely, given that we had come through a pandemic, in which loss and grief touched so many people. Rather than proposing a specific provision for those who lose their partner in childbirth, although that is a laudable idea, I think that the scale of

[Patricia Gibson]

loss for all those who lose a close family member means that they deserve statutory paid leave provision, and two weeks is not an unreasonable ask. On compassionate grounds, on economic grounds—the right support at the right time can ensure that people do not fall out of the workforce altogether and become economically inactive—and on mental health grounds, providing that is the right thing to do, because the impact of profound and complicated grief is truly debilitating, so I support the hon. Gentleman's proposals in principle, but as I said, I would go further.

I believe that one day there will be statutory paid leave for all those who lose a close family member. For now, the Government remain unconvinced of the arguments on financial grounds, but there is plenty of evidence that ultimately this statutory paid leave would be an investment in our workforce that would more than pay for itself. Research shows that grief experienced by employees who have lost a loved one costs the UK economy £23 billion per year and costs the Treasury nearly £8 billion per year, but those costs could reach as high as £49 billion to the economy and £18 billion to the Treasury, so even if we judge the proposal for improved statutory leave and pay entirely on economic grounds, which I know the Treasury tends to do, it still makes financial sense, so I will keep making the case until it is delivered. In the same spirit, I support calls today for greater recognition of the impact of loss and bereavement, and for much greater support for those affected by it.

4.58 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to see you in the chair, Mr Sharma, and it has been a pleasure to listen to this debate, because it has shown the best of Parliament. People have brought their personal awful experiences to the fore to try to bring about change for the better for everyone. I certainly congratulate the hon. Member for Broxtowe (Darren Henry), first on securing the debate, but also on his tireless and passionate campaigning in this area. We heard how his conversations with his constituent Aaron about the tragic loss of his wife set him on this path. As the hon. Member for Stafford (Theo Clarke) said, it does not seem right that he was not entitled to any leave in those awful circumstances. That succinctly puts into words where most Members are on this issue. I pay tribute to the hon. Member for Stafford for her leadership and courage in this area, and to the hon. Member for North Ayrshire and Arran (Patricia Gibson), who has been a tireless campaigner on the issue, bringing her own experiences to the fore.

I return to the tragic story of the constituent of the hon. Member for Broxtowe. We extend our deepest sympathies to Aaron and his family. What the hon. Member said today and in his previous interventions has brought the issue to the fore. While he has not been successful in the private Member's Bill ballot, we have had positive indications that my hon. Friend the Member for Ogmire (Chris Elmore) will bring forward a similar Bill. I encourage the Minister to meet my hon. Friend in due course—I am sure he will—to ensure that we can get the Bill over the line.

As has been acknowledged, the circumstances in which Aaron found himself are thankfully very uncommon. The number of mothers who sadly passed away within

42 days of giving birth between 2019 and 2021 was 261, but that is 261 is too many. It goes without saying that each and every death is a tragedy, and I put on record our sincere condolences to all families who have faced those extremely difficult circumstances and that unimaginable heartbreak.

It is apposite to take this opportunity to look at the UK's comparative maternal mortality rate. Recently published research found that the UK had a maternal mortality rate many times higher than some of its European counterparts, and it performed second-worst in a study of eight European countries. Those figures are clearly concerning, but I appreciate that that is not for the Minister to address; it is more a matter for his counterpart in the Department of Health and Social Care. In many respects, national comparisons do not get across just how difficult it is for people like Aaron who face this devastating situation. However, the fact that they can fall through the cracks in the way that we heard today shows that there are deeper problems with the protections afforded to workers in this country. In that example, the gaps are evident.

As we have heard, at present the only right to statutory bereavement leave is for parents who have lost children up to the age of 18; in those circumstances, they are entitled to two weeks of leave. Leave is a day one right, but the entitlement to pay is conditional on having been in employment for at least 26 weeks and having earned at least £123 over eight weeks. Paternity leave and paternity pay have similar requirements, and sometimes a person can have been in a job for 26 weeks before they are entitled to any support at all. Shared parental leave and pay provisions do not really help people in Aaron's situation. Not only is there a time restriction on access to them, but income requirements can differ for a mother and a partner. Frankly, the system is very complicated, and I am afraid that the evidence is that that has discouraged families from taking up shared parental leave. It was introduced with the aim of enabling more equal parenting, but the latest figures show that only 2.8% of partners decide to take it up, so we need to do better on it.

That is why we want paternity pay, paternity leave, maternity leave and shared parental leave to become day one rights. Then those facing the tragic circumstances that Aaron faced would not risk falling through the legislative cracks, on top of facing personal tragedy and an extremely difficult situation.

Many good employers already choose to go beyond their statutory requirements, but it is clear that many do not. That is why the law needs to step in. This debate has highlighted an injustice, and it seems to me that everyone is of the same view—that this needs to be put right. It is clearly unacceptable that individuals facing some of the most tragic and difficult circumstances are allowed to fall through the cracks in this way. It would be helpful to hear from the Minister on what the Government propose to do about that. Can he inform the House of any research undertaken into the issue?

It would be interesting to know, if a figure is available, exactly how many parents in Aaron's situation would be supported by the legislation we are talking about. That would clearly help with an assessment of the costs involved. I know the Minister has discussed the matter previously with the hon. Member for Broxtowe, but I wonder whether he has had an opportunity to consider

draft legislation. I appreciate that we are not always able to get a definitive answer from Ministers on private Members' Bills, but will the Government support the proposal of my hon. Friend the Member for Ogmore? That would clearly be a welcome step forward. We have heard a compelling argument for reform today, so it is about time we got on and delivered it.

5.5 pm

The Parliamentary Under-Secretary of State for Business and Trade (Kevin Hollinrake): It is always a pleasure to see you at any time, not least in the Chair, Mr Sharma. I congratulate my hon. Friend the Member for Broxtowe (Darren Henry) on securing today's debate. I am grateful to him for bringing this important issue to the attention of Parliament and for his ongoing and wholehearted commitment to improving the support available to those experiencing a bereavement. I assure him that the Government are deeply sympathetic to anyone experiencing the loss of a family member or loved one. The death of a child is a truly traumatic experience for any parent, and the effects can be devastating and everlasting.

It is for those reasons that I personally brought the Parental Bereavement (Leave and Pay) Bill to the House in 2018 and was delighted when the entitlement came into force in 2020. It was my pleasure to take up the mantle of my hon. Friend the Member for Colchester (Will Quince), who campaigned on this issue long before me. I am also very grateful for the support I received for that legislation from across the House, not least from the hon. Member for North Ayrshire and Arran (Patricia Gibson). I am not surprised that she challenges me to go further than the legislation has already taken us by extending parental bereavement to close relatives. We have discussed that matter before, and the Government have a slightly different position, but I absolutely commend her for her campaigning on it.

We introduced parental bereavement leave in recognition of the particularly tragic circumstances of losing a child before they have had the opportunity to reach adulthood. We believe it sends an important signal to employers that bereavement in the workplace should be acknowledged, and that we expect them to respond to all such circumstances sensitively and compassionately. We will continue to engage with the hon. Lady on her objective to get her proposal into legislation.

Parental bereavement leave and pay gives eligible parents a statutory right to take two weeks of paid leave to grieve the loss of their child. The entitlement to leave is a day one right, which means that it is available on the first day of someone's employment. The two weeks can be taken together or separately, to give parents the flexibility to grieve in their own way, without having to worry about work.

In the tragic event of a stillbirth, eligible parents retain other pre-booked parental leave and pay entitlements, such as maternity, paternity and/or shared parental leave and pay. That ensures that parents have the time they need to grieve the loss of their baby. Importantly, it sends a signal to employers that bereavement and other types of personal loss should be acknowledged in the workplace.

As with all entitlements, employers are encouraged to go further whenever they can afford to and to support their employees in unforeseen and unavoidable circumstances. Since its introduction, parental leave and pay has supported

thousands of parents during one of the most devastating periods of their lives, and I am proud to have played a role in passing that legislation.

My hon. Friend the Member for Broxtowe spoke eloquently and passionately about the struggles of managing a bereavement and employment while caring for young children, in particular in the case of Aaron, Bernadette and Tim. Of course, the majority of fathers or partners who find themselves in the dreadful situation of the child's mother having died at or soon after birth are likely to qualify for shared parental and paternity leave, as they will have completed the six months of continuous service with their employer necessary to qualify. Qualifying for shared parental leave gives eligible fathers and partners access to 52 weeks of leave to care for their child. I can say in response to the shadow Minister that we anticipate that covering about 100 cases where the mother has passed away per annum. The vast majority of those will be covered because the father has the relevant level of service—26 weeks—which gives them entitlement to take leave.

We think that the number of people who would be affected as Aaron was is around 10 per annum. Of course, each one of those cases is devastating. It was my pleasure to meet with Aaron almost a year ago, together with my hon. Friend the Member for Broxtowe, with whom I worked on his private Member's Bill to make leave and pay a day one right. It was good to hear that Aaron's employer was benevolent and did help. I think that most employers would in those circumstances. However, I quite understand the my hon. Friend's campaign on this. He made a very compelling case with his point about the combination of being a new parent in a new job and going through extraordinary grief. I congratulate him on securing the support of the hon. Member for Ogmore (Chris Elmore). I am very keen to meet with both of them to talk about how we might help in this case.

I thank my hon. Friend the Member for Stafford (Theo Clarke) for her fine words, yet again—she won "Speech of the Year" at *The Spectator* awards; a wonderful accolade—but most of all for her campaigning on birth trauma and her historic debate back in October, which was the first of its kind in Parliament's history. As a father of four children, from my perspective, every birth is traumatic. With the circumstances and cases she describes in her speech, she absolutely makes a compelling case for the work she is doing. She challenges us to describe the support that families receive following the death of a mother in childbirth. We continue to work to address the recommendations set out in the UK Commission on Bereavement's report. To do this, we have established a cross-Government bereavement working group, with representatives from over 10 Departments, to improve bereavement support and ensure that it is more cohesive across Government. I also thank, as she did, the all-party parliamentary group on baby loss and the all-party parliamentary group for birth trauma.

Many employers go above and beyond their statutory duties and provide paid or unpaid compassionate leave. We would always encourage individuals facing difficult personal circumstances and their employers to have an open discussion to determine what solution best balances the needs of both parties. It is vital that we continue to promote a culture of compassion and understanding to the select few employers that do not respond appropriately to their employees' requests for time off work. My hon.

[Kevin Hollinrake]

Friend the Member for Broxtowe challenged us to legislate in this area, and I am very sympathetic to his pleas. Our only nervousness was set out by the hon. Member for Strangford (Jim Shannon). We are always cognisant of the impact of any legislation on businesses. However, it is fair to say in this case, with the small number of people who are affected, that this is something that merits very close consideration, if I can put it that way.

In this Parliament, we have already supported several private Member's Bills that will offer new entitlements and additional support for employed parents and families. This always has to be balanced against the burden on business and the Exchequer—the costs, as the hon. Member for Ellesmere Port and Neston (Justin Madders) set out. For example, in July 2023, the Employment Relations (Flexible Working) Act 2023 gained Royal Assent. That legislation will give millions of British workers more flexibility on where and when they work. Flexible working arrangements will be particularly useful to individuals trying to re-establish a routine after a difficult personal life event such as bereavement. We have also legislated in many other areas, including carer's leave, neonatal care, predictable working patterns and the tipping Bill to enhance worker's rights during this Parliament. As I say, given such a small cohort—sadly, 100 mothers lose their lives in this way—only 10 would be covered by the legislation that my hon. Friend the Member for Broxtowe and the hon. Member for Ogmore are considering, I am happy to meet them to discuss their proposals in more detail.

We will of course continue to support the participation and progression of parents in the labour market without adding additional regulations where we can avoid doing so. I am grateful to my hon. Friend the Member for Broxtowe for organising today's debate and to all those who contributed to it. I am keen to work with him to see how we can take matters forward.

5.15 pm

Darren Henry: I thank everyone for their participation in this debate. It is a difficult subject that has been handled with great sensitivity and care. I thank the

Minister, whom I have met about this topic on multiple occasions. He has always given valuable advice to me, and I am extremely grateful for that. I also thank the shadow Minister, the hon. Member for Ellesmere Port and Neston (Justin Madders), for his non-partisan remarks and support. I thank the hon. Member for Strangford (Jim Shannon) for his support for my Shared Parental Leave and Pay (Bereavement) Bill, which I introduced under the ten-minute rule. I know that, as a father and a grandfather himself, he is sincere in his support. I hope the Minister heard his words about how much cross-party support there is for a change.

I thank the hon. Member for Ogmore (Chris Elmore), who is not in his place, for introducing the Shared Parental Leave and Pay (Bereavement) Bill as a private Member's Bill. I also thank my hon. Friend the Member for Stafford (Theo Clarke) for her remarks about birth trauma, and about the help for mothers with their aftercare and healthcare added to the Government's health strategy as well. I also thank the hon. Member for North Ayrshire and Arran (Patricia Gibson) for her contribution. She is clearly passionate about this topic.

I hope that I have been clear that a change in our laws must be made to ensure that leave and pay is a day one right for those who lose their partner in childbirth. Once again, I am grateful to the hon. Member for Ogmore, whose Bill seeks to bring that about. I will be sure to support his Bill through each of its stages in the House. Loss in childbirth, of a partner or child, is one of the most devastating circumstances a family can face. It is vital that we put in place all the support that we can.

Question put and agreed to.

Resolved,

That this House has considered fatalities in childbirth and statutory leave and pay.

5.17 pm

Sitting adjourned.

Written Statements

Wednesday 6 December 2023

CABINET OFFICE

Hillsborough Charter

The Deputy Prime Minister (Oliver Dowden): In April 2016, the then Home Secretary commissioned Bishop James Jones to produce a report on the experiences of the Hillsborough families, to ensure their perspective was not lost. The bishop's report was published in November 2017. The bishop identified 25 points of learning in his report. A key recommendation among these was the creation of a "Charter for Families Bereaved through Public Tragedy" or, as it will be known, the Hillsborough charter. The charter, which the Government have signed, seeks to ensure that the lessons of the Hillsborough disaster and its aftermath are learned, to prevent those who are affected by public tragedy in the future from having the same experience.

Much of the charter is already embodied in the rules, obligations and codes that already apply to those in Government. In signing the charter, the Government are reaffirming their commitment to a continuing culture of honesty and transparency in public service and the wider public sector, in line with the existing frameworks and the underpinning values of the seven principles of public life—the Nolan principles—including in response to public inquiries.

The below sets out how the six points of the charter are reflected in existing rules, obligations and codes that apply to those who work in Government, and how the Government understand the effect of the charter in relation to these obligations:

In the event of a public tragedy, activate its emergency plan and deploy its resources to rescue victims, to support the bereaved and to protect the vulnerable.

Emergency response is provided for at a frontline level by organisations such as local authorities and emergency services, supported by statutory duties under the Civil Contingencies Act 2004. It is the responsibility of the local resilience forum to co-ordinate the response to a major emergency, which is in line with this commitment in the charter.

Place the public interest above our own reputation.

The concept of placing the public interest ahead of reputation is rooted in the seven principles of public life and, in particular, the first principle of selflessness. All public servants should follow this principle, which states they should act solely in terms of the public interest. The civil service code, which is underpinned by primary legislation, includes four values—honesty, integrity, impartiality, objectivity. It makes clear that all civil servants are expected to carry out their roles with dedication and a commitment to the civil service and its core values, including integrity—putting the obligations of public service above your own personal interests. Special advisers are temporary civil servants, and follow the code of conduct for special advisers and the civil service code, other than the provisions on impartiality and objectivity; they are also bound by the requirement in the civil service code to act with integrity and honesty.

Approach forms of public scrutiny—including public inquiries and inquests—with candour, in an open, honest and transparent way, making full disclosure of relevant documents, material and facts. Our objective is to assist the search for the truth. We accept that we should learn from the findings of external scrutiny and from past mistakes.

The seven principles of public life embed a requirement for all public servants to behave with openness—acting and taking decisions in an open and transparent manner and only withholding information from the public for clear and lawful reasons—and with honesty, or being truthful. They also require public servants to be accountable by submitting themselves to the scrutiny necessary to ensure this. The civil service code requires that civil servants deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, and that they comply with the law and uphold the administration of justice. Ministers are subject to an overarching duty to comply with the law and to protect the integrity of public life.

The principles of the charter reflect the existing approach under the Nolan principles, the civil service code and the concept of operations to deal with the public and in respective processes openly and honestly. These principles also reaffirm our commitment to comply with the duty of candour and our existing disclosure obligations in respect of all proceedings in which the Government participate.

In some situations, it may be inappropriate for official information to be disclosed publicly—for example, legally privileged information—or it may not be in the public interest to do so because of the subject matter, such as issues of national security. The Law Officers' convention may also apply to such information. Public officials are also subject to other requirements around information sharing, such as the Official Secrets Act 1989 and exemptions within the Freedom of Information Act 2000. This means that full disclosure may not always be possible in relation to broader scrutiny or inquiries. In signing the charter, the Government are not intending to widen the disclosure obligations which currently apply or to narrow the well-established exceptions to those obligations. Nevertheless, the Government are committed to ensuring transparency and openness in relation to public inquiries and inquests in the event of a public tragedy, and public officials are committed to this by the existing framework of obligations.

Hon. Members will be aware of the judicial review brought by the Government in relation to the covid inquiry. This was to establish clarity on an important point of law. We now have a clear ruling on the powers of public inquiry chairs on the submission of material.

The Government do not understand the charter to expand or alter such obligations whether in judicial review proceedings, inquiries or inquests—or any other proceedings—as defined in the Civil Procedure Rules, the Inquiries Act 2005 and settled case law. The Government will continue to comply with their existing duties in relation to candour and disclosure.

Similarly, the Government do not understand the existing duties in respect of the provision of information directly to the public to be expanded or altered by the signing of the charter. This is subject to extensive regulation in, for example, the provisions—including public interest considerations—of the Freedom of Information Act 2000 and the Environmental Information Regulations, as well as the Inquiries Act 2005.

Avoid seeking to defend the indefensible or to dismiss or disparage those who may have suffered where we have fallen short.

Under the seven principles of public life, all public servants are required to demonstrate leadership, which includes treating others with respect and challenging poor behaviour wherever it occurs. They are also required to act with selflessness, by acting solely in the public interest, and with honesty by being truthful. The civil service code makes clear that all civil servants are expected to carry out their roles with dedication and a commitment to the civil service and its core values, including honesty—being truthful and open—and integrity, or putting the obligations of public service above your own personal interests.

Special advisers are also bound by these requirements, by the code of conduct for special advisers, which sets out that

“the preparation or dissemination of inappropriate material or personal attacks has no part to play in the job of being a special adviser as it has no part to play in the conduct of public life”,

and the civil service code. Ministers are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety.

In accepting this principle, the Government do note however the importance of individuals being able to explain the rationale for their actions in the face of public scrutiny, including in the context of public inquiries.

Ensure all members of staff treat members of the public and each other with mutual respect and with courtesy. Where we fall short, we should apologise straightforwardly and genuinely.

All seven principles of public life broadly capture the need for public servants to treat the public and each other with respect and courtesy, and to be honest, transparent and genuine in assessing outcomes. The civil service code requires that civil servants are professional in how they deal with the public and their affairs, and act fairly, efficiently, promptly, effectively and sensitively.

It also requires that they comply with the law and uphold the administration of justice, acting with integrity by putting the obligations of public service above their own personal interests. As already noted, Ministers are expected to maintain high standards of behaviour and have an overarching duty to comply with the law and to protect the integrity of public life.

Recognise that we are accountable and open to challenge. We will ensure that processes are in place to allow the public to hold us to account for the work we do and for the way in which we do it. We do not knowingly mislead the public or the media.

All public servants, in line with the seven principles of public life, are required to demonstrate openness by acting and taking decisions openly and transparently, and not withholding information from the public unless there are clear and lawful reasons for doing so. They are required to be accountable by submitting themselves to the necessary scrutiny to be held accountable by the public, and to demonstrate honesty—being truthful—which would include not knowingly misleading others.

The civil service code requires that civil servants and special advisers deal with the public and their work fairly, and they comply with the law and uphold the administration of justice. Ministers have a duty to account to Parliament and will be held to account for

the policies, decisions and actions of their Departments and agencies, and must give accurate and truthful information to Parliament. Ministers should be as open as possible with Parliament, refusing to provide information only when disclosure would not be in the public interest, as set out in the extant 1997 resolution on ministerial accountability to Parliament.

[HCWS99]

EDUCATION

RAAC in Schools and Colleges

The Secretary of State for Education (Gillian Keegan):

This update follows from my oral and written ministerial statements to the House in September and October.

An updated list of schools and colleges with confirmed cases of reinforced autoclaved aerated concrete in England has been published today. As of 27 November, there are 231 education settings with confirmed RAAC in some of their buildings. Thanks to the hard work of school and college leaders, 228 settings (99%) are providing full-time face-to-face education for all pupils. Three settings have hybrid arrangements in place. This may involve some remote learning on some days as not all pupils can currently receive full-time face-to-face education. There are no education settings with confirmed RAAC where all pupils are in full-time remote learning.

Last year we issued a questionnaire asking responsible bodies for schools and colleges to identify whether they suspected they had RAAC. Responsible bodies have submitted responses to the questionnaire for 100% of schools and colleges with blocks built in the target era. All schools and colleges that have advised us they suspect they might have RAAC have had a first survey to confirm if RAAC is present. The vast majority of schools and colleges surveyed to date have been found to have no RAAC.

Every school or college with confirmed RAAC is assigned dedicated support from our team of caseworkers. Project delivery teams are on site to support schools and colleges to implement mitigation plans. They will work with them to put in place a bespoke plan that supports face-to-face education for all pupils as soon as possible based on their circumstances. Mitigation plans include other spaces on the school site, or in nearby schools or elsewhere in the local area, until building works are carried out or temporary buildings are installed.

The Government are funding the emergency work needed to mitigate the presence of RAAC, including installing alternative classroom space where necessary. All reasonable requests for additional help with revenue costs, like transport to locations or temporarily renting a local hall, are being approved. The Government are funding longer-term refurbishment or rebuilding projects to address the presence of RAAC in schools. Schools and colleges will either be offered capital grants to fund refurbishment work to permanently remove RAAC, or rebuilding projects where these are needed, including through the school rebuilding programme.

I want to reassure pupils, parents and staff that this Government are doing whatever it takes to support our schools and colleges in responding to RAAC and minimise disruption to education.

[HCWS98]

ENERGY SECURITY AND NET ZERO

Energy Security Plan: Gas Supply

The Minister for Energy Security and Net Zero (Graham Stuart): I am pleased to announce that the Government have today published two updates to the March 2023 Powering Up Britain Energy Security Plan. The first sets out key considerations on the future role that gas storage and other forms of flexibility can play in the security of gas supply. The second sets out a proposed methodology for assessing medium range gas supply security.

Energy security is a priority for this Government as we transition to net zero. While we expect UK gas demand to decline as part of this transition, natural gas will continue to play a critical role in our energy system for decades to come. Alongside this reduced demand we are facing reduced domestic supply. With declining domestic gas production from the UK's continental shelf, the UK will become more dependent on gas imports, including from global liquefied natural gas (LNG) supplies. As the gas storage and flexibility update highlights, natural gas LNG and interconnector imports are estimated to be approximately 11% of our total gas demand in 2023, rising to just under 50% in 2045.

To slow this increasing dependence on gas imports and the risk of higher embedded emissions in them, the Government are backing the North sea oil and gas industry—so as to make Britain more energy independent. That is why we have introduced the Offshore Petroleum Licensing Bill to give industry certainty as to the future of licensing rounds. The continuing award of new oil and gas licences is essential to the UK's energy security, further investment in moving the basin to net zero and in retaining the supply chain required for the transition. It will help slow the decline in the UK's domestic production of gas as we consider the ongoing role of flexibility in the UK's gas supply for the coming decades.

The role played by flexible sources of gas supply is expected to change over the coming years to provide two roles—continued and probably increased flexibility to respond to patterns of demand as well as making a contribution to baseload supply. For the gas system, the three forms of supply side, infrastructure-based forms of flexibility—geological gas storage, LNG and interconnectors—all share three key features: they can respond to peaks in demand, can be dialled up or down depending on demand across days and seasons, and their gas supply contribution is driven by market signals.

The gas storage and flexibility update therefore explores the future role that flexible sources of gas supply might play in gas security over the medium to long term, and the associated policy decisions for Government. We are proposing to launch a call for evidence on flexible sources in the coming months to support policy development on the future role of flexibility in gas security of supply.

The second update publication outlines a proposed methodology that could be used by the planned future system operator (FSO) to deliver a new medium range gas supply security assessment. This will be an annual assessment that will consider how the UK's future estimated

gas supplies compare against demand scenarios five and 10 years into the future. It will help Government and industry gain insight and plan for the UK's future gas security. The Government will use this publication to engage with industry, academia, Ofgem, the system operators, and other stakeholders to further refine the methodology ahead of the FSO becoming operational.

I will place a copy of the documents: “The role of gas storage and other forms of flexibility in security of supply” and the “Medium range gas supply security assessment: methodology” in the Libraries of the House.

You can find the updates to the Energy Security Plan on:

<https://www.gov.uk/government/publications/role-of-gas-storage-and-other-forms-of-flexibility-in-security-of-supply>, and

<https://www.gov.uk/government/publications/medium-range-gas-supply-security-assessment-methodology>.

[HCWS97]

HEALTH AND SOCIAL CARE

Health and Care Settings: Duty of Candour

The Parliamentary Under-Secretary of State for Health and Social Care (Maria Caulfield): I wish to inform the House that the Department of Health and Social Care will lead a review into the effectiveness of the statutory duty of candour for health and social care providers in England. The review will formally commence early in the new year.

The duty of candour is set out in regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. It has been in place for NHS trusts and NHS foundation trusts since 2014 and for all other providers regulated by the Care Quality Commission since 2015.

The duty of candour is about people's right to openness and transparency from their health or care provider. It means that when something goes wrong during the provision of health and care services, patients and their families have a right to receive explanations for what happened as soon as possible and a meaningful apology.

Since its introduction, there has been variation in how the duty has been applied in some settings. To that effect, the review will look at the operation and enforcement of the existing duty, with a focus on delivering recommendations that can improve its application.

The terms of reference will be published on www.gov.uk and I will deposit a copy in the Libraries of both Houses.

[HCWS100]

HOME DEPARTMENT

Rwanda Treaty

The Secretary of State for the Home Department (James Cleverly): On 15 November, the Supreme Court handed down its judgment in relation to the migration and economic development partnership between the UK and Rwanda. The Court acknowledged that changes can be delivered to address its concerns. We have been working with the Government of Rwanda to make these changes—they are equally committed to deliver this partnership.

Yesterday, I signed a new treaty with Foreign Minister Biruta. This further strengthens our partnership and addresses the conclusion from the Supreme Court on the risk of refoulement to those individuals who are relocated to Rwanda.

The treaty can be found here: <https://www.gov.uk/government/publications/uk-rwanda-treaty-provision-of-an-asylum-partnership>.

This treaty is binding in international law. It makes it absolutely clear that people relocated to Rwanda will be safe and supported and will not be removed to a country other than the UK. This ensures there is no risk of refoulement. For those who are not granted refugee status or humanitarian protection, they will get equivalent treatment which includes being granted permanent residence so that they are able to stay and integrate into Rwandan society.

Through the treaty, Rwanda will introduce a strengthened end-to-end asylum system. Individuals will have the right to appeal a decision on their asylum claim, which will be considered by a new, specialist asylum appeals body. It will have one Rwandan and one other Commonwealth co-president and be made up of judges from a mix of nationalities, selected by the co-presidents.

The treaty also enhances the role of the independent monitoring committee which will ensure adherence to obligations under the agreement. It will have the power

to set its own priority areas for monitoring and be given unfettered access to complete assessments and reports. The committee will monitor the entire relocation process, including initial screening, relocation and settlement in Rwanda. It will develop a system to enable relocated individuals and legal representatives to lodge confidential complaints directly to the committee.

The Prime Minister committed to stop the boats, and we are delivering on that. The number of arrivals is down by a third; the initial asylum backlog is down from 92,000 to less than 20,000; we have removed over 22,000 people this year; and we have already closed 50 asylum hotels.

To fully solve this problem, we need a strong deterrent as part of our wider toolkit. As our deal with Albania shows, deterrence works: Albanian arrivals are down by more than 90% this year. That is why it is essential we remove illegal migrants to Rwanda. If people know they cannot stay in the UK if they come here illegally, we will prevent people from risking their lives by making the dangerous journey across the channel.

The Prime Minister has announced we will be bringing forward legislation to complement this treaty. I look forward to introducing this to the House in due course.

[HCWS101]

Ministerial Correction

Wednesday 6 December 2023

CABINET OFFICE

Civil Service Staff Turnover

The following is an extract from Cabinet Office Questions on 23 November 2023.

Sir Bernard Jenkin: I congratulate my right hon. Friend on his appointment—and a very welcome one it is too. Does he acknowledge that although the problem of churn and generalism in the civil service has been around for 50 or 60 years, since the Fulton inquiry in the 1960s under Harold Wilson, it has become worse and worse? I thank him for the evidence that the Government have submitted to the Liaison Committee's inquiry on strategic thinking in Government and how Select Committees can better scrutinise it, but if the Government do not have in place the experts and the people with domain knowledge, domain expertise and subject experience, there is not likely to be much good strategic thinking going on, given that Ministers often seem to know more about the subjects than the officials they are dealing with. May I invite my right hon. Friend to give us a supplementary note for the inquiry, so that we can understand their thinking on this matter more deeply?

John Glen: My hon. Friend obviously knows a great deal about this as a result of his distinguished 31 years of experience in the House, but pivotal role allowances have been in place for 10 years to help us to retain certain key individuals. A number of initiatives were introduced by my distinguished predecessor Lord Maude, the former right hon. Member for Horsham, and I intend to build on those, but I am happy to engage with my hon. Friend, because this is a serious issue.

In 2022, the last year for which we have figures, there was a 12.4% turnover from the senior civil service, and **resignations were at 5%**. We need to look carefully at what that means across different roles, and at how we can retain the specialisms for longer periods so that key Government programmes benefit from the sort of leadership that has enduring expertise at the table.

[Official Report, 23 November 2023, Vol. 741, c. 446.]

Letter of correction from the Minister for the Cabinet Office and Paymaster General, the right hon. Member for Salisbury (John Glen):

An error has been identified in the reply I gave to my hon. Friend the Member for Harwich and North Essex (Sir Bernard Jenkin).

The correct reply should have been:

John Glen: ... In 2022, the last year for which we have figures, there was a 12.4% turnover from the senior civil service, and **resignations were at 4.9%**. We need to look carefully at what that means across different roles, and at how we can retain the specialisms for longer periods so that key Government programmes benefit from the sort of leadership that has enduring expertise at the table.

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