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(HANSARD)

**HOUSE OF LORDS**  
**OFFICIAL REPORT**

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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# House of Lords

Thursday, 5 November 2015.

11 am

Prayers—read by the Lord Bishop of Sheffield.

## Introduction: Lord Campbell of Pittenweem

11.08 am

*The right honourable Sir Walter Menzies Campbell, Knight, CH, CBE, QC, having been created Baron Campbell of Pittenweem, of Pittenweem in the County of Fife, was introduced and made the solemn affirmation, supported by Lord Steel of Aikwood and Lord Kirkwood of Kirkhope, and signed an undertaking to abide by the Code of Conduct.*

## Introduction: Lord Foster of Bath

11.14 am

*The right honourable Donald Michael Ellison Foster, having been created Baron Foster of Bath, of Bath in the County of Somerset, was introduced and took the oath, supported by Baroness Barker and Lord Strasburger, and signed an undertaking to abide by the Code of Conduct.*

## Women: Refuges Question

11.19 am

Asked by **Baroness King of Bow**

To ask Her Majesty's Government whether they have plans to secure sustainable and long-term funding for women's refuges in England when the emergency funding for refuge services ends on 31 March.

**The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Williams of Trafford) (Con):** My Lords, the Government recognise how vital refuges are. That is why in the summer Budget we announced a further £3.2 million of funding for refuges, in addition to the £10 million announced in 2014. We are committed to secure funding for refuge provision, as set out in our manifesto. We are determined to ensure that no victim is turned away from the support that they need. Future funding arrangements are a matter for the spending review.

**Baroness King of Bow (Lab):** My Lords, we all know that every week, on average, two women are murdered in this country by their partner or ex-partner. That is one of the reasons why the Government's £2.1 million crisis funding was so warmly welcomed. Women's Aid has taken 40 years to build up a network of refuges that save lives every day, yet they and other refuges—those that have not yet closed—have to turn away hundreds of women and children. Therefore, will the Minister assure us that in the forthcoming government spending review a long-term funding solution for refuges will be found? Does she agree that we need ring-fenced funding as well to help women and prevent murder?

**Baroness Williams of Trafford:** The noble Baroness makes a very powerful point. We are absolutely committed to ensuring that no woman will be turned away from the help she needs. Clearly, I cannot pre-empt the spending review, but we have provided additional funding. We committed in our manifesto to securing future funding for refuges, but we have also provided funding to UK refuges online—UKROL—so that victims calling the national domestic violence helpline looking for refuge can get additional help to find the support they need.

**Baroness Hamwee (LD):** My Lords, on the subject of the comprehensive spending review, have the Government undertaken any cost-benefit analysis, either formal or informal, of the benefits of providing good—or at any rate adequate—refuge provision, taking into account both local authority and central government spending?

**Baroness Williams of Trafford:** The cost of domestic violence, both to the individual and to society, is immense. The estimated cost of domestic violence to employers is some £3.1 billion. The total cost is an estimated £23 billion when all the various factors are taken into account, including the human and emotional suffering and the subsequent suffering of children. So the costs are immense, and the benefits of addressing this issue are obviously incalculable.

**Baroness Kennedy of The Shaws (Lab):** I welcome the fact that the Minister takes this issue so seriously and that there will be some additional funding; let us hope it will be even more than the Minister indicated. I declare that I am a trustee of Refuge, the oldest of the movements providing assistance to victims of domestic violence. The costs, as she has described, are huge, yet over the last few years we have seen a reduction in additional services of up to 80% for some of the organisations that are providing support. Refuge sees 3,300 women and children coming through its doors every day. So the problem is enormous and the sums involved are very small. Can more money be made available for all the other services that are needed, such as the trauma and legal services, as well as accommodation? Most of the organisations are providing that full gamut, and the money available is simply not enough.

**Baroness Williams of Trafford:** The noble Baroness makes a very valid point; it is not just about refuges but everything else that the woman fleeing domestic violence needs. In fact, we made it clear that the £10 million fund is for additional support services that such women need. Independent domestic violence advocates have proved incredibly helpful and effective, as have the MARAC teams, and there are other forms of provision, such as the additional support services. The Department for Education has provided £138,000 to the Behind Closed Doors programme, which supports children affected by domestic violence. We must not forget all the work that is also going on in the troubled families programme, which has unearthed domestic violence in its work with families. That has been a great success story.

**Baroness Manzoor (LD):** My Lords, if a woman who is fleeing domestic violence has more than two children, her child tax credit element will be cut. As I said yesterday, I would really appreciate the Government

[BARONESS MANZOOR]

looking into this issue. There are also other real and serious issues, such as the complexity of mental health services. Are the Government thinking of putting money into dealing with those complex issues and needs?

**Baroness Williams of Trafford:** My Lords, as I said in answer to a previous question, domestic violence is a very complex issue. For the people, mainly women, who experience it there are more complexities than just the domestic violence they suffer. As the noble Baroness says, they may have children and suffer mental health problems, often as a result of the abuse they have suffered. So yes, we are thinking very clearly about that.

**Baroness Hayter of Kentish Town (Lab):** My Lords, given that about 30 of the refuges have had to close, a lot of this need then falls back on local government, which is not able to offer the same specialist, trained advice. Does the Minister accept that this is not just about having a plethora of places? There must be specialist, trained people to provide help and direction, whether to legal aid or to other forms of help.

**Baroness Williams of Trafford:** My Lords, UKROL data show that bed spaces actually rose from 3,216 in 2013 to 3,350 in 2015, but—it is a huge “but”, and I am not at all dismissing what the noble Baroness says—demand is increasing massively. She is right that it is absolutely crucial that we think about the support and other services that are needed. Those services will be provided not just by local authorities and housing associations, but by all the providers who have been so active in this area for so long.

### Islam Question

11.26 am

Asked by **Lord Pearson of Rannoch**

To ask Her Majesty’s Government whether, as part of their counter-extremism strategy, they will encourage a national debate about the nature of Islam, including whether the Muslim tenet of abrogation remains valid today.

**The Parliamentary Under-Secretary of State, Department for Transport and Home Office (Lord Ahmad of Wimbledon) (Con):** My Lords, the Government’s approach and strategy to countering extremism is firmly based on further strengthening our relationships and work with the communities and organisations across the United Kingdom and together confronting, challenging and disrupting extremism in all its ugly guises.

**Lord Pearson of Rannoch (UKIP):** My Lords, I thank the noble Lord for that fairly helpful reply. Some noble Lords may not be aware that abrogation means that, where there is contradiction in the Koran, its later and more violent verses outweigh its admirably peaceful early texts. Is the noble Lord aware that, together with some Koranic scholars, I have written a short summary of Islam, which I will send him, and that we are asking the *Guardian* newspaper to hold an

open debate as to its accuracy? Secondly, given the seriousness of our domestic situation, could not the Government themselves sponsor a council of our Muslim leaders in which they could clarify the modern meaning of their religion and cast the extremists out of Islam?

**Lord Ahmad of Wimbledon:** My Lords, I look forward to receiving the noble Lord’s summary of the great religion of Islam. Perhaps during his reflection he will also have noted that, with the exception of one verse in the holy Koran, every verse starts with the words: “In the name of God, the gracious, most merciful”, which underlines the true sentiments and principle of that religion. The Government have very much been engaging in debate across Muslim communities. Indeed, the Prime Minister recently launched an engagement forum where he is meeting with people of all denominations from across the Muslim community and beyond to ensure that we confront extremism, as I said earlier, in all its ugly guises.

**Lord Lamont of Lerwick (Con):** My Lords, does the Minister agree that while it is appropriate for the Government to sponsor good community relations and to promote British values in citizenship courses and in schools, and while it is right that civil society should debate the merits, perhaps, of each religion, surely it would be totally inappropriate for the state to be involved, as the noble Lord, Lord Pearson, has suggested, in a critique of one of the world’s great religions, which is followed by 1.2 billion people throughout the world?

**Lord Ahmad of Wimbledon:** Suffice it to say that I totally agree with my noble friend.

**Baroness Hussein-Ece (LD):** My Lords, does the noble Lord think it is helpful or constructive that any religious text—be it from the Koran, the Old Testament or even the Hebrew scriptures; taken and quoted selectively—should be used in a negative, divisive and political way to put whole communities on trial?

**Lord Ahmad of Wimbledon:** I totally agree with the noble Baroness. No community should be on trial in our great country. There are extremists of every guise who take noble faiths and seek to hijack them. That is the challenge that we face within Islam today, but I am pleased to say that it is the Muslim communities of Britain and beyond who are at the forefront of challenging that.

**Lord Ahmed (Non-Aff):** My Lords, what are the Government’s views of the following comments: “Most Nigerians are generally bad people”; “Jewish bankers financed Hitler”; “Islam is a cancer”? What should be our response to a political party that holds such views?

**Lord Ahmad of Wimbledon:** The views that the noble Lord has just articulated, which he is reporting to the House, are abhorrent, and I think I speak for the whole House.



**Baroness Mobarik (Con):** My Lords, first, I was not aware that the noble Lord, Lord Pearson, was a scholar of Islamic theology. I do not profess to have any such expertise, but I am concerned that such a debate as he advocates could be divisive and further exacerbate the current rise in Islamophobia. I, like the vast majority of the 1.6 billion Muslims around the world, was taught that peace, compassion and obeying the law of the land are fundamental. To me, that is the nature of Islam. Does my noble friend the Minister agree that such a debate would be unhelpful for interfaith relations and social cohesion?

**Lord Ahmad of Wimbledon:** I agree with my noble friend. This Government, and indeed the previous coalition Government, have built on the previous opposition Governments' work in bringing communities together. It is about fighting hate in every guise in which it is found. I am therefore delighted that in October the Prime Minister himself announced—I am sure many noble Lords followed it—that, from April 2016, along with anti-Semitism, anti-Muslim crime will be recorded as a specific hate crime by all 43 police forces across England and Wales.

**The Lord Bishop of Sheffield:** My Lords, I strongly agree with the question raised by the previous speaker and the Minister's reply. Does the Minister agree that encouraging education and dialogue across a broad front should be a key part of our strategy, including: encouraging relationships not only between the faith communities but between all the faith communities and civil society; encouraging agencies such as the Islamic Society of Britain—which does such powerful good work in education in schools and other areas; raising the levels of religious literacy at all levels; further analysis of why people of faith do, in a minority of cases, resort to violence; and building on the excellent work of the noble Lord, Lord Sacks, in his recent book *Not in God's Name*?

**Lord Ahmad of Wimbledon:** The right reverend Prelate raises a very important issue about education. I think that education is the cornerstone of all progressive societies. The Near Neighbours scheme, for example, run by the Church of England, is a great scheme which brings communities together, irrespective of faith and denomination, to ensure that good and sensible values—the prevailing values; we often talk about British values but ultimately they are the human values we all share—prevail in a modern, progressive Britain.

**Lord Rosser (Lab):** The Minister made reference to a comment by the Prime Minister. Does the Minister accept that the Prime Minister made a comment about sections of the Muslim community quietly condoning extremism, and that that risks causing division and fuelling resentment which will be counterproductive to the Government's recently published counter-extremism strategy, which quite rightly focuses on building cohesive communities?

**Lord Ahmad of Wimbledon:** I am sure the noble Lord has read the strategy; its foreword is by the Prime Minister. The Prime Minister is the one leading on this strategy of countering extremism. It is about bringing

together people of all communities, of all faiths and none, to ensure that we can tackle extremism in all its ugly guises—whether it is those who seek to hijack a noble religion, as we currently find in the religion of Islam, or those who use race and religion to divide society. We must unite against all such extremism.

## Royal Navy Question

11.35 am

Asked by **Lord West of Spithead**

To ask Her Majesty's Government how many committed tasks the Royal Navy has to fulfil and what is the maximum number of committed tasks involving a frigate or destroyer that the Royal Navy could undertake over a prolonged period.

**The Minister of State, Ministry of Defence (Earl Howe) (Con):** My Lords, the committed force focuses primarily on providing nuclear deterrence, defence of the UK and its overseas territories, and supporting the civil emergency organisations in times of crisis. The Royal Navy makes a sustained contribution to the delivery of military tasks on which the committed force is principally focused with frigates, destroyers and other force elements.

**Lord West of Spithead (Lab):** I thank the noble Earl for his Answer. In 1998, we decided to have only 30 destroyers and frigates. We realised more were needed, but we said we would take the risk. Since then, the world has become more chaotic, as the Prime Minister has recently said, and we now have 19 destroyers and frigates, which I am on record as saying I believe is a national disgrace for a great maritime nation. Of those 19, six are the Type 45 destroyer, a brilliant anti-air warfare ship with fantastic capability, but there is a major main propulsion problem with those ships, so in reality today we have 13 escorts to do all the tasks required for our nation. Do we have a method in place now to resolve this problem with the Type 45's main propulsion? When will they all be available for full operation, or will we be looking after this nation with only 13 escorts?

**Earl Howe:** My Lords, as the noble Lord is only too well aware with his enormous experience, the normal operational cycle of every ship involves them entering different readiness levels depending on their programmes and departmental planning requirements. He is right that the Type 45 has experienced some equipment reliability issues, including with the power and propulsion systems, but I am glad to tell him that most of them have now been remedied and work is continuing to resolve the remaining issues. Notwithstanding the issues that I have referred to, the Type 45 class remains operational and has certainly demonstrated its capability in the time that it has been in service.

**Baroness Jolly (LD):** How many personnel are required on board these ships to fulfil those committed tasks? What gives the Minister confidence that there are enough skilled men and women to ensure that all ships and boats have their full complement?

**Earl Howe:** I am sure the noble Baroness will be aware that manning numbers are flexed according to whatever task the ship is assigned to fulfil. The bottom line is that no ship will ever go to sea unless it is fully manned for that particular task. For example, the Type 45 has a manning complement of 191, and for the Type 23 it is anything between 120 and 220. The manning situation in the Royal Navy is broadly in balance, although the noble Baroness will be aware of specific shortfalls that are most prevalent in surface and submarine engineer and warfare specialisations. There are a number of mitigating actions in place to address those issues.

**Lord Touthig (Lab):** Keeping the seaways of the world open for trade and commerce is essential to the well-being of an island people like us, and means being able to protect our interests if they are threatened. I am sure the Minister and I agree on that. The head of the Russian navy has admitted increasing submarine patrols by 50% in the past two years and the chief of US naval operations has said that Russian warships are operating at a level not seen for two decades. He said that the Americans are debating whether to increase their naval presence in Europe. Are they doing that because they believe that Britain is no longer able to mount a response? Have they raised this matter with us? If we are asked to help, how many ships could we deploy?

**Earl Howe:** My Lords, I am sure the Russians are in no doubt of the capability that the Royal Navy can demonstrate. The Royal Navy has a robust range of measures in place for detecting and shadowing non-NATO naval units which may seek to enter our territorial waters without prior authority. We continue to develop new detection capabilities to maintain the operational advantage that we need. The strategic defence and security review currently under way will allow us to assess the full spectrum of submarine detection capability, including the utility of fixed-wing maritime patrol aircraft.

**Lord Foulkes of Cumnock (Lab):** My Lords, my noble friend has revealed how many operational ships there are in the Royal Navy. Will the Minister tell us how many admirals there are?

**Earl Howe:** As with manning numbers on ships, the number does vary. I will write to the noble Lord.

**Lord Burnett (LD):** My Lords, I wonder if the noble Earl would remind the SDSR team that there are many thousands of very high-calibre young men queuing up to join the Royal Marines, both as enlisted men and as officers—and that there should be no question of reducing the numbers in the Royal Marines, given the vital role they play in Britain's defence.

**Earl Howe:** My Lords, the noble Lord, with his experience of the Royal Marines, makes an extremely good point. No doubt that issue will be at the forefront of the planners' minds at present.

**Lord Spicer (Con):** My Lords, is it not true that a Royal Navy ship shot down a missile yesterday? If so, should we not have more ships than admirals perhaps?

**Earl Howe:** My Lords, my noble friend is referring to an exercise off the west coast of Scotland, which did indeed incorporate an anti-ballistic missile exercise—a very notable landmark in the capability of the Royal Navy.

**Lord West of Spithead:** My Lords, does that mean that we are now embarking on ballistic missile defence in our warships as a future policy?

**Earl Howe:** My Lords, it is one capability that we are looking at in the context of the SDSR.

**Lord Stewartby (Con):** My Lords, when I first saw the wording of this Question, I wondered whether my noble friend was being asked to speculate about what the actual numbers might be. We heard some useful information this afternoon in that direction, but it is a long-running episode which requires attention from Defence Ministers all the time. I hoped that we could have a bit more precision. After all, the Question asks about,

“the maximum number of committed tasks involving a frigate or destroyer that the Royal Navy could undertake over a prolonged period”,

which gives an open way to an answer. Perhaps my noble friend can elaborate on that.

**Earl Howe:** I think the central point to make is that the SDSR provides the Government with an opportunity to take a deep look at what the Armed Forces need to meet the challenges that are assessed to face our country. It will set out the defence planning assumptions and the military tasks—essentially, what the Government may ask the Armed Forces to undertake. I am afraid that my noble friend will have to wait until the publication of the SDSR in a few weeks' time.

## Living Wage Question

11.42 am

*Asked by Baroness Royall of Blaisdon*

To ask Her Majesty's Government, in the light of the recent report by KPMG on the number of people not earning the Living Wage, what action they will take to ensure an increase in the proportion of workers earning the Living Wage.

**The Earl of Courtown (Con):** My Lords, from April 2016, we will be introducing the national living wage for workers aged 25 and over. At £7.20 per hour, it will mean that a full-time worker working a 35 hour week will earn £910 per year more than at the current national minimum wage. The Government encourage all employers to pay above the national minimum wage, where they can afford to do so.

**Baroness Royall of Blaisdon (Lab):** My Lords, KPMG in its survey was talking about the real living wage, which is £9.40 per hour in London and which enables employees to live with dignity and receive fewer tax credits. Why does the Minister think that 1.3 million more women than men are paid less than the living wage? Why is it that a young woman in her 20s is going to be 50% more likely to earn less than the living wage next year than the workforce in general? It is great that

more than 700 employers now pay the London living wage, but the retail industry is notably recalcitrant. In September—

**Noble Lords:** Too long!

**Baroness Royall of Blaisdon:** It might be long, but it is important. In September, I co-signed a letter to Sir Philip Green with Susan Benavides, a cleaner at Topshop who is struggling on the minimum wage and whose life would be transformed by the London living wage. What can the Government do to aid people like her?

**The Earl of Courtown:** My Lords, the noble Baroness is quite right as far as the living wage and wages for women are concerned, and the sooner that we have more parity in that, the better. She also mentioned the retail industry. I should point out that from next April, when the national living wage will be paid, Lidl, Starbucks, Costa, Morrisons, Amazon and Mitie have all committed to pay the national living wage.

**Lord Marlesford (Con):** My Lords, does the Minister agree that the self-employed have a particular responsibility for, and indeed control over, their own earnings? One of the reasons why Britain is the best country in Europe to become self-employed in is the very high threshold for registration for VAT, which is £82,000, which is about 10 times that of the other countries in the EU. This means that someone starting a small business does not have to charge VAT until they reach a turnover of £82,000, which of course gives them a huge competitive advantage if they are selling their services to people who cannot reclaim VAT.

**The Earl of Courtown:** My Lords, my noble friend is right on that. It is so important that these small businesses have as much help as possible, and the fact that we have this high threshold for value-added tax helps them. I add that the Government are increasing the employment allowance from £2,000 to £3,000 from April 2016. This will benefit up to 590,000 employers, and as a result those businesses could employ four people full-time on the national living wage and pay no national insurance contributions.

**Lord Razzall (LD):** My Lords, the justification given by the Chancellor of the Exchequer for reducing the payment of tax credits was that recipients would be compensated by increases in the minimum wage, incorporating the living wage. Even on the Chancellor's own figures, this will not happen until 2019-20, and now the Institute for Fiscal Studies has confirmed that the increase will not provide adequate compensation for the loss of income by many recipients. Does the Minister now agree that the justification given by the Chancellor of the Exchequer was deeply flawed?

**The Earl of Courtown:** My Lords, my noble friend Lord Ashton of Hyde answered a Question on this subject yesterday. With the leave of the House, I shall repeat part of what he said:

“As the Chancellor has made clear, the Government will set out in the Autumn Statement how we plan to achieve the same goal of reforming tax credits and saving the money we need to save to secure our economy”.—[*Official Report*, 4/11/15; col. 1631.]

**Baroness Sherlock (Lab):** My Lords, the KPMG report shows that 72% of 18 to 21 year-olds are earning less than the living wage compared with 17% of those in their 30s, yet the Government have chosen to exclude under-25s from getting what they call the new living wage—in fact, a new minimum rate for over-25s. I would like the Minister to tell the House why. The Paymaster-General, Matthew Hancock, said the reason was that young people were not productive enough to merit a living wage. Is that the reason? If not, what is?

**The Earl of Courtown:** My Lords, as the noble Baroness is aware, the national minimum wage, which covers young people under 25, has had the biggest increase in its rate—3%—since 2006. This means that the national minimum wage is closer to the average wage than ever before. She asked a number of other questions that I do not—

**Baroness Sherlock:** The question was “Why?”.

**Noble Lords:** Why?

**Lord Bassam of Brighton (Lab):** You have to answer for the Government.

**The Earl of Courtown:** I realise that, my Lords. I am afraid I will have to write to the noble Baroness; I have lost my train of thought.

**Lord Kinnock (Lab):** My Lords, the report by the Living Wage Foundation demonstrates that in London the wage to be paid as a minimum should now be £9.40 an hour, instead of waiting until 2020 for it to reach £9 an hour under the Government's formulation. What is the Minister's view of the fact that, for another four years and more, millions of people who serve this country, serve this capital and serve every industry and activity outside it are going to be grossly underpaid?

**The Earl of Courtown:** My Lords, the noble Lord makes a point relating to the UK living wage of £9.40 in the capital of this country. Employers choose to pay the UK living wage on a voluntary basis. It is not actually affordable for all employers. The rates for the national minimum wage and the trajectory for the national living wage toward its target of 60% of median earnings by 2020 are recommended by the independent Low Pay Commission in order to set the pay floor as high as possible without having a material impact on employment.

## Business of the House

### *Motion on Standing Orders*

11.49 am

Moved by **Baroness Stowell of Beeston**

That Standing Order 46 (No two stages of a Bill to be taken on one day) be dispensed with on Tuesday 10 November to allow the Finance Bill to be taken through its remaining stages that day.

*Motion agreed.*



## Pornography

### *Motion to Take Note*

11.50 am

*Moved by The Lord Bishop of Chester*

That this House takes note of the impact of pornography on society.

**The Lord Bishop of Chester:** My Lords, your Lordships may feel that they have sometimes listened to a speech from these Benches and thought that the speaker is not entirely familiar with the subject. There is, of course, an old adage that generally the Bishop speaks and generally the Bishop speaks generally. I shall avoid an echo of the confessional, but I can say that my first-hand knowledge of pornography is very limited. Of the range of vices available to me, I have been tempted by most, but not in any significant way by pornography. If the statistics are to be believed, that makes me a rather unusual, if not exotic, creature.

Pornography is a very widespread feature of western society, especially since the advent of the internet age. In my ministry I have come across addiction to pornography as a factor in individual marriage breakdown. As a Bishop, I have had two of my clergy prosecuted for downloading child sexual abuse images, usually called child pornography. Both these priests were given custodial sentences and both are unlikely ever again to exercise the Christian ministry for which they were trained.

As I understand it, the sheer volume of cases of downloading child pornography has overwhelmed the police to the point that prosecutions are no longer routinely brought. Will the Minister comment specifically on this point and let the House know if and why possession of child pornography is now taken less seriously by the criminal justice system?

Beyond this direct contact in my ministry with the consequences of pornography, I have been struck by a whole series of warnings that I have read about. Earlier this year the BBC reported a survey of 700 children aged 12 or 13. Some 20% said that they had already seen pornographic images that had shocked or upset them. More than 10% said that they had taken part in or had made a sexually explicit video. Half of those contacted were not yet teenagers. The director of Childline was reported as saying:

“Children of all ages today have easy access to a wide range of pornography. If we as a society shy away from talking about this issue, we are failing the thousands of young people it is affecting ... they also tell Childline that watching porn is making them feel depressed, giving them body image issues, making them feel pressured to engage in sexual acts they're not ready for”.

Also earlier this year the *Times* reported a study by the University of Bristol School for Policy Studies across a range of European countries, including the UK. It found that 40% of the children surveyed, this time between the ages of 13 and 17, had suffered sexual coercion of some sort ranging from rape to being pressurised into unwanted sexual activity, often with elements of physical violence. A television programme in the past week rather vividly brought out the situation reflected in that survey.

Last week the Prime Minister told the other place that he had negotiated an opt-out to protect the UK from the new net neutrality provisions for the European Union, which would make the current voluntary adult content filtering arrangements in the UK by the main internet service providers illegal. We should all be grateful to the Prime Minister for his commitment to keep children safe, but can the Minister confirm whether this will require legislation which, I assume, will take up the main provisions of the Online Safety Bill in the name of the noble Baroness, Lady Howe, which had its Second Reading in this House in July? I pay tribute to the noble Baroness for her persistence in raising these issues over the years. Will this protection extend to all ISP providers and not just the big five, which cover 90% of the market? Furthermore, in the Conservative manifesto there was a commitment to stop,

“children’s exposure to harmful sexualised content online, by requiring age verification for access to all sites containing pornographic material”.

Can the Minister say when the Government will deliver on this important manifesto commitment?

I turn to the wider impact of pornography on our society. I will begin by making some remarks which have been supplied by the judiciary. Earlier this year the Lord Chief Justice gave evidence to the Justice Committee in the other place and referred to deeply disturbing criminal cases which had been influenced and intensified by pornography. These were not only sexual offences against children, although that was a major concern, but offences against adults, and especially women. Many other judges have referred to the influence of pornography on criminals in relation to particular cases.

Looking beyond the influence of pornography on serious crime, there is a growing body of evidence that regular interaction with pornography often has an adverse effect upon the close family and intimate relationships that are such a crucial part of human flourishing. Human beings are characterised by a high degree of what I might call intersubjectivity. Through the acquisition of language and in other ways we have a great disposition and aptitude towards communicating with each other and developing deep interpersonal relationships. David Attenborough brought this out with typical brilliance in the last episode of his series “Life on Earth”, looking at human beings from a biological perspective.

The underlying problem with pornography is that in particularly significant and sensitive areas of human life it encourages people to view other people simply or primarily as objects to be used and discarded. The danger is that in tacitly or openly accepting the pervasive presence of adult pornography in people’s lives, we are choosing to make the attitudes which lie behind and in pornography seem normal: objectification, exploitation, and, very often, abuse.

As a society we have recognised the need to have vigorous procedures to protect children from abuse and harm, and have begun to realise how endemic and deep-seated abusive attitudes have been. This new awareness is entirely to be welcomed, and needs to be pursued with vigour. I hope that the new inquiry under Justice Lowell Goddard will do this and try to



unravel the causes of this disastrous feature of recent history, including the growing and easy availability of pornographic material as one underlying cause.

However, this leaves young people still exposed to much damaging material which presents them with distorted images of life. If this is true of both boys and girls, it is girls who arguably suffer the worst consequences, with poor perceptions of their own bodies and the damage that flows from that. The sharing of sexually explicit images via the internet and mobile phones is another dimension of the potential harm, especially when they are shared with other people. In adults, of course, this can produce so-called revenge porn, which I am glad to say has recently been recognised as a criminal offence.

The damage which is inflicted, especially but not only on young people, should not be seen as only psychological. Indeed, we should not think that psychological damage is in itself less important than physical damage. There is growing evidence of a direct and potentially permanent impact upon the brain itself, which provides a biological aspect to the phenomenon of addiction to pornography. In preparation for this debate I contacted an experienced judge, who commented:

“I have seen a good number of cases where curiosities have become fused into compulsions because of this very dimension. Porn evidently produces something of an addictive neurochemical trap. The brain is affected biologically and a ‘new normal’ emerges. There is then (exactly as with drugs) often a quest for increased exposure, for increased stimulation and for more extreme images to arouse interest and retain attention. The pursuit of pleasure and release from sexual tension delivers only addiction and an actual decrease in pleasure unless fuelled by more extreme material”. That is the comment of an experienced judge in our country.

I am grateful to the charity, Naked Truth, which attempts to help such addicts to recover from their addiction, for access to the academic studies that have been undertaken in this area. This is the UK equivalent to the American charity, Fight the New Drug, which is mentioned in the Library note. I believe that one day such charities will receive the recognition that has been given to Alcoholics Anonymous and anti-smoking charities. It took a long time for the serious health hazards associated with smoking or excessive alcohol consumption and addiction to be recognised. We recall how for years the tobacco industry disputed the causal link with harm. We have yet to face the damaging effect of the widespread availability and use of pornography, and in that case too there is a powerful industry that discourages us from doing so.

I should acknowledge, as the Library note sets out, that there is a significant problem of formulating a tight definition of what is pornographic and I did not want to spend a lot of my limited time attempting a definition: I acknowledge that issue. Yet neither can we use the difficulty of establishing a precise definition as an excuse for ignoring the very obviously problematic character of pornography at all levels in our society. My hope today in bringing this debate to your Lordships’ House is simply that: to engage in a debate and recognise how important the various issues raised by it are, perplexing though they may be in various ways.

As I understand it, to date the Government are content to try to draw a sharp distinction between children and adults as far as access to pornography is

concerned. I can understand this attempt to protect the free choices that adults may make and I acknowledge the dangers of trying in some way to ban pornography. In the internet age this is unlikely to be successful, even if attempted, and such attempted curbs can easily be counterproductive in other ways. It is sometimes said that if something is banned in the Old Testament it was going on quite widely, so there are real issues about how we respond. Today, I want to draw to our attention an issue we are not very happy describing and talking about. Doing nothing does not seem right either, given the evidence that pornography clearly harms adults as well as children—men and women, but especially women. My question to the Government, and to us all, is whether it is right to strike a pose of neutrality in the face of the obvious damage and dangers of the adult use of pornography.

I would like to end in a way that may surprise some Members of the House, so as to indicate the nature of the underlying problem as I have come to see it. I find myself to some degree at least with an unexpected bedfellow, if I may put it that way, in DH Lawrence. I am not sure whether bishops have defended DH Lawrence in your Lordships’ House before. He has certainly had a long time to wait for it happen.

As I understand Lawrence, a central concern in his writings was a conviction that in European civilisation the relationship between mind and body has become seriously dislocated. The relatively innocent understanding of sex that one sees in Chaucer or Renaissance art—in Botticelli for example—declined over the years into the brutality of modern pornography. I would like to quote Lawrence, from a famous but neglected essay, *Pornography and Obscenity*. He said:

“Pornography is the attempt to insult sex, to do dirt on it”.

He referred to this as,

“the catastrophe of our civilisation”.

He went on to say:

“I am sure no other civilisation, not even the Roman, has showed such a vast proportion of ignominious and degraded nudity, and ugly, squalid, dirty sex”.

This is not the Bishop of Chester saying this but DH Lawrence, who wrote these prophetic words in 1929. What would he make of contemporary society? His vision was, I think, too idealistic, not least in how he saw human sexuality, but he did identify the problem that underlies the floodtide of unhealthy, objectifying, sexual pornography that we now confront. At its heart it is a spiritual problem, the problem of identifying and upholding a healthy view of human life in the context of the contemporary world’s attempt to reduce us to an undignified bundle of unfulfilled appetites.

I look forward to this debate and to the range of views that I am sure will be expressed on this difficult and, as I have said, perplexing subject.

12.04 pm

**Lord McColl of Dulwich (Con):** My Lords, I congratulate the right reverend Prelate the Bishop of Chester on securing this important debate.

There was a time when debates about pornography could be characterised as being a matter of moral sensibility versus free choice. In that context, the public policy response tended to be: we must protect children

[LORD McCOLL OF DULWICH]

but, where adults are concerned, this is a matter of choice so long as the pornography in question is legal. The debate has now become more complicated as a result of an increasing recognition of some of the practical effects of pornography use, one of which relates to health. I am speaking in today's debate as a doctor and will focus my comments on the growing health concerns surrounding pornography addiction in adults.

There is now increasing evidence to suggest that the brain activity of individuals who consume large volumes of pornography is similar to the brain activity of those with other addictions—notably, an addiction to drugs. Research conducted by Dr Valerie Voon and colleagues at the University of Cambridge highlighted this point. The study examined, using functional MRI scans, the brain activity of 19 individuals with compulsive sexual behaviours, known as CSBs, and 19 individuals without CSBs while watching both sexually explicit and non-sexually explicit videos. An additional 25 volunteers without CSBs viewed the videos without being scanned. The research revealed that individuals with CSBs showed a greater desire or “wanting” to view the sexually explicit content but not necessarily a corresponding enjoyment or “liking” of the material. The researchers concluded that the dissociation of wanting and liking is similar to incentive motivation theories which can be found in those with drug addictions. They also reported that the research revealed:

“There are clear differences in brain activity between patients who have compulsive sexual behaviour and healthy volunteers”, and that these differences are like those of drug addicts.

Similarly, a study conducted jointly by the Max Planck Institute for Human Development and the Psychiatric University Hospital Charité at St Hedwig Hospital used scans to examine the brain activity of 64 healthy men as they viewed sexually explicit and non-sexually explicit videos. The results were published last year in the journal *JAMA Psychiatry* and revealed that constant pornography consumption can reduce the size of the parts of the brain that relate to reward. One of the authors of the research stated:

“We therefore assume that subjects with high pornography consumption require ever stronger stimuli to reach the same reward level”.

At this point, I should say that in preparing for today's debate a case was drawn to my attention that I found rather disturbing. The suggestion is made that there is an absolute divide between adult pornography and child pornography, the latter always being completely and utterly unacceptable. That divide, however, is not as clear as we might think. I know of at least one case of someone who was drawn into adult pornography use but who, as he was sucked into it, found that it provided less and less of a stimulus, and he ultimately ended up using child pornography and was prosecuted.

When considered together, these studies highlight the physiological effects of excessive pornography consumption on the brain, but what of the other effects? In 2012, the University of Sydney conducted an online survey of 800 people who used internet pornography. Of these, 30% acknowledged that their work performance suffered due to excessive viewing. The University of Cambridge research, to which I

referred earlier, also reported that participants had acknowledged negative consequences to their pornography use, including an impact on relationships, sexual dysfunction and suicidal ideation, as the right reverend Prelate mentioned.

The charity Naked Truth exists to help people wrestling with pornography addictions and can provide numerous testimonies from recovering porn addicts, to whom public policymakers need to listen. These highlight very powerfully the destructive nature of pornography addiction. As the right reverend Prelate said, similar stories have also been published in recent months on the websites of the BBC and the *Times*. I am not suggesting that sexual addiction is always driven by pornography, nor am I saying that everyone who uses pornography has an addiction, just as I would not say that everyone who gambles becomes a problem gambler. However, for some individuals using pornography or gambling, their behaviour becomes a problem for themselves and those around them. We need to face up to this fact, as it relates to pornography use, and consider the appropriate public policy response.

I conclude by asking the Minister two questions. First, what are the Government currently doing to engage with public policy challenges emanating from pornography addiction? Problem gamblers are assisted by various provisions including, for example, self-exclusion, which mean that they can, on a strong day, limit their access to gambling opportunities for a period of their choice and get help during this time. It is not 100% foolproof, but the provision is helpful and appreciated. We now need to seriously consider this kind of provision in relation to pornography addiction. Secondly, would the Minister be willing to meet with recovering pornography addicts, to hear what public policy changes they believe would help? I look forward to the Minister's response.

12.13 pm

**Lord Giddens (Lab):** My Lords, I also congratulate the right reverend Prelate, the Bishop of Chester, on initiating this debate. I do not completely agree with some of the things he said, but he wanted debate and this is the platform for it. We are living through the greatest period of technological change ever, in terms of pace, depth and global scope. The dominant force is the digital revolution. We cannot understand pornography today, or discuss how it should be regulated, without realising that sexuality is being transformed at the same dramatic rate as some areas of business. Think of the rise of Uber from nothing to a capital value of some £50 billion—the same as General Motors—in less than six years, and apply the same principle to everyday life and emotions.

As the right reverend Prelate said, what we now define as pornography has been around for centuries, and, indeed, millennia. However, we are the first society ever in which pornography is available to everyone who has access to global communications, and the first for which much of it is self-produced and free to the consumer. Pornography today is still an industry, but it is also something far more complex, which intersects with changes affecting human sexuality at all levels of the life cycle. In some ways, cybersex has become simply part and parcel of everyday sexuality and it is crucial to recognise this.

The complete range of human inventiveness is there. The very nature of sexuality is being transformed by all of this. One example among many is the emergence of complex forms of transgender experimentation. There is, however, as we all know, a very dark side, some of it carried on the deep net, which is inaccessible to most users by definition, where violence and the most extreme forms of sexual degradation are the driving forces.

Pornography has always been driven largely by male desire, and this remains the case today. However, just as sexuality is changing rapidly, so is interest in pornography on the part of women. Some studies in the US indicate that as many as 40% of women now watch internet pornography on a regular basis. Many of both sexes participate in the making of pornographic materials, at least in the broad sense of that term, as the use of visual images via smartphones and mobile devices has become so common. Since much of this is historically unprecedented and is moving so rapidly, we cannot say with any confidence where it will lead. The regulatory issues are huge; they are, I think, far more complex than the right reverend Prelate indicated, as are those of drawing the boundaries between what is acceptable sexual experimentation and innovation, and what is not. There is a wholly new world out there which no generation of human beings has ever experienced before in the same way.

With some reservations, I support what the Government are doing, with the Minister at the forefront. I congratulate her on having been at the forefront of the digital revolution—this ocean of change, which is breaking through our society in an unprecedented way. The Government wish, above all, to protect the most vulnerable children—a necessary objective. It is crucial, as in the #We Protect strategy, to work directly with the major digital providers here. I know the speeches on this that the Minister has given in different parts of the world. I admire the dedication of the noble Baroness, Lady Howe, on this issue and her persistence with her Bill. Yet, speaking as a social scientist, I have to say that we must be systematic about these issues, not just draw things out of the air and draw extreme conclusions from them. Looking at some of the assertions that are commonly made, I was shocked to see how thin the evidence base actually is. When you look in detail at the research studies across the world, you see how superficial the materials are that support them. What in-depth evidence we have—there is not much and it is all moving so fast—points to a lot of complexity. I do not doubt that the phenomenon described by the noble Lord, Lord McColl, exists, but we have no clue about how general it is because the data are simply not there.

As a social scientist, I want work on these issues to be systematic, but we do not know how far regular exposure to pornography on the part of minors affects their sexual behaviour, damages relationships, leads to addictive behaviour and so forth or, crucially, on what scale. We just do not know. Some have argued the contrary to what the right reverend Prelate has said, including full-time researchers in the field. They have said that pornography can substitute for impulses which otherwise might be expressed in more harmful ways.

My main point is that a great deal more research is needed, especially if intrusive policy is being considered—as indeed it is. Again, speaking as a practising social scientist, I hope that the Government will provide some funding for such work, as otherwise well-intended policies could simply rebound.

Childhood itself is changing in the digital age, perhaps radically. As Philippe Ariès famously argued, childhood barely existed historically. In the past, even young children dressed like adults, worked on the farm at a very early age and were constantly in direct contact with adult sexuality. They had no option, because they almost always slept in the same room, and quite often in the same bed, as adults. The notion of the “innocent child”, which we have come to see as universal, was in fact an 18th-century invention. In the digital age, some have argued—and I think there is some force to this—that childhood is again disappearing, because it is simply not possible to separate the younger generation from the adult world. Children are becoming what are called “kidults”, and kidults are quite a mixture of the child and the adult. My main point is that the subtleties and the unknowns in all this simply must be borne in mind by policymakers.

I am strongly in favour of empowering parents as far as possible, and providing the technology for them to supervise what their children watch. They must work in direct conjunction with schools. The role of the state should be confined very largely to areas of directly illegal activity. However, I stress strongly that there is a very fine line to tread. If children are shielded too much, and for too long, they may not be able to cope when plunged into the maelstrom that is sexuality today. We must confront the uncomfortable truth that, as the first truly digital generation, children today might know more about the temptations, and even the threats, of the online world than their parents do.

**Lord McColl of Dulwich:** Is the noble Lord seriously suggesting that no harm is being done, despite the fact that the majority of 11 year-old children are watching on the internet the most appalling, violent pornography, mainly directed at women?

**Lord Giddens:** Not at all, because, as I said, I support the #We Protect strategy. I said strongly that I backed that strategy and that we must protect children. The difficulty is knowing where the boundaries are and how far things that are said very commonly really are the case, because we do not have enough research on those issues. We must have that research, and we must not plunge into policies that are based on inadequate information and research. We must realise that this is a world undergoing gigantic change such that we have never experienced before, at least in my view. We have to protect children, but we have to do so against the background of a world that is just swirling away from our control at the same time.

12.22 pm

**Baroness Howe of Idlicote (CB):** My Lords, I, too, congratulate the right reverend Prelate on securing this important debate. Before I move to the main focus of my speech, I want to say that I very much welcome the opportunity provided by this debate to stand back and look at the impact of pornography not just on



[BARONESS HOWE OF IDLICOTE]

adults but on society as a whole—adults and children. However, there is a growing recognition that pornography, rather like gambling, can have profoundly negative implications for some adult users as well as for children. The challenges faced by problem gamblers are very similar to those experienced by people who are addicted to pornography. In the same way that, while we do not ban gambling, the gambling industry is called to account for the very significant economic costs arising from legal, adult use of the services it provides, the time has come for the Government, similarly, to call pornographers to account.

In coming to child protection and children, I begin by congratulating the Prime Minister, ably assisted by the Minister in this House, for the leadership he has shown on this issue in relation to filtering. I do, however, have some very real concerns about the progress made, which I will set out today in the form of a number of questions to the Minister. First, I would like to echo the question that has already been asked about the implication of last week's "net neutrality" vote in the European Parliament, and the statement by the Prime Minister that he has negotiated an opt-out. Assuming that legislation is still necessary to resolve the problem, I ask the Minister to use the opportunity presented by this development to address two problems with the current voluntary arrangement.

First, approximately 10% of households are not covered by the adult content filtering agreement, which pertains only to the big four ISPs. I appreciate that some of the providers that are not subject to that arrangement have put in place similar provisions, but that is not the case across the board. When I raised the matter previously, the Minister said:

"It is important to note that ... providers state at installation and on their marketing materials that they do not have child safety credentials".—[*Official Report*, 17/6/15; col. 860.]

I do not find this approach very satisfactory. It rather begs the question why the other providers cannot simply do the same. If we are moving to a statutory approach, it would seem very odd to allow some providers not to be subject to the law as long as they tell customers that they are not subject to it. What kind of precedent would that set?

The second issue is the fundamental design fault with the current voluntary approach: that it is possible for anyone to elect to disable adult content filters and to opt in to adult content without any kind of prior age verification. The only safety mechanism provided is applied after the person concerned has lifted the filters, in the form of an email sent to the account holder informing them that the filters are no longer in place. This arrangement is, however, very weak. In the first instance, even if the account holder opened his or her email quickly and took immediate action, the chances are that their children would have been able to access adult content for some hours. ComRes polling for the charity CARE, however, has demonstrated that a total of 34% of British adults—some 16.3 million people—said that they would not read an email from their ISP immediately, of which a staggering 14% said that they were unlikely to read any email from their ISP at all. This would leave a significant number of children exposed to adult content, some permanently.

When I raised this point previously, the Minister suggested that she was content with this back-to-front age verification system, simply stating that,

"three-quarters of parents in the UK are confident that children are unable to bypass these tools. But to mitigate any further risk ... ISPs email the main accountholder when filter settings are set or changed".—[*Official Report*, 17/6/15; col. 860.]

Today, I gently press her again and say that surely she and the Government cannot be content with such a blatantly feeble approach. Even if only 25% of children seek to disable the adult content filters, this can be no justification for exchanging credible age verification procedures for a half-hearted retrospective warning mechanism that we know will not be picked up by parents in a significant number of cases.

I very much hope that the Minister will today confirm that the Government, if they have to introduce legislation to deal with the net neutrality challenge, will also use it to address these two shortcomings. If legislation is not necessary, I ask her to acknowledge that these are none the less problems that need to be addressed. Filtering requirements must apply to all ISPs servicing households with children, and anyone seeking to disable the filters must be age verified before they are lifted.

I turn to the Conservative Party's very welcome manifesto commitment to introduce age verification checks specifically on websites carrying pornographic material. ATVOD is clear that the vast majority of the R18 material accessed in the UK comes from sites based outside the country. Some 23 of the 25 sites most accessed are located beyond the UK. Indeed, when one realises that the two sites based in the UK are already caught by our Audiovisual Media Service Regulations, it is clear that the primary function of the Government's new age verification provision must relate to sites located outside the UK if the proposed measure is to make a significant difference. The Government are very well placed to rise to this challenge, because they have just inaugurated a means of regulating all online gambling websites that are accessed in the UK regardless of where in the world the sites are located. Indeed, my own Bill addresses this issue by drawing on the precedent of the Gambling (Licensing and Advertising) Act 2014.

I very much hope that the Minister will confirm today that central to the Government's proposals, as the plain words of their manifesto commitment suggest, will be the requirement that all websites accessed in the UK—regardless of whether they are based in the UK—must put in place robust age verification. I look forward to hearing how the Minister will respond to these questions. In closing, I note that my own Bill provides a means of dealing with all the problems I have highlighted and any EU requirement to make adult content filter provision statutory. If the Government wanted to adopt it as their own, I should be delighted.

12.31 pm

**The Lord Bishop of Bristol:** My Lords, I join those congratulating my noble friend the right reverend Prelate the Bishop of Chester on bringing this debate into your Lordships' House. I also commend his detailed knowledge of DH Lawrence. I recall that when I was in school there were merely three pages of his book that captured our attention.



Despite what my noble fiend Lord Giddens has said—and there is much sense in what he said—there is a general anxiety in our society about pornography and its impact, not just on our children and young adults but also on adult behaviour.

**Lord Giddens:** I thank the right reverend Prelate for giving way, because I do not want to be misunderstood. We need controls, and these controls have to be solid; but at the same time, one must realise that this is such a rapidly changing world that we do not have a lot of information about how we are going to deal with this in many policy areas which are much more fuzzy.

**The Lord Bishop of Bristol:** I agree entirely with what my noble friend has just said. I am searching for a bit more meaning because, as I was about to say, a number of issues seem to require further thought and research before we seek to change the law. When we see the kind of rapid change that my noble friend has clearly outlined, there is a responsibility on society, and indeed on government, to make an early assessment of where this kind of change is leading society. That is all I would say to my noble friend. That said, we should not be complacent and do nothing. There is enough evidence, although I agree that we need more, for concern. I look forward to hearing how the Minister will respond to this important debate.

I recently spoke with a woman in my diocese who is responsible for teaching about relationships and sex education in secondary schools across the city of Bristol. She told me that she was completely unprepared for the apparent normality of children and young adults using pornography to learn about how human beings ought to relate to each other sexually. The problem with this unofficial pathway for youngsters to learn appropriate sexual relationships and activity is that it uses sex undertaken purely for the camera and beyond the scope of any relationship. Without sinking into graphic detail, it portrays sexual techniques that are designed to be watched. Most human sexual activity—though I agree not all—is neither watched nor undertaken for the camera. The point is that young people's minds are being formed at this stage and for this stuff to be seen as normal is both bizarre and potentially damaging.

I am sure that something needs to be done; the issue is what. We tried to frighten people off the use of classified drugs but it had minimal success. It is difficult to believe that seeking a similar strategy to scare people off the use of pornography will have anything but minimal impact.

At the same time, there seems to be an unwritten assumption, reinforced in the media, that although it is fine to take action to protect children, adult use of pornography is not a legitimate public policy concern, unless, of course, the material viewed is illegal. This position would be logical and defensible if pornography threatened adults with no harm, but I am not yet clear whether that is the case. I want to look particularly at the impact of pornography use on couples' relationships. I am especially concerned about the evidence that pornography is potentially affecting adult relationships. The right reverend Prelate the Bishop of Chester noted in his speech of 17 July that pornography can be, "a huge factor in relationship breakdown".—[*Official Report*, 17/7/15; col. 844.]

This is something that the Government, with their emphasis on family-friendly policy, must at least take notice of.

It has to be said and conceded, however, that some couples claim—I am not sure that I understand this—that pornography has improved their relationship. In its 2015 report *The Way We Are Now: The State of the UK's Relationships*, Relate reported that 19% of people in its survey said that pornography had a positive impact on their relationship. It also needs to be said that the very same report said that 23% of 16 to 34 year-olds reported that it had had a negative impact on their relationship. The report said that pornography use,

"is an increasingly common topic in the counselling room".

I suspect it is also a concern for others who do not make it to counselling and help.

Last year, in the *Journal of Family and Economic Issues*, the results of an analysis of a large set of data collected annually in the USA since 1973 showed that adults who had watched an X-rated movie in the past year were more likely to be divorced and more likely to have had an extramarital affair when married. They were 12% less likely to report having a very happy marriage if they were still married, and 7% less likely to report being happy overall. The authors conclude that their research adds to the,

"negative consequences of pornography use"

documented by other researchers,

"who found that pornography use was negatively correlated with sexual satisfaction and positively correlated with infidelity".

NetDoctor, meanwhile, has reported:

"Various experts from Relate and the College of Sexual and Relationship Therapy (COSRT), have reported that solitary use of porn is a huge factor in relationship breakdown and that it is 'spiralling out of control'".

Dr Kevin Skinner, writing in *Psychology Today*, has also stated:

"My heart hurts for individuals caught in the web of pornography. When you see grown men crying in your office because they can't quit and when they tell you that porn is costing them everything, you quickly realize that pornography is not just a leisurely activity. Then, when you meet a woman who feels rejected, not good enough, and unloved by her partner because of porn, you want to change something about the way things are being done".

He also refers to Dr Jill Manning's testimony to the US Senate which stated that,

"56 percent of divorce cases involved one party having an obsessive interest in pornographic websites".

The link between pornography and relationship breakdown should be—

**Lord Giddens:** I am sorry to keep interrupting the right reverend Prelate but for that to be proper research you would have to have analysis of people who were not in that sample and who were acting differently—the opposite. You do not have that. I am making a social science point.

**The Lord Bishop of Bristol:** I would not argue, as they are arguing, that it is the sole cause, but I think that they are saying that there is enough of a correlation. It was a reasonably large sample and that was their conclusion. My noble friend is free to disagree: I am just quoting what I have read and has concerned me.

[THE LORD BISHOP OF BRISTOL]

It is assessed that the cost of family breakdown per annum is £47 billion. Other noble Lords have drawn parallels with the gambling industry. Both pornographers and the purveyors of gambling services provide a product that comes, for some, with a very real social price tag. A judgment has been made not to ban either product because others utilise the services without a problem, but the scale of the problem posed by these services in some contexts is such that the providers should be called to account. It seems to me that at present the Government call the gambling industry to account to some degree. The industry has the threat of a levy over it in the Gambling Act, and, on the basis of that, it provides £6 million per annum. What are the Government doing to call pornographers to account for the negative effect of pornography on our social environment and, specifically, for the fact that these activities undermine government policies to counter family breakdown by promoting commitment and stable two-parent families? I look forward to the Minister's response.

12.41 pm

**Lord Farmer (Con):** My Lords, I, too, am grateful to the right reverend Prelate the Bishop of Chester for securing this debate and I fully support his opening contribution to it.

I believe that the impact pornography is having on society is, almost bizarrely, something of a no-go area for polite conversation, yet it is imposing considerable harm, particularly on young people and particularly on their perception of how healthy relationships should look and feel. Unless there is some basic honesty in this area, we are in danger of sleep-walking our way through deeply concerning changes to norms of decency and acceptability in our society and neglecting the young on a massive scale.

Today's young people are the parents of tomorrow. We must also look ahead, further up the age range, and not ignore what is already happening in older generations. Others may consider that the viewing habits of consenting adults belong beyond the bounds of public comment, but I believe this approach is ostrich-like and naive in the extreme, for reasons I hope I will make clear to your Lordships.

Yesterday, the Children's Society published a report suggesting almost 10% of 16 and 17 year-old girls have been victims of a sexual offence, but fewer than one in 10 of those offences were reported. Half of those not reporting sexual abuse to the police feel it is not worth their while to do so, hinting at a pervasive acceptance that this just comes with the territory of growing up in Britain today.

*Daily Telegraph* columnist Allison Pearson says:

"Pornography has changed the landscape of adolescence beyond all recognition".

Research shows that more than four in 10 girls between the ages of 13 and 17 in England have been coerced into sex acts and a fifth of girls have suffered violence or intimidation from their teenage boyfriends, a high proportion of whom are on a steady diet of pornography.

There is a clear and strong link between viewing violent pornography and perpetrating sexual violence. Despite the high premium we place on equality in this country, one in five boys harbour extremely negative attitudes towards women.

**Lord Scriven (LD):** My Lords—

**The Earl of Courtown (Con):** My Lords, there have been a number of interruptions. I ask noble Lords to remember that this is a timed debate and we are very close to time, so please keep interruptions to a minimum.

**Lord Farmer:** As the majority of online porn is created for men and is often aggressive, if not violent, the premature sexualisation of young minds is re-embedding constructs we have battled to eradicate: that women are primarily sex objects, there to provide men's sexual gratification, and their significance is dependent on them being desirable and attractive to men.

The consequences are grim for young women's physical and emotional health. Internal injuries can be caused by sex acts inspired by young men's access to porn. I have read about one family doctor working in a leafy suburb in the Home Counties—not a concrete jungle in an inner city—treating growing numbers of teenage girls suffering from the after-effects of frequent anal sex, such as incontinence.

I cannot imagine that this GP is unique in having this in her case load and would be grateful if the Minister could ask the Department of Health whether there are data on the prevalence of such injuries. As the GP said:

"these girls are very young and slight and their bodies are simply not designed for that".

Far from them enjoying it, considerable pain is frequently involved. She found that young women simply did not feel able to say no. Boys expected anal sex and it was treated as standard. Young women are under considerable pressure to act like porn artists.

There are also profound emotional effects of what has been termed the heterosexual meat market. The *Journal of Adolescent Health* reported a 7% increase over the last five years in the number of young girls aged 11 to 13 reporting emotional problems. Researchers ascribed the increase to pressures to achieve an unrealistic body shape, driven by social media and the increasing sexualisation of young women. It has gone way beyond whether they look good in the latest fashions to whether their naked or almost-naked bodies measure up to the remorseless scrutiny of people who neither know nor care about them.

The objectification of vast swathes of our young people is gathering pace: according to CEOP, sexting—or sending self-generated nude or nearly-nude images and videos—is becoming quite normal for teenagers, due to the proliferation of smartphones, tablets and apps. Two-thirds of 12 to 15 year-olds have smartphones, which are the biggest source of porn. Even vigilant parents have shockingly little control over what their children are seeing on their, or their friends', mobile internet-enabled devices.

Tragically, 45% of boys treat porn as sex education, but that education can be violent, as I have mentioned. We must ensure that our young people receive clear and unapologetic messages in schools about the importance of respect and commitment in relationships which will, I hope, be backing up what parents are saying. The effects of pornography should be made crystal clear. Some may say that the case against it has not yet been proven but I would strongly disagree.

We know that the well-being of children, young people and adults depends on them having safe, stable and nurturing relationships with people who love them unconditionally, not on the basis of their physical appearance. Can the Minister inform the House about how schools are educating young people about relationships and warning them about the dangers to their physical and emotional health from consumption of porn?

As I said at the outset, it is not just young people whose relationships are at risk from pornography. Several studies have demonstrated that an adult's use can undermine his or her partner's sexual and relationship satisfaction and self-esteem. Many feel insecure, less desirable and unattractive since discovering their partner's usage. There is also the concern that adults who want to view porn will not use protective internet filters or block viewing channels, thereby leaving any minors in the home at risk.

We know that relationships are already under considerable strain in this country. The price tag for family breakdown is around £47 billion per year, as we have already heard, yet national government funding for relationship support is a scant £7.5 million. A couple of months ago, I was one of more than 70 signatories to a letter published in the *Telegraph* calling for a tripling of this amount in the forthcoming comprehensive spending review. Can the Minister please add her voice to others in government making a strong case to the Treasury for this essential help?

I will end on the implications of disturbing evidence of a link between violent pornographic use and recidivism in child sex offenders, especially those already at high risk of reoffending. This means that we can predict which individuals who have been imprisoned for deeply harming young lives are most likely to go on to destroy the happiness of yet more children if they access violent porn. Given the promise of a rehabilitation revolution from the Secretary of State for Justice, can the Minister confirm that this knowledge will be acted on? If we ignore these evidence-based insights, we do perpetrators no favours.

To conclude, pornography is shredding the social and relational fabric of our society. Soft-peddling its harms grossly neglects the welfare of young people, and as they will found the families of tomorrow, we ignore the pressures they are under at our peril.

12.50 pm

**Lord Parekh (Lab):** My Lords, I thank the right reverend Prelate the Bishop of Chester and congratulate him on securing this debate. He introduced it with great clarity and compassion. He presented a general picture of malaise in our society and did so very movingly. While I agree with the general malaise in our society and the way in which sexuality has become such a dominant part of our life, I am not entirely

persuaded that unease can be best articulated in the language of pornography. I think there was a tendency in the right reverend Prelate's view and that of other noble Lords who followed him to blame pornography for all sorts of things that go on our society and to forget the deeper causes, the deeper roots, of what goes on. I want briefly to talk about those deeper roots.

I think it is widely recognised, and the right reverend Prelate pointed it out, that sexuality is embedded in a structure of social relationships. Ideally, it should be enjoyed within a relationship and be motivated by mutual love and respect. Pornography comes into the picture when these two elements are missing, when sexuality is divorced or detached from a sustained relationship or not motivated by love and mutual respect. Then it takes all kinds of vulgar forms that have been mentioned. Individuals in that relationship might be treated with violence, their body parts might be mutilated and some people might get pleasure out of it or they might be degraded. In other words, it is a case of mutual exploitation not just exploitation by man of woman because, as the noble Lord, Lord Giddens, pointed out, women also enjoy pornography. It is a question of both parties seeing each other as sexual objects and in the process looking on the whole thing as an exercise in mutual exploitation.

We know the consequences. The right reverend Prelate rightly pointed them out. However, it is not just a question of consequences; there is also our own attitude to what goes on. When you watch degradation in a pornographic movie it certainly has consequences but before they are evaluated we also find that it is offensive, so one should not be evaluating things entirely in terms of consequences. In other words, one can make a deontological as opposed to a teleological or a utilitarian judgment on what goes on.

All this is a matter of concern. What do we do about it? This is where I am more inclined to agree with my noble friend Lord Giddens. In a consequentialist argument, what evidence can one show that, for example, addiction to pornography can lead to extramarital relations or lots of other things that have been mentioned? The evidence is difficult to show and to demonstrate. It is the question of positive correlation between undesirable consequences and the practice of pornography. The second, far more important, difficulty has to do with the fact that we live in a liberal society where we cherish individual liberty and personal autonomy. In that kind of society people prefer to regulate their sex lives themselves. If some of them say that they enjoy sadomasochistic violence, who are we to say that sexuality should not be mixed up with violence—that it is not to be allowed? If they say they prefer a relationship in which some kind of consensual mutual degradation is a part of their enjoyment, who are we to say they cannot? The question is thus twofold. What is the evidence that it has certain kinds of consequences and, more importantly, in a liberal society are we in a position to tell people how they should live their lives, especially an area of life as intimate as this?

That does not mean that we cannot lay down certain broad limits. We could say, for example, that sadomasochistic violence should be based on consensual



[LORD PAREKH]

acts or the harm should not be irreparable or whatever. Likewise, we might be able to say, as one of the government documents points out, that you cannot have sexual intercourse with a corpse or an animal. One can impose those sorts of limits on this, but beyond that, it is difficult to go and therefore some form of pornography is bound to remain a part of our life.

While this is so, the difficulty arises—here I part company with my noble friend Lord Giddens—with respect to children. Children are not in a position to exercise personal autonomy. They cannot be entrusted with the liberty we would entrust to adults. They are not grown-up enough. They are not able to distinguish between real life and fantasy, and they can easily be persuaded to do all kinds of things that ought not to be done. As future citizens, the problem has to be tackled at that level. They need to be protected against certain kinds of manipulation and exploitation, some kind of collective guidance has to be given to them, and certain attitudes have to be developed in them so they know how to conduct their relations when they grow up. Mediawatch-UK says that one in three children around the age of 10 has seen pornography online. Only 3% of pornographic websites require proof of age before granting access to sexually explicit material. This simply cannot be tolerated, and my strong plea is that online or in easily accessible media no sexually explicit material or pornography should be allowed unless the viewer's age is identified and permission is given only to those who are of a certain age.

12.55 pm

**Lord Northbourne (CB):** My Lords, I have to admit that I am not an expert on pornography. I took the liberty of putting my name down for this debate because I am very deeply concerned about the extent to which disadvantage is being passed down from generation to generation in our society today.

Judging from two reports on pornography which I have read recently, pornography is a growing problem in our society. It can seriously damage families, sometimes making healthy sexual relationships difficult to sustain and sometimes damaging parents' relationships to one another and to their children. In our society today, family breakdown is an ever-increasing problem. To give an idea of the importance of this problem, I shall give one statistic and not bother your Lordships with more. It is now generally agreed by experts that the cost to this nation of family breakdown and dysfunction exceeds £40 billion a year—more than the entire defence budget.

Pornography can stand in the way of healthy sexual relationships and interfere with parents' ability to care for their child. I believe that parental commitment and support are so important that we should be doing much more than we are today to prepare our young people and teenagers as they move through school, secondary school and their teens for the responsibilities of parenthood when that comes along. In talking about preparation for parenthood, I am talking not about technical details about the care of a child, such as putting on a nappy and making the drink, but about helping prospective parents to grow up as confident individuals committed to doing their best for their

child or children and believing that they can do so. I believe that pornography could be extremely damaging to that objective.

Why is it that today we teach our adolescent children in school about the importance of passing exams and getting a job—of course, that is very important—but scarcely a word is ever said by schools or government about preparing children in our secondary schools for the responsibilities and challenges of being good parents in the future? To this, again, pornography is relevant. Today we have a large and increasing number of chaotic families. Social services do their best to pick up the pieces, but better preparation for the responsibilities of parents could prevent so many of these problems.

I want to ask the Government to do two things for me. Would the Government consider the possibility of a clear statement in law that each parent is responsible for each of their children, as the law in Scotland provides? Will the Government legislate to prevent as far as possible these issues relating to pornography of which the noble Lords have been speaking this afternoon? That is all I plan to say this afternoon.

1 pm

**Lord Cormack (Con):** My Lords, I am sure we are grateful to the noble Lord, Lord Northbourne, for his extremely concise speech and the very relevant questions that he asked at the end of it.

We are all very much in debt to the right reverend Prelate the Bishop of Chester, not only for bringing this somewhat awkward and emotive subject to our attention, but also for the very moderate, balanced and thoughtful way in which he approached it. We have already seen certain divergence of opinion, although I think there is one strand that unites everyone who has spoken so far: a concern for children and their exposure. I am glad to see the noble Lord, Lord Giddens, nodding vigorously at that point.

We have to recognise that this is an old problem that has been totally transformed by technology. We also have to acknowledge that, to a degree, pornography is in the eye of the beholder and how the beholder is taught to look at things. I do not think that there is anyone in your Lordships' House who would say that the Warren Cup in the British Museum is pornographic. Only last year, or maybe it was the year before, the British Museum had an extraordinary exhibition of Japanese erotic prints, which were held up as being great examples of the art of their time—many of them dating back to the 17th century. There are many other examples that one could give: Rowlandson, who is well known for his vigorous cartoons certainly strayed into the realms of what today we would call pornography. Even that absolute model of Victorian rectitude, Archdeacon Grantly, had books that he looked at only when he had locked the key of his study.

What we are dealing with today is something remarkably different. It is for the reasons that the noble Lord, Lord Giddens, has indicated. The noble Baroness, Lady Howe of Idlicote, has also sought to tackle this. How glad we are to see her back in her place and speaking with her accustomed vigour. We hope that she will be able to do so for a very long time.



I am very exercised, as a grandparent with four grandchildren, about the uninhibited and unlimited effect that pornography on the internet has. I believe that there is an absolute moral duty resting upon all of us to seek to come up with a solution that will indeed protect the young—protect them, as much as anything else, from their own curiosity and desires in an age which is so different from that in which any of us in this Chamber grew up. When I was elected to the other place—I make no value judgement but merely state a fact—the vast majority of children lived with two parents who were married to each other and were of opposite sex and who conformed to certain norms, as they were then regarded. Now some people will greatly regret—I do myself in many ways—the passage of that stable society. It is no longer what we can regard as something we can take for granted. We have to recognise that society has changed. For those of us who believe in the value of the sort of norm that used to be taken for granted, and to which I have just referred, there is a real obligation to recognise the changes that have taken place. How do we do that? How do we tackle the problem which has been created by the fact that countless young people, by the use of a mobile device, or by locking themselves in their bedrooms for hours on end, could indulge not only in questionable, socially isolating video games but in an uninhibited way indulge in things of which they cannot have a proper knowledge, and for which they have no moral compass. When the moral compass of society itself has to a degree been eroded, that problem is compounded.

I am not one of those who believes in severe censorship and prohibition. I am not a libertarian Tory, but I am sufficient of one to recognise that as much freedom of choice that is possible should be encouraged, but—and there is a very big but here—those who purvey sadistic images, sex without love for commercial gain, caring not whom they damage in the process should be regarded as pariahs. We need to devise a proper structure and scheme to ensure that the penalties that those people face are enormous and potentially deterrent. To pollute the minds of the young is as damaging and despicable as to pollute the oceans. If some company by design or inadvertently does the latter, we expect them to bear a very heavy responsibility and price.

We have to devise a scheme, and I look to my noble friend the Minister to give some encouragement, to translate the Prime Minister's pledges into action, by making it a very severe offence—the noble Lord, Lord Pavey, touched on this in his speech—to purvey pornography. It is not just a question of locks and checks and balances and voluntary agreements. It is a case of dealing with those who are guilty of a very real offence. I hope we can progress from this debate not only to define the offence in more detail but to come up with punishments that really punish.

1.08 pm

**Baroness Uddin (Non-Afl):** My Lords, it is a privilege to follow the noble Lord, Lord Cormack—especially with regard to his comments on the impact on children. The pornography industry is a lucrative and thriving business with a staggering estimated worth of \$97 billion, according to an NBC report. It sacrifices at its altar

our many vulnerable children and families. This begs the question about how we define freedom of expression and what cost we are prepared to pay to protect our children.

I wish to express my gratitude to the right reverend Prelate the Bishop of Chester for calling our attention to this and for his profoundly thoughtful contribution. I echo the voice of many when I say that pornography is one of the most detrimental factors eroding the integrity of childhood, specifically with the rise of access over the net, yet we find that the terminology in law remains contested. How explicit does the content have to be for us to consider material as pornographic and criminal? I am not an expert but my contribution today is based on my long-standing professional experience of caring for children and families forced to deal with sexual violence and abuse, where as social workers we were at the cruel end of helping families come to term with the damage caused to children by being sexually assaulted. Even the most socially liberated society has to be deeply disturbed by the NSPCC survey of 2,000 young people speaking of watching porn comfortably as a normalised behaviour, and its consequences as detailed by the noble Lord, Lord Farmer.

The Authority for Television On Demand's 2014 report, *For Adults Only?*, found that 200,000 children aged between six and 15 had visited a pornographic website in December 2013. This is supported by the results in the IPPR report, *Young People, Sex and Relationships*, which showed that, out of 500 18 year-olds, eight out of 10 believed that it was easy to accidentally view porn on the internet.

The shift of pornography from sex shops to smartphones can now impact on children and young people directly, thereby making it difficult to manage and control access even if you are the most vigilant of parents. I do not accept that there is no link between what consenting adults choose to do in private and the availability of porn. No matter how much our society advances, we must have unequivocal standards about exposing children and young people to the danger of porn. Steadily we have seen and heard of the thousands of children and young people being groomed and raped while only some of the perpetrators have been caught and put to justice.

Seven men belonging to what was described as the worst ever paedophile ring were jailed recently for a total of 107 years for raping babies and toddlers. They shared indecent images and videos of children being abused, communicating via their smartphones. The evidence shows that their targets and victims were babies and infants. The sentence cannot begin to reflect what those babies and infants will suffer for the entirety of their lives. In September 2014 a man pleaded guilty to arranging and facilitating the commission of child sex offences and making and possessing indecent images of children. In a Norwich court, a woman that the court described as depraved was convicted on 23 accounts, including rape and inciting a child to engage in sexual activity.

The effects of pornography passes the effects that it has on the individual on to their families, thereby impacting all of us as a society, something more eloquently depicted by the right reverend Prelate the

[BARONESS UDDIN]

Bishop of Chester. The Naked Truth research on family impact has already been noted by noble Lords, with family breakdown services costing the UK £47 billion and more each year. What preventive measures are in place to address this as part of our social services response and empower women's organisations to equip them to deal with the issue of pornography?

End Violence Against Women and many other charities have drawn clear links between pornography and negative attitudes towards women, and state that it depicts allowing groping, touching and exposing as acceptable and fun, resulting in sexual violence against women. The IPPR report found that 70% of respondents believed that pornography had a damaging effect on how people view sex. As has been said, the report also found that 72% of respondents believed that it raised unrealistic expectations of sex, which can have damaging effects on their sexual experiences.

In the summer I attended a seminar on revenge porn, again mostly affecting women. I take the opportunity to commend the efforts of the lawyer Dr Ann Olivarius, who is leading a team that is deeply committed to using civil law to bring an end to revenge pornography. In representing YouTube presenter Chrissy Chambers in the first civil case against a perpetrator of revenge pornography, they hope to pioneer a new civil law framework that will permit victims to seek redress for the harm they have experienced when prosecutors are too overburdened to pursue criminal charges. They have also identified ways to improve the law so that it can be a more meaningful deterrent. Now the law requires that anyone charged must "intend to cause distress" to the specific person depicted, which means that the hundreds of people who spread these images on the internet and social media for money or just for kicks get away with it. Allowing victims to get injunctions against perpetrators would mean that the images could be taken down before they circulated widely. This is very important to victims. It is clear that a robust civil law can act as a deterrent while also enabling victims to receive financial compensation to help them to rebuild their lives.

I welcome the suggestion to change the main focus of the law from the victim's distress and the perpetrator's intent to whether the victim gave consent. That way, all the other people who contribute to the harm by sharing the images via social media, or upload them to additional websites, could also be prosecuted. Since April 2015 more than 200 incidents of revenge porn have been reported to the police, with some victims as young as 12. However, the actual number may be much higher as many cases go unreported. Can Her Majesty's Government disclose the number of revenge porn incidents reported to the Metropolitan Police? What more does the Minister believe the Government can do so that the police take these reports seriously? Would the Minister be willing to meet Dr Ann Olivarius and her team to discuss these matters?

I very much hope that we can begin to arrest any further development of the porn industry itself and put the safeguarding of children and young people before the profits and lusts of those who are willing to overlook and question its impact of rape and torture on children.

1.17 pm

**Lord Framlingham (Con):** My Lords, I thank the right reverend Prelate the Bishop of Chester for obtaining this debate and introducing it so well. It was an absolute masterclass and, as far as I am concerned, comprehensive. I am delighted that the church is taking a stance on this issue. Its authority will lend considerable weight to the discussion and at the same time—I hope I do not sound patronising or pompous—this really shows the church fulfilling its natural role in the best possible way.

I will speak about our children and the dreadful effect that pornography—particularly what is loosely termed "adult pornography"—is having on them. I agree entirely with the remarks of the noble Lords, Lord Farmer and Lord Cormack, and I do not plan to go over all those remarks again. Life in the internet world, a world of flickering images where we grown-ups cannot join them, can be a strange place for children, sometimes seemingly with no limits. Children need limits; they feel happy and secure within sound frameworks. They enjoy and thrive on routine and predictability.

We are constantly hearing the phrase, "The welfare of the child is paramount". We hear and read it in speeches, reports and policy documents, but do we as a nation really mean it? Divorce always hits children hard, regardless of the measures that are put in place, and divorce is now commonplace. Single motherhood is becoming commonplace too but I am not sure that it always gives a child the best start in life. Is the welfare of the child well and truly paramount?

Yesterday, by chance, while I was glancing through the *Hansard* report of the Statement on the draft investigative powers Bill, a sentence caught my eye in the context of cyberattacks:

"The Child Exploitation and Online Protection Centre estimates that there are 50,000 people in this country downloading indecent images of children".—[*Official Report, Commons, 4/11/15; col. 969.*]

Reports of child abuse, both historic and recent, appear with depressing regularity.

We bring children into the world and we should care for them, and by "we" I respectfully include your Lordships' House. I make no apology for repeating some statistics that I used in an earlier debate. In the space of just one month, at least 44,000 primary school children and 200,000 under-16 year-olds accessed adult content online, including hardcore pornography. Who can possibly know what they have seen and what deep and lasting damage it has inflicted on them?

We must stop this happening. It can be done; the remedy is available. A secure system of age verification must be introduced as soon as possible so that nobody under the age of 18 can gain access to this kind of material. It has been claimed that this is too difficult and complicated, but that is not so. I understand that just such a system has been introduced by the online gambling industry. It works well and takes only a matter of seconds to administer. However distasteful it may seem to be regularising such an industry, not to regulate it in this way will simply condemn our children to continued exposure to this appalling material. We have no choice but to act and to act now. I look forward to the Minister's response.

I end by once again sincerely thanking the right reverend Prelate for obtaining today's debate on this crucial issue, and I hope we can all keep debating it.

1.21 pm

**Baroness Murphy (CB):** My Lords, I, too, thank the right reverend Prelate for initiating the debate, but I come at it from a rather different angle—from the point of view of an academic psychiatrist. I work in an area where we are used to looking at evidence from all sides, some of it often not very clear, and making judgments on the evidence we have.

So far, the debate has made me feel a little mischievous. If I go slightly over the top, I hope colleagues will forgive me for once. I feel that what I might call the “Giddens school” of approaching the problem has not been strongly supported, except, I think, by the noble Lord, Lord Parekh.

I am going to ignore for the moment the pornography which is so prevalent in society that hardly anybody worries about it any more. I am talking about the stuff available in hotel rooms that can be subscribed to, the top-shelf magazines, and the sex videos on sale in R18 shops, only for adults. Much of it is pretty silly stuff. It is highly enjoyable for those who like watching ordinary heterosexual pornography. It is used by a huge proportion of the population. Some 40% of women now read erotic literature, which is more or less pornographic. Look at the success of *Fifty Shades of Grey*. Heavens—that is a horrible piece of literature! For those who have not looked at it, it is basically a bit of sado-masochism and really rather nasty, but it is popular and has been read and, I think, enjoyed. Let us understand how widespread the issue is.

I think noble Lords are more concerned with the possible effects of watching explicit sexual violence and the degradation of women on screen, and the effect that might have on children and wider society. Pornography is broadly available, but I remind your Lordships that it is still illegal to manufacture and put this stuff on the internet. We already have quite draconian legislation to stop certain sorts of material becoming available. Noble Lords might say, “We are not very good at implementing it”. That might be the debate we should be having. We should be asking the Minister why controls on children's access to pornography are not more effective. The noble Lord, Lord Parekh, mentioned bestiality. Well, making a video of bestiality is illegal. We should think about what we are going to do to implement existing legislation.

The paucity of research needs to be brought home to us. One of the problems is that no evidence of harm is not the same as evidence of no harm—that is so with all such research. Some would say that we should not hang around waiting for evidence to emerge. However, I suggest that we have no evidence that, for example, there is a rise in violent or sexually aggressive crime. In fact, violent crimes have dropped dramatically over the last 15 years in this country. In the United States, where internet porn is even more readily available, there has been a dramatic decrease in aggressive and violent crime over the last 25 years; indeed, recorded sexually aggressive crime against children has actually gone down.

Noble Lords who have looked at the evidence from Japan will know that the Japanese watch much more violent, difficult and horrible porn than people do here, and they have one of the lowest rape rates. Other misogynist societies—I include Japan as marginally misogynist—have much lower rates of rape. These issues are very complicated and require a lot more looking at from the social point of view and many multifactorial points of view. We cannot say that it is simply pornography that is creating some of these ills in society.

One of the great problems over the last 30 years is that the systematic evidence has been laboratory-based. It has focused on the theoretical impact—on people reporting the impact of pornography. Forgive me for using this language, but pornography is there to aid masturbation. Much of the literature is about the impact of watching pornography without masturbating. People may say, “By looking at some of this research, we are creating completely spurious behaviours which people never engage in”. In the same way, much of what children are exposed to—particularly very young children—they experience before they have any understanding of the broader context. Noble Lords may say that that is a cause for huge anxiety, and it probably is, but I do not think we should leap to conclusions about the impact of the research.

Neil Malamuth, an American whose research over 30 years has probably added more to the good literature than anyone, has recently done several meta-analyses of available data, not all of it very good. He suggests that there are good correlations—that does not mean causality—between the use of very violent and sexual-aggressive porn and a small number of violent young men who are already predisposed to violence and will use that porn. However, there is very poor evidence of wider usage.

Let us think for moment about how we use our fantasies. Have your Lordships ever fantasied about murdering somebody? Some may fantasise about murdering their party Whip, from time to time. The reality is that noble Lords go away, have a fantasy about killing somebody and the very fantasy itself is helpful and allows them to come back and vote, having missed the opera, football or whatever it is they were going to watch. Fantasies do not translate into behaviours, and that is the core problem. Sexual fantasies are no different; they do not translate into behaviours.

An overwhelming number of viewers do not report problems with pornography. As for relationship problems that people experience when their marriages are failing, is it surprising that people who are not getting sex at home go away and use pornography? No, it is not. These things probably reflect difficulties, not the other way round. We do not know if it is the proverbial chicken or the egg, so we do not know whether this accessibility to porn is a difficulty.

My time is up. Noble Lords get my gist: let us be cautious about this. By all means let us protect children—I am interested to hear what the Minister has to say about that—but let us not be too virulent about an issue that we hardly know anything about.



1.30 pm

**Lord Scriven:** I too thank the right reverend Prelate the Bishop of Chester for raising this issue. As one of the issues around pornography and its use is that we as a society do not talk about it a lot, this debate is part of the solution to addressing some of those issues. As pornography is ultimately a moral issue, discussion of it becomes very subjective. The noble Baroness, Lady Murphy, explained quite clearly why people's interpretations of what is pornographic can differ. There is also more than one view on whether pornography is harmful. The noble Lord, Lord Giddens, and the noble Baroness both addressed the point regarding confusion about the evidence.

There has been a lot of debate about children and safeguards but a common theme—that we have to protect those who are underage. In this technological sphere, however, a technological solution cannot be a solution in itself. Humans interact with technology, so both a human and a technological response will be needed to address technological issues affecting children. We should not assume that filtering generally or age filtering will be enough. Young people use Instagram and Snapchat on their smartphones, so filtering will not prevent their distributing porn and seeing sexual images. We need to be much more clever. Parents and other adults need to be involved in socialising young children, talking openly with them about sexuality and issues around pornography. We cannot assume that a blank filter will solve the problem because it will not. The latest research on web-camming, the *Emerging Patterns and Trends Report*, shows that in young people's world, the use of smartphone apps, such as Instagram, Snapchat and Whatsapp, is far more prevalent than sitting at a laptop or using a mobile device simply to go on the web. We have to be clear that porn is here to stay; it will not go away. It is the same debate as we face in discussing drugs.

If it is a moral issue and here to stay, then, as the noble Baroness, Lady Murphy, and the noble Lord, Lord Giddens, said, we will need to prove the harm before setting out our exact response. If consenting adults decide to watch or make porn, and if there is no harm, what should be the role of legislators and government? Clearly, as we have talked about, there is harm when it involves a corpse or bestiality or issues to do with children, but if consenting adults decide to use porn to live out fantasies or even to spice up their own sex life, what role is there for legislators? I would say that it is very limited indeed.

As Clarissa Smith, Professor of Sexual Cultures at the University of Sunderland, has said, pornography is about fantasy, and in no other area is the use of the imagination regulated. That is what we are talking about in this debate—putting in place the safeguards we have described while dealing with something that, for most people, is fantasy. As has been suggested, the evidence is not one-sided or conclusive. I would suggest that, as the noble Baroness, Lady Murphy, said, for most people who watch pornography, it is a matter of fantasy. Once the watching is done, they do not go out into the real world to try to live out their fantasy. A small proportion will because of personality issues—they

are predisposed to violence—not because of the pornography itself. That is what we have to think about in this debate.

If we are to clamp down or take similar action we will need to prove harm beyond doubt, not simply use vague and self-selecting online surveys, as some noble Lords have done today. That is not evidence. Surveys are very different from evidence. Is harm being caused? I will cite two studies that might offer a different view from that offered earlier in the debate.

In 2010, the European Commission conducted a survey across a number of European countries which concluded that there is no evidence of a causal link between watching pornography and sexual violence or crime apart from in a small sample of males who were already disposed to violence. That exactly mirrors what the noble Baroness, Lady Murphy, said. In 2011, Milton Diamond conducted an interesting study of the Czech Republic, where pornography had been forbidden but then was allowed. The sexual habits, behaviours and interactions of adults were observed over a period of time. The report concluded that there was no change at all in the levels of sexual violence or relationship violence between individuals apart from in a small number of people who were predisposed to violence. So when we are talking about the impact of pornography on society, we have to talk about personality disorder rather than pornography itself. It would seem that some people are predisposed to do harm to others. We need to look at that a lot more rather than make blanket statements. Most people who watch porn use it as a fantasy but do not live it out. They live successful, useful and what would be seen as normal lives with their families.

Others see pornography as emancipating. About a month ago, there was a very interesting programme on Radio 4 called “Can Porn Be Ethical?” in which feminist pornographers said that they used pornography as a positive way of showing relationships. They talked about how it emancipates them and gives them power in an area where they were not seen as powerful. Not all porn is the same, as has already been said. Some feminists use pornography as a way of showing an alternative. As a feminist, Petra Joy, said, it is a “political thing” allowing her to change the model of sexuality and show it in a more realistic way. She said that she is able to develop the relationship as well as the sexual part of pornography and gives her some control as a woman.

I finish with a quote from Myles Jackman, a lawyer who specialises in this area. He said:

“Pornography is the canary in the coalmine of free speech: it is the first freedom to die”.

I want noble Lords to think about that. Without proving harm and showing that it is pornography itself that is causing it, we are in an area of legislating unnecessarily. I accept, as everybody who has spoken in your Lordships' House today has said, that there are certain laws about protecting minors and certain issues about technology that we must address. As humans, we also have to be clear that it is the human relationship with the technology that will solve the problem.



There is no justification to say that, outside this House, the fires of hell will be burning because society is degrading into a pornographic cauldron of disrepute. That is not the case. I believe that more research is needed and that we must understand that most humans who interact with pornography do so in fantasy and do not live it out. As there is such a paucity of evidence, I ask the Minister whether we could do here what we do or have started to do on drugs: to have an evidence-based solution rather than a kneejerk reaction to online surveys or one based on assumptions about what is happening in society.

1.40 pm

**Lord Collins of Highbury (Lab):** My Lords, I, too, thank the right reverend Prelate the Bishop of Chester for initiating this debate. As we have heard, many have genuine concerns about the use of pornography, and its effect on individuals and society. While I would like to see, as many have said, more evidence on this, I share the right reverend Prelate's sentiments, which I read about in his local newspaper, against activities that demean and exploit other human beings.

Back in July, the right reverend Prelate welcomed the noble Baroness's Online Safety Bill at Second Reading and called for further measures to help adults addicted to online pornography. He said:

"There is an illuminating parallel between addiction to pornography and addiction to gambling".

That is another debate in which we have both participated. He argued that,

"whereas the economic and social costs of gambling are relatively well understood, the equivalent damage caused by adult addiction to pornography is much less appreciated in our society".

The right reverend Prelate also referred to the following:

"Research findings across a number of studies suggest that the use of pornography in an addictive way is a significant factor in at least half of all relationship breakdowns".—[*Official Report*, 17/7/15; col. 844.]

However, I totally agree with my noble friend Lord Giddens that, as with gambling in the debates that we have had, we must ensure that any response to potential harm is evidence based. Simply prohibiting something does not necessarily address the problem; often it can exacerbate it, as in the case of gambling, by driving it underground. While the right reverend Prelate and other noble Lords have referred to research studies, I, too, ask the Minister what assessment the Government has made of current research findings. Have the Government any plans to commission their own independent research to assess the issues raised by the right reverend Prelate?

In the recent debate on the advertising of prostitution, initiated by the noble Lord, Lord McColl, my noble friend Lord Davies of Stamford referred to a fundamental principle, which is that the state should not restrict the freedom of any citizen, except to the extent required to protect the freedom of others. He argued that it flows directly from that that acts in private between consenting adults are no concern of the state or of the law. I also agree with his view that you violate that principle at your peril.

In the same debate my noble friend also recognised that virtuous and respectable people, in the interests of reforming society as they see it, are always trying to

encroach on that principle. The worst case of this was the introduction of legislation in the 1880s criminalising homosexuality, which continued on our statute book for over 80 years.

However, as many noble Lords have indicated, we are living in a rapidly changing world, in which pornography is so freely available and widely accessible. It is of major concern to everyone in this debate how that affects children. ChildLine, the NSPCC helpline, receives calls and messages every day of the week from concerned young people who feel that they are being badly impacted on by the way they and their friends can view unlimited online pornography. ChildLine, as we have heard, decided to run a campaign to support children and young people with these concerns, which were corroborated by multiple and other NSPCC and external sources.

On the back of this growing pool of evidence, ChildLine decided to conduct a survey, the findings of which are worth repeating. One in five children between 12 and 13 think that watching porn is normal behaviour. Nearly one in 10 children aged 12 and 13 are worried that they might be addicted to porn. One in five of those surveyed said that they had seen pornographic images that had shocked or upset them. Some 12% admitted to making or being part of a sexually explicit video.

As we have heard, as a consequence of government policy since February of this year, all the major internet providers made the porn filters the default option, to which the noble Baroness referred. Although the vast majority of Britons continue to shun the scheme, data reveal that the change in policy has led to a massive increase in the number of people using porn filters. Last year, an Ofcom survey found only a small number of people had volunteered to use the filter: 4% of Virgin Media customers, 5% of BT subscribers and 8% of Sky users.

As the right reverend Prelate and others in the debate mentioned, the European Parliament voted through legislation that will require all internet providers to treat online traffic without discrimination as part of the broader move by the EU towards net neutrality. Online companies cannot block access to specific content, although exceptions are made for illegal websites. As we have heard, on 28 October the Prime Minister said that the Government had secured an opt-out from this ruling and will introduce legislation to ensure that children are protected. Can the Minister explain when and how the Government propose to do this? How are the Government continuing to monitor the effects of pornography on children and young people?

The scale of the problem cannot simply be addressed on the supply side; good-quality, age-appropriate sex and relationships education is vital. It is known to equip young people with the language and tools to be clear about personal boundaries, and understand appropriate and inappropriate behaviour, to be able to resist pressure assertively, and to know to whom to talk and when to ask for help if and when they need it. It helps older children resist pressure, make safe choices, and be able to challenge and be critical of misleading and inappropriate messages about sex that we hear in the media. National and international research shows

[LORD COLLINS OF HIGHBURY]

that young people who have had good sex and relationships education are more likely to choose to have sex for the first time later. When they do have sex, they are more likely to use condoms and contraception.

Despite the obvious public health and child rights imperative for SRE, the current situation is that maintained schools do not have to teach any SRE beyond basic information on puberty, anatomy and human reproduction found in the science national curriculum. Maintained secondary schools must also teach pupils about HIV and AIDS. However, academies and free schools do not have to teach any of this. A Commons Education Committee inquiry, launched after Ofsted stated that more than a third of schools were failing to provide age-appropriate SRE, found a mismatch between the priority that Ministers claim that they give to PSHE and the steps taken to improve its delivery in schools. In particular, it said that there was a lack of clarity on the status of the subject and that it should be given statutory status.

There is an overwhelming demand from teachers, parents and young people for SRE to become compulsory. SRE forms an important part of any school's efforts to safeguard young people from abuse and is particularly needed to protect the most vulnerable children. As the chair of the Commons committee said:

"PSHE builds character and resilience, and will help young people to live happy and healthy lives".

The Government said that they would consider the committee's findings carefully and indicated that they had already set up a new expert subject group on PSHE to identify key areas where teachers need further support. Perhaps the Minister can update the House on progress in that regard.

We owe our children good, compulsory sex and relationships education. We owe it to children already experiencing abuse and we owe it to those who might later become adult victims because the key messages are not being ingrained from the very beginning.

1.51 pm

**The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Baroness Shields) (Con):** My Lords, I am most grateful to the right reverend Prelate the Bishop of Chester for introducing this most important and timely debate on the impact of pornography on both children and adults. Before I begin, I should say that the Government's focus is of course on children because of the obvious need to protect them from exploitation, abuse and violence. However, what has been said today regarding the impact of pornography on sexual relationships, with a potential increase in violence and addiction, will be taken into consideration, and by no means do I want to minimise that in my comments.

As is abundantly clear from the debate, these are issues that we all care deeply about. I thank all participants for their valued contributions, bringing to bear the wealth of expertise and knowledge for which this House is renowned.

I shall start with the comments of the noble Lord, Lord Giddens, which I thought were particularly prescient. He spoke about the ocean of technological change

breaking through society. I think that that is the best way to put it, as the very nature of sexuality is evolving at an unprecedented pace. My noble friend Lord Cormack, rightly, said that this is an old problem but it is one that has been transformed by technology.

Many noble Lords have made it clear that an evidence-based approach is essential. That highlights the need to seek out more conversations like the one that we have had today. I therefore recommend that noble Lords bring forward any additional evidence that they come across in their research.

My noble friend Lord McColl spoke very eloquently about the brain activity of healthy people when exposed to prolonged incidents of pornography. It is very important that, in addition to the study he cited, we get evidence to add to the debate so that we understand the impact perfectly well and can make informed policy decisions.

The noble Baroness, Lady Howe, has been a pioneer in this area and I thank her for her counsel. I have worked very closely with her and appreciate all the work that she has done in this area. Rightly, she pointed out that the filter regime often leaves children able to access unsuitable content. In the last couple of weeks we have seen evidence that young people know a lot more about technology than we do. The TalkTalk hacking incident and the arrest and questioning of young people illustrates just how behind the curve many adults are and the fact that children are way ahead of us. Before we say that one solution or the other is going to solve a problem, it is important that we recognise that, whatever solutions are in place, they will fail at times. Young people are smarter with technology than we are. They will find a way around filters, and they will find their way to this material. Therefore, we must be realistic and put together a policy package that makes sense and can achieve the aims in the best possible way in most cases, although we will never be able to solve this problem completely.

Many powerful and emotive examples of the potential harms from pornography have been raised today. The noble Lord, Lord Scriven, said that human relationships are redefined by technology. The very nature of adolescence is changing beyond recognition. Some of the more extreme examples were raised by my noble friend Lord Farmer, who asked about causal linkages between the use of violent porn and sexual crime. We are of course aware of tragic cases where an individual's use of extreme pornography has been linked to them committing serious offences. The Ministry of Justice introduced provisions in the Criminal Justice and Courts Act 2015 making it an offence to possess pornography depicting rape or sexual assault. However, we are not aware of robust and conclusive evidence showing a causal link between increased access to pornography and sexual/violent crime. End Violence Against Women has noted:

"Neither research nor practice-based evidence can effectively demonstrate a causal connection between pornography and violence against women".

That, again, illustrates the importance of gathering more information and creating an evidence base with which to move forward. However, pornography and an increasingly sexualised culture more generally are

noted as a “conducive context”, perpetrating certain stereotypes, particularly about men dominating women. The Government are committed to challenging stereotypes around sexual violence to ensure that people properly understand consent and to encourage the reporting of abuse. Since 2010, the Home Office has been running a successful relationship abuse and rape prevention campaign called *This is Abuse*.

I confirm that around the time we publish the consultation on age verification—it is upcoming and I will speak about it a bit more—we will publish independent research in this area. We look forward to noble Lords’ comments on that.

My noble friend Lord Farmer asked about injuries related to certain types of sexual activity. I confirm that I will take up this matter with the Department of Health and get back to him. He also talked about the amount dedicated to relationship support and asked whether it was enough. The Government will shortly be publishing their spending review and will go into detail in this area.

Regarding questions on porn addiction, the relationship counselling service *Relate* considers that porn addiction is a form of sex addiction. Support is available. It may not be enough but anyone who is concerned that they may be suffering from addiction to pornography can speak to their GP.

In response to the request from my noble friend Lord McColl, I will speak to colleagues at the Department of Health about meeting recovering addicts so that we can learn from their experiences.

I thank my noble friend Lord Farmer for his question on the objectification of women. Clearly, none of wants a society in which women in particular may be objectified or subject to negative stereotypes. The Government have, this year, published guidance for teachers on teaching about body image and consent, and they have produced the PSHE Association guidelines.

While it is not for the Government to dictate to consenting adults what sort of content they may legally access, we must remain mindful of the potential harms that pornography can exert on society, and particularly on the young and the vulnerable. In that context, we have learned about offences from the noble Baroness, Lady Hollins, who has been unable to take part in today’s debate. We would like to explore the matter further and will come back to her on that. It is important that this issue has been put on the record today and, having consulted the Department of Health, I can confirm that the Care Act statutory guidance is very clear that exposing or subjecting vulnerable people to pornography, whether online or offline, is sexual abuse. It must not be tolerated and it must be dealt with. The Government are committed to preventing and reducing the risk of abuse of vulnerable adults and the example which was given clearly illustrates the importance of protecting the handicapped and vulnerable in our society.

Long-term, extensive use of pornography has been shown, in some studies, to have damaging effects, particularly in terms of addiction. We must therefore harness our collective talents and expertise, here and in the other place, to ensure the best outcomes for UK citizens. We agree with noble Lords who have spoken

today that pornography should be considered as another category of potential addiction. As with other addictions to activities and products such as smoking, alcohol and gambling, we must ensure that people are supported and that children especially are protected. In response to the question from my noble friend Lord Farmer, many schools choose to teach about the impact of pornography as part of their PSHE curriculum. The non-statutory PSHE programme of study, produced by the PSHE Association, includes teaching about the role of sex in the media and its impact on sexuality, including pornography and related sexual ethics such as consent, negotiation, boundaries, respect, gender norms, and sexual norms. As the right reverend Prelate the Bishop of Bristol said, depictions of sexuality in porn are often aggressive and we need to help teachers educate young people to understand that these depictions do not reflect reality or healthy sexual relationships.

We also support and invest in schools to develop qualities such as confidence, leadership, self-discipline and motivation in their pupils; in other words, to ensure that young people are prepared for adult life. Furthermore, we should not ignore the important resources made available to schools and families through partnerships between government, industry and charities, which I will mention in greater detail in due course. As the noble Lord, Lord Northbourne, reminded us, we must never forget the crucial role of parents and education in preparing children for life in modern Britain.

Invariably, any debate about pornography and its impact on society must address the internet. As UK digital citizens, we enjoy vital freedoms, particularly freedom of speech and freedom of expression, and access to all the information and opportunities the internet offers. However, it is equally clear that such freedoms bring with them risks, many of which have been outlined today, as well as responsibilities.

The younger generation is far more technologically aware than we are: they are connected to each other, and the wider world, through devices which did not even exist five years ago. We must always ensure that the safety, health and well-being of our children and young people are sacrosanct, and be mindful of the potential harms to impressionable, still developing minds. I trust that noble Lords here today will rest assured that these matters are taken extremely seriously by this Government, and will join me in recognising the huge progress that has been made to protect children online. The UK is leading the world in the fight to address the most heinous crimes against children online, as well as being at the bridge-head of ensuring that a child’s experience on the internet can be safe and positive. Internet service providers and mobile operators have taken important steps by introducing parental control filters to their internet services, and industry and charity partners continue to develop new, creative campaigns that educate and support parents, teachers, and children themselves, to safely navigate online risks. We need only look at the examples of recent initiatives to see how much has been achieved through working together: *Parent Info*, provided by CEOP and *Parent Zone*, is a free source of expert information for schools on how children can stay safe online; *Internet Matters* is aimed at parents and corrals the considerable heft of



[BARONESS SHIELDS]

the four main ISPs—BT, Virgin, TalkTalk and Sky—to provide parents with valuable insight on online safety; Google’s Good to Know school roadshows, which are now taking place across the country, are taking digital citizenship lessons for teenagers straight into school assemblies; and the exemplary partnership between the NSPCC and O2 also delivers workshops, staff training, and online support.

I must inform the House that, following the telecoms single market negotiations in Europe, filters on home broadband, mobiles and public wi-fi have recently been called into question and last week the Prime Minister said in the other place that this may necessitate legislative action. We must be absolutely clear: the Government would never accept a position which diminished our ability to protect children online, and family-friendly filters are a key pillar of our efforts. As such, we can legislate in order to safeguard the existing arrangements with the UK’s main internet service providers and mobile network operators. The UK leads the world in the protection of children online and, should it be necessary to do so, we will enshrine in law the ability to provide family-friendly filters, which are a vital tool for parents. We recognise the excellent progress made by industry on this and the concerns raised by the noble Baroness, Lady Howe, about age verification and smaller providers. We will consider these points and develop an approach in consultation with her and others.

However, the global nature of the internet means that the UK cannot solve these problems on our own. My work with the #We Protect global alliance, which was established by the UK Government, demonstrates that progress is achievable. For instance, working closely with government, Google and Microsoft have recently made significant progress in removing and eliminating pathways to child sexual abuse images and videos in their search results. As a result of these changes, Google has seen an eightfold reduction in people searching for this material. Both companies have also introduced technology to find and remove images of child abuse online, working in partnership with the Internet Watch Foundation. I will be using my experience to tackle further the issue that we have been discussing today: the effects of pornography on society.

There is deep concern about the ease with which minors can access online pornography and the effect it can have on their sexual development and overall health and well-being. The teenage brain has become a subject of much research recently. The University of Pennsylvania neurologist Francis Jensen says that teenage brains are hungry for stimulation yet the development of the frontal lobes is not yet complete. The repeated viewing of pornography can result in neuro-adaptation: literally rewiring the brain. The recent meta-analysis by Gert Martin Hald et al strongly supports the correlation with regard to pornography inducing violent attitudes against women and young people. The teenage brain adapts to pornography and changes occur in its internal circuitry, particularly in the pleasure and reward pathways. As my noble friend said, in time, the brain seeks more and more extreme pornography to get the same effect, with terrifying implications, potentially including the normalisation of sexual violence.

Children clearly do not necessarily have the tools required, or the life experience, that an adult would have, to deal with the same circumstance, so we must deal with the context. Although we are not aware of robust evidence suggesting there are causal links between sexual abuse of young people and pornography, I can confirm that we are taking action on a range of fronts to tackle the viewing, downloading and sharing of abuse imagery online. The Government have established the Child Abuse Image Database, or CAID, which became operational in December 2014. All UK police forces and the NCA will connect to it by the end of this year. This database provides tools to search seized devices for indecent images of children. It helps increase our ability to identify images and prosecute perpetrators.

The noble Baroness, Lady Uddin, mentioned revenge porn and her valuable work in this area. In the Criminal Justice and Courts Act 2015, the Government created a new offence to tackle this. Alongside this, the Government Equalities Office launched a dedicated helpline in February. Since then, it has taken over 2,300 calls and supported over 370 victims. As my noble friend Lord Cormack said, we must consider the relative ease with which young people can access hardcore pornographic content online, as opposed to the offline world. We would not expect a minor to be able to wander into a sex shop on the high street and buy a DVD containing such material. However, the Government’s contention is that the online world needs to be brought into line with the physical world. The potential harms to children and young people of online pornography mean that the most responsible approach is to ensure that, while online freedoms should be protected, they should not jeopardise or come at the expense of the rights of children to a safe internet experience. Children should be able to enjoy the huge benefits the online world has to offer, but they must have the right to experience a happy and healthy childhood.

The noble Baroness, Lady Murphy, made some very valuable points, and I welcome her considered and questioning contribution. I assure her that the Government are determined to base their approach on evidence. We are engaging academics to ensure that what we do has the impact that we intend it to have.

Turning to the remarks of the noble Lord, Lord Scriven, we believe it is critical to maintain the balance between individual rights and protections for the young and vulnerable. We are persuaded of the harms for children and young people, hence our focus on under-18s.

Finally, even in the face of some of the horrific examples that we have heard today, I contend that there is great cause for optimism here. We can address the harms caused by pornography, and we can have rational, reasoned debate and discussion about what we can do and how society, and the lives of young people, can be improved. As always, noble Lords have been invaluable in supporting and challenging the Government to do more, and I will continue to seek your thoughts going forward.

2.11 pm

**The Lord Bishop of Chester:** I thank the Minister for her comprehensive reply. There were a few questions that she did not cover; no doubt she will write to those concerned. The noble Lord, Lord Cormack,

mentioned Archdeacon Grantly from the Barchester chronicles. Unlike the Bishops, the noble Lord, Lord Scriven, referred to hell at one point. Archdeacon Grantly had his own definition of hell, which was an eternity of having to listen to his own sermons. Whether that applies to Members of your Lordships' House having to listen to contributions here, I shall leave open.

The debate certainly demonstrated what a complex subject this is in a society that is developing so rapidly. I have said before that the internet age—the digital revolution—is like steam power in the 18th century and its impact on the 19th, or the internal combustion engine in the 19th and its impact on the 20th. Now we are doing the same for the 20th and the 21st. It is even more powerful than those earlier revolutions. It was very easy then to drift into problems without seeing them. We drifted into the First World War without realising that the whole nature of warfare had changed by industrialisation.

I hope that this debate has usefully aired a range of views on this subject, which we find difficult to talk about. In that respect, it has been very helpful. I am very pleased, if I may say so, that the two very distinguished social scientists spoke in the debate; I am enormously grateful for their contributions. Evidence is very important. We seem to agree pretty much that the evidence is there in relation to protecting children. Broadly speaking, there is agreement on that. There is less agreement on the question of harm to adults: that is an open question. The noble Baroness, Lady Murphy, who took a different line from me to some degree, said it was an issue that we hardly knew anything about. I agree with her on that, in many ways. She asked, "Does the chicken or the egg come first?". When you are looking at a chicken omelette, that question becomes a bit academic. We will have to at least try to answer it.

I thank everyone who has taken part. The future must lie with research and education, and, I hope, digesting the lessons that we all learned in this debate.

*Motion agreed.*

## Aviation Security

### Statement

2.13 pm

**The Parliamentary Under-Secretary of State, Department for Transport and Home Office (Lord Ahmad of Wimbledon) (Con):** My Lords, with the leave of the House, I shall now repeat a Statement made in the other place by my right honourable friend the Secretary of State for Transport.

"With permission, Mr Speaker, I wish to make a statement on the recent decisions taken by the Government following the loss of the Russian Metrojet flight on Saturday. I know the House will join with me in expressing our condolences to the families of those who lost their lives: 224 lives were lost. I was able to express our deepest sympathy to the Russian Ambassador yesterday, when the Foreign Secretary and I signed the book of condolence.

We still cannot be certain what caused the loss of the aircraft, but we are reaching the view that a bomb on board is a significant possibility. If this turns out to

be the case, it clearly has serious implications for the security of UK nationals flying from Sharm el-Sheikh. We have therefore taken the decision that it was necessary to act. The decisions we have made are based on a review of all the information available to us. Some of it is sensitive. I am not able to go into detail on that information, but the House can be assured that we have taken this decision on the basis of the safety of British citizens.

There are two stages to this process. We are working with the airlines to put in place a short-term measure. This could, for example, include different arrangements for handling luggage. Beyond that, we are working with the Egyptians and airlines to put in place long-term sustainable measures to ensure our flights remain safe. We very much hope that it will be possible to declare that it is safe to fly to the resort and to resume normal flight operations in due course. That is why my right honourable friend the Foreign Secretary announced yesterday evening that the Government are now advising against all but essential travel by air to or from this airport.

All UK-operated flights to and from the airport have now been suspended. We are working with the Egyptians to assess, and where necessary to improve, security at the airport. More than 900,000 British nationals visit Egypt every year. Most visits are trouble-free. As my right honourable friend said yesterday, we are grateful for the continuing efforts of the Egyptian authorities to work together with us on these vitally important tasks.

The Government are now working with the airline community to put in place interim arrangements for getting people home. This is clearly a very difficult situation for travellers and their families. I would like to thank the airlines for their support during this difficult time, and holidaymakers for their patience. In parallel, specialist teams will be working intensively with the Egyptian authorities to allow normal scheduled operations to recommence.

The decision to suspend flights is a very serious one and has not been taken lightly, but the safety and security of the travelling public is, of course, the Government's highest priority. We will need to be confident that the security standards meet our expectations and those of the public before we allow services to resume. I recognise that this is a stressful time for British tourists, but we have not changed the travel threat level for the resort itself. People should keep in touch with their tour operators. We also have consular staff on the ground providing assistance. We have aviation security experts on the ground, and will have arrangements to bring people home safely in due course. The airlines are working with us to bring passengers home. No UK-bound aircraft will take off until it is safe to do so. We do not expect flights to leave today, but we hope to have flights leaving tomorrow".

2.17 pm

**Lord Rosser (Lab):** I thank the Minister for repeating the Statement made earlier in the Commons. We certainly wish to associate ourselves with the condolences expressed in the Statement to the families of the 224 people who have lost their lives.

[LORD ROSSER]

The Government have said that they still cannot be certain what caused the loss of the Russian MetroJet aircraft, but that they are reaching the view that a bomb on board is a significant possibility. That view is based on a review of all the information available to the Government, some of which cannot be disclosed. However, even without knowing the evidence, I am sure that the Government's prompt decision to advise against all but essential travel by air to or from Sharm el-Sheikh airport, with the consequence that all UK-operated flights to and from the airport have been suspended, has been made on the basis of the need to ensure the safety of British citizens.

The Statement referred to working with the airlines to put in place short-term measures, which could include different arrangements for handling luggage. It said that beyond that, the Government are working with the Egyptians and the airlines to put in place long-term sustainable measures to ensure that our flights remain safe. If the airlines and the Government have now concluded that there perhaps ought to be different arrangements for handling luggage, is it being said that the current arrangements for handling luggage and other security issues—at an airport in a country and an area of the world which, as has been known for some time, is not exactly the most secure one could find—are not as appropriate or secure as they should be?

The Statement says that the Government are working with the Egyptians to assess and, where necessary, to improve security at the airport. Are the Government able to say that they and our personnel involved have been and are receiving all the co-operation they need from the Egyptian authorities on this issue?

What about the security arrangements at other airports in Egypt? Are they being reassessed? Are the Government now also looking with the airlines concerned at the security arrangements at airports used by British citizens in all parts of the world where there are current security and stability issues? Will the Minister also say what kind of measures are being considered with the Egyptians and the airlines in the light of the reference in the Statement to putting in place,

“long-term sustainable measures to ensure our flights remain safe”?

What are those long-term sustainable measures?

The Statement says that the Government have not changed the threat level for the resort of Sharm el-Sheikh itself. How was the conclusion reached that there is no threat in the wider Sharm el-Sheikh resort, given that the Government have decided to advise against all but essential travel by air to and from the airport, and to suspend all flights to and from the UK?

The Statement says that the airline community is putting in place interim arrangements for getting British citizens home, who as I understand it total some 20,000. I take it that the reference in the Statement to the hope that flights will leave tomorrow relates to flights leaving Sharm el-Sheikh, rather than leaving to go to that airport. How long do the Government expect it will take to get back home all British citizens who wish to return as soon as possible from Sharm el-Sheikh, rather than stay until their scheduled return date?

Do the Government have any target date by which they anticipate that flights from this country to Sharm el-Sheikh will resume?

Finally, will the Minister say what consular support the Government are providing to British citizens in the resort and elsewhere in Egypt? I note that the Minister said, “we also have” consular staff, rather than what is in the written Statement. Given that the Statement says “will also have” consular staff on the ground providing assistance—implying that they are not there at the moment—is consular assistance not yet in fact being provided? If it is, or is going to be, provided through moving staff from other locations in Egypt to Sharm el-Sheikh, will consular assistance still be available to British citizens in other parts of Egypt?

**Baroness Randerson (LD):** My Lords, we must all add our condolences to and sympathy for the families of those killed in this terrible accident. It is a salutary reminder of the perilous state of the world when terrorism strikes at a place so many British people know from their tourist experiences.

The Government have taken what we believe is correct, appropriate, swift and decisive action, because the safety of British citizens is paramount. However, looking at the precise wording of the Statement, I ask the Minister about the level of certainty of the security information. We understand that the security information cannot be made available to all of us here, and nor should it, but we are still interested in the fact that the level of certainty that this was due to a bomb on board is slightly less strong than I would have expected in the Minister's Statement.

In looking at the long-term experience, I echo the words of the noble Lord, Lord Rosser. Clearly, for those 20,000 tourists currently waiting to come home from Sharm el-Sheikh, there is a great deal of hope that they will be able to come home very soon, but looking at the long-term issues, there is no certainty in the Minister's Statement as to how long it will take for normal flights to resume. The Statement refers to “due course”. I am interested in what the Government believe the meaning of that phrase to be.

I, too, was surprised by the reference in the Statement to the threat level in the resort itself not being changed. That is very interesting information, and I would be pleased to hear further detail from the Minister as to why. The obvious concern of the families of tourists currently waiting in the airport and in their hotels in Sharm el-Sheikh is that, by leaving them there, they are in some danger. It is therefore important that they be reassured, if possible, that the level of threat has not changed. Will the Minister explain that in some detail?

On the general implications, as the noble Lord said, Egypt is far from the only trouble spot in the world. Many countries in that region are affected by the same forces. Will the Minister explain the routine processes applied by the Government and by airlines to ensure that security at airports across the world is up to standard? I ask this because those processes have clearly failed in this case. I would value further information on that.

Finally, will UK security specialists, on behalf of the Government or airlines, be located on Egyptian soil in the long term to deal with ongoing threats in that area?



**Lord Ahmad of Wimbledon:** My Lords, I thank the noble Lord, Lord Rosser, and the noble Baroness, Lady Randerson, for their general support of the actions that the Government have taken. I am sure that they would agree—indeed, all noble Lords would—that the first and primary duty of any Government is the security of their own citizens. Suffice it to say that the decision in the Statement, as I said, was not one that the Government took lightly. It was made after due consideration and it was felt to be entirely appropriate and in line with that very principle of protecting our own citizens.

To take up some of the questions raised first by the noble Lord, Lord Rosser, starting with the general question of personnel and people on the ground, yes, consular staff are already on the ground. Indeed, in addition we have sent staff from Her Majesty's Government, including aviation experts from my department, the Department for Transport, and officials from the Foreign and Commonwealth Office, who are assisting our citizens on the ground directly.

The noble Lord also asked about long-term measures. As I said, these are being reviewed. Of course, I cannot comment on some of these details because they are specifically security-led. When it comes to aviation security, we have an ongoing arrangement with airports across the world. This has just been done. It is a continuing requirement and we continue to conduct regular visits to various parts of the world to review security arrangements on the ground, in conjunction with the sovereign authorities in those countries.

On the issue raised by the noble Lord, Lord Rosser, and the noble Baroness, Lady Randerson, about the threat to the resort, I want to be very clear that the advice we have been given—as I said, we are working with the airlines on this, as well as the Egyptian authorities—relates specifically to flights into and out of Sharm el-Sheikh airport. The resort itself is not considered to have increased risks. I stress this point since the question was raised.

The noble Lord, Lord Rosser, also asked about flights due to leave tomorrow. He is correct in assuming that these are flights departing from, rather than arriving in, Sharm el-Sheikh. To be clear, we have decided—as any responsible Government would—that until we are satisfied that the risk has been addressed and the additional measures put in place, it is appropriate for flights into the resort to remain suspended.

The noble Baroness asked about security arrangements across the world. I have addressed that in part. We have continuing arrangements with authorities across the world to review aviation security arrangements in airports regularly to ensure that they are meeting required standards. The noble Baroness also raised the issue of the level of certainty. Currently, we can neither confirm nor rule out that this was a terrorist incident. The actions that we have taken suggest that we take seriously the possibility of the flight's having been impacted by a bomb.

With regard to other questions raised about the general response, these decisions are being taken seriously. To update the House, two COBRA meetings have taken place, one yesterday and one earlier today. These were chaired by the Prime Minister. In addition, as noble

Lords will be aware, the Prime Minister has also met with President Sisi at Downing Street. These matters, which are of concern not just to us in Britain but to the Egyptian Government, have been discussed and appropriate issues raised.

2.31 pm

**Baroness Falkner of Margravine (LD):** My Lords, the Minister mentioned the discussion that the Prime Minister is having with President Sisi today. Is Her Majesty's Government's position as a candid friend to Egypt that to deal with terrorism does not mean that it is appropriate to lock up the thousands of democracy activists, secularists, bloggers and all manner of people who simply want to express their right to free speech and to have an opinion? Will the Prime Minister's discussions take into account that you do not fight terrorism by locking up people who just ask for democracy and human rights?

**Lord Ahmad of Wimbledon:** As I am sure the noble Baroness is aware, we have broad discussions with the Egyptian authorities and others over the concerns that she is raising in relation to human rights. These continue. My noble friend Lady Anelay is specifically responsible for human rights within the Government. We continue to raise these issues. The meeting took place at 12.45 this afternoon and matters of mutual interest were raised. We defend human rights, raising concerns there as they are put to us, not just in our discussions with Egypt but with other friends and allies across the world. It is right to raise these issues.

**Baroness Symons of Vernham Dean (Lab):** My Lords, I return to the position of the British citizens currently stranded in Sharm el-Sheikh. Various assessments of the numbers involved have ranged up to 20,000, although some of the travel agencies have said that the number is nearer to 12,000. Will the Minister update us?

On the question of consular support, have consular officials been brought in from neighbouring jurisdictions? Consular work is sensitive, difficult and requires training. It should have been possible to have brought in some of our consular officials from neighbouring countries. Have consular officials been able to leave the United Kingdom to give support to their colleagues in Egypt, because presumably there will be consular officials going out of our embassy in Cairo?

Are British-based airlines being approached to go to Sharm el-Sheikh to bring out our citizens? I think that the Statement said that the first are expected to be able to leave tomorrow. One cannot help wondering what is happening to people who may be at the end of a holiday period and who have not got funding available to pay for extra flights, let alone for extra nights in Sharm el-Sheikh, for food or for sustaining young families. I hope that the Minister will address that.

As regards forensics, this was a Russian aircraft over Egyptian territory. We are good at forensics, being acknowledged as being among the foremost countries. Have we been asked or have we offered to provide forensic support on the ground? That does not impinge on intelligence. Have we been asked for or have we offered support to go to Sharm el-Sheikh to look at what happened to this aircraft? There are all

[BARONESS SYMONS OF VERNHAM DEAN]

sorts of rumours about the condition of the plane and the condition of the dead, for whom we all have sympathy as we do for their families. Are we playing our part as regards forensics?

**Lord Ahmad of Wimbledon:** The noble Baroness is right to return to this key concern that we all share for the British citizens on the ground. She is quite right that the numbers have varied. That is partly due to the fact that some numbers and details come from the tour operators and other people have gone there of their own accord, perhaps visiting or passing through the country. The figure that the media are primarily using is 20,000. That is the figure at which we are looking at the highest level. Some may well be there serving and working throughout Egypt. It is not possible to give an exact number now. Nevertheless, we are fully aware of the assessments and working very closely with the carriers.

She asked about the airlines. This morning, we have had the airlines working with us at the Department for Transport. They are working together and with the Government. I acknowledge, as did the Secretary of State, the incredible support and co-operation that they are giving to the Government and to the authorities and in particular to the people on the ground.

She rightly raised the issue of those who, financially, could not afford to make arrangements. Again, through the airlines we are working to ensure that anyone whose flights are delayed, or who are delayed in the resort, are also catered for without extra financial hardship. She is also aware from her own experience that there is a specific fund that has been created to deal with these issues, the hardship fund. We believe that the combination of factors, working together with the airline operators and the Egyptian authorities, will enable us to address the primary concerns and to facilitate the safe departure of all those who wish to leave the resort as soon as possible.

She raised the valid point about this being a Russian plane. I can assure the noble Baroness that this afternoon, following the visit by my right honourable friend the Secretary of State for Transport and Foreign Office representatives to the Russian ambassador, the Prime Minister will be speaking to Mr Putin directly. Without pre-empting what the Prime Minister or President may discuss, I am sure that during the course of those discussions we shall, as we do when such tragedies happen around the world, seek to extend whatever assistance we can from the British Government.

**Lord Campbell-Savours (Lab):** My Lords, the noble Lord did not address the issue of forensics that was raised by my noble friend directly. The subtext to his Statement is that the evidence of a device on board is not forensic; otherwise, the Government would probably have placed the information in the public domain. Therefore, we must presume that it was intelligence based. We know that the evidence of intelligence information is not going to be placed in the public domain, but in so far as the Egyptian economy is going to be quite badly damaged as a result of this and we know that there have been protests from Ministers in the Egyptian Government, surely we owe it to them

at least to give the Egyptian Government some information, not as to the source but as to what intelligence information we may have gained that has led us to take the decision that we have taken?

**Lord Ahmad of Wimbledon:** I assure the noble Lord that the situation with regard to forensics is ongoing and evolving as more details emerge, which we will provide when that is possible. We have made a Statement to the House today. I have also shared with noble Lords the fact that two COBRA meetings have occurred. As the noble Lord is aware, it is not just the President meeting our Prime Minister today; other officials are also attending. Those meetings will be used to share information and our concerns. We will use this opportunity to discuss this matter with them. Notwithstanding some of the media reports, the reciprocal arrangements that we had in place with Egypt before this tragedy occurred have worked well. We have a good relationship with the Egyptian Government. The respective authorities have been extremely co-operative throughout yesterday and during the last day or so. The common cause and concern we all share is to identify and, more importantly, address the exact reason why this tragedy occurred. The noble Lord is also right to point out that this is based on the intelligence that the Government have received thus far. However, I cannot go into more detail on that. I reiterate that after the COBRA meeting today the Prime Minister said specifically that our hearts and sympathy go out to the Egyptian people. However, as I repeated at the start of the Statement, our primary concern—I am sure the noble Lord shares that—must rightly be for UK citizens. That is what we are putting first.

**Lord Howell of Guildford (Con):** This is clearly a tragedy for the Russians and, as the noble Lord, Lord Campbell-Savours, reminded us, obviously does enormous damage to the already battered Egyptian economy. The noble Baroness, Lady Symons, also reminded us of the appalling disruption, particularly for families, when suddenly they find that their planned charter or schedule return will not happen for 24 hours. The pith of the Statement seems to be that it will be safe to fly out of Sharm el-Sheikh tomorrow but it is not safe to do so today. That is the message that will have to be given to a lot of tourists in Sharm el-Sheikh. The Minister cannot tell us everything but can he explain, so that one can explain to the tourists themselves, what will change between today, when everything has been cancelled, and tomorrow, when we will have to put on all sorts of charter flights and special flights, make special arrangements, reschedule leave and reorganise schedules to make it safe for people to start flying again?

**Lord Ahmad of Wimbledon:** As my noble friend will know from his own experience, these matters are very fluid. As I said, we are hoping to resume flights at the earliest possible time, as the Statement indicated. We want to ensure that we can facilitate the safe departure of those who want to leave as soon as possible. We are making sure that various factors are in place to ensure that we can facilitate that. The volume of people who wish to leave Sharm el-Sheikh requires certain logistics to be in place on the ground. As I indicated in responding

to the noble Baroness, Lady Symons, we are working very closely with the airlines to ensure that the correct number of aircraft are available to facilitate the departure of this sizeable number of people. However, ultimately, we will be driven in all of this by the need to ensure that we are satisfied with the security arrangements for their safe passage and departure from Sharm el-Sheikh.

**The Duke of Somerset (CB):** My Lords, a noble Lord asked about routing. Some airlines have announced that they will change their routing and some have refused to comment on their routing. Is it possible to devise a mechanism whereby passengers can be reassured that their flights in the future will avoid some of the world's trouble spots such as Syria and Iraq—and now we have to add Egypt?

**Lord Ahmad of Wimbledon:** Airlines share information with their passengers as they consider appropriate. All that it is appropriate for me to say at this point is that the Government receive intelligence reports from across the world. We share certain reports with airlines and we share certain levels of advice. Based on that, and in the light of events, some of which the noble Duke has articulated, airlines make certain adjustments. We could go into the mechanics of the extent to which threats can be realised in some parts of the world and the height at which planes should be flying. All these things are of a very technical nature. However, the authorities, Governments and airlines correspond with each other on a regular basis with regard to security measures to ensure that passengers of whatever nationality, wherever they are in the world, can be protected across the world.

**Lord Judd (Lab):** My Lords, while essentially the House will be fully behind the Government's rapid response to this situation, does the Minister agree that we should be concerned about not simply the British people who are affected but all those involved, and that we should express—as, indeed, he has—the strongest possible solidarity and support for the victims and those who have been bereaved by this incident? Is this not another cruel illustration of the nihilistic, brutal techniques employed by those who take such action and a total denial of any concept of human rights for the victims? In that context, is it not more important than ever that in all we do to try to reach international arrangements to prevent such situations, we always demonstrate that we will be second to none in our own upholding of human rights?

**Lord Ahmad of Wimbledon:** The British Government have a very distinguished record in upholding human rights. I totally agree with the noble Lord that we should empathise with all involved in this situation. This is a real challenge primarily for the Egyptian nation itself. Certain actions have been taken. As I said, we are still awaiting further details to substantiate the exact causes of this tragedy. Nevertheless, it is important that, as a responsible UK Government, our first concern must be to ensure the safety and security of UK citizens and residents. At the same time, as I indicated to the noble Baroness, Lady Symons, it has always been the case, and should continue to be so today and for future Governments, that we extend

whatever assistance and co-operation we can to others when such tragedies occur. We have done so before and we are doing so now.

**Baroness O'Cathain (Con):** My Lords, is this not a wake-up call because we have all got so used to being body searched and searched for liquids and goodness knows what else, and now somebody has got through and almost certainly put a bomb on an airplane? Instead of asking whether we should know about routings or anything else, I hope my noble friend agrees that we should all take it on ourselves to stop moaning about what happens at airports and just be eternally vigilant. Is it true that a United States official spoke to an internet company such as AP that reported this, saying that the US had obtained evidence about a terrorist threat and a bomb on that plane through having listened to conversations? That is what the BBC is reporting today.

**Lord Ahmad of Wimbledon:** As regards my noble friend's final point, it would be inappropriate for me to comment on media speculation. Generally speaking, intelligence agencies, and the sharing of intelligence with our allies to avert any such tragedy, is an important part of how international co-operation works. I agree absolutely with her earlier point about a wake-up call. This is very close to home for me as I am the Minister responsible for aviation security at the Department for Transport. I assure noble Lords that we have regular reviews in place. I look regularly at the issues and challenges we face on this front. In doing so, officials and Ministers engage with, but also visit, different locations to review security arrangements. The challenge we face—it is out there, we have all said it before and I am sure we all relate to it—is that a determined terrorist will go to any length to achieve their aim and their aim, ultimately, is to cause disruption and destruction to innocent lives. We must come together to universally condemn it and I pay tribute to all noble Lords who have spoken today. Notwithstanding the questions that they have rightly asked, we have come together rightly to condemn this tragedy, in which the current quite strong suggestion is that a bomb was involved.

**Lord Marlesford (Con):** My Lords, I have no difficulty in accepting the Government's view that a bomb is a significant possibility. I am sure my noble friend will agree that, if it was a bomb, there is no possibility other than that it was a terrorist incident. As the noble Baroness from the other side said, I think we can all agree that the minimum way of dealing with terrorists is to lock them up. In that context, taking into account the history of terrorism in recent years in Egypt, it is obviously very important to know who is responsible. ISIS has already claimed, apparently, to have downed the aircraft. When do the Government expect to publish the report of the Jenkins inquiry into the terrorist links of the Muslim Brotherhood?

**Lord Ahmad of Wimbledon:** I thank my noble friend for his support of the Government's position. The review to which he referred is being looked at by the Government and we will, I am sure, look to publish it at the earliest opportunity. He asked about the links we have; indeed, he suggested, and it has been widely



[LORD AHMAD OF WIMBLEDON] reported, that Daesh/ISIL has claimed responsibility. As I was coming into the Chamber I noticed, again through media outlets, that a video to that effect has been released. The threat we face from ISIL/Daesh is real and is leveraging itself not just in that region but beyond.

The other thing I will say about ISIL/Daesh is that its recruitment methods are such that it seeks to recruit not just from different countries within the region but, regrettably, from right here in the United Kingdom. We are taking steps to avert and prevent our citizens travelling to support such a perverse ideology and cause. Wherever we see acts of terror we will collaborate with all right-minded Governments to ensure that we can eradicate it.

## Olympics 2012: Regeneration Legacy

### *Motion to Take Note*

2.52 pm

*Moved by Lord Mawson:*

That this House takes note of progress made in the regeneration of East London since the 2012 Olympic and Paralympic Games and the remaining challenges.

**Lord Mawson (CB):** My Lords, a great deal has happened in east London since the summer of 2012, when the world marvelled not only at this country's ability to put on such a successful Olympic and Paralympic Games and to arrange the weather for it, but also its bold promises to create a legacy from the Games in east London second to none. While there have been some challenges, the legacy promises made in east London in terms of regeneration are on track and developing at quite a pace. I declare an interest as a director of the London Legacy Development Corporation and as chairman of the Communities and Regeneration Committee.

I first became involved in the Olympics 17 years ago, when it was becoming clear to east Londoners that if London put its hat into the ring, the only place in the capital city with enough vacant land to hold the Games was on our doorstep in the Lower Lea Valley. It was also clear that if the Games came in 2012, they would present east London with a bold opportunity for regeneration at a scale that had not been seen since the Victorian age. The Games could act as a catalyst and speed up the regeneration process that was already well under way down the valley. It could help join the dots and connect the development nodes to the south at the Greenwich peninsula and the Royal Docks with the £3.7 billion regeneration programme already proposed to the north, in Canning Town.

Across the water from there was Canary Wharf, the business district, today due to double in size in the next 10 years, and to the north was the £1.7 billion community regeneration programme in Poplar, also already under way and championed by the local housing company, Poplar HARCA, and the Bromley by Bow Centre and its partners. This community regeneration programme had a focus on community building, enterprise and entrepreneurship in what were formerly dependent

housing estates. Connect these developments with Stratford and a new Westfield shopping centre—at that time a twinkle in the eye—and position the Olympic site next door as a catalyst, and one could begin to imagine a new city emerging in the east of London, with its own airport and world-class rail communications network. Sir David Varney, former CEO of Shell and BG and chairman of O<sub>2</sub>, described it as one of the most significant investment zones in the western world.

What connected these development nodes together was the 6.5 miles of waterways which have driven the social and economic life of east London for 2,000 years. Fly into City Airport and look down and one can see it. What was coming to life was what the late Reg Ward originally described, in his first plans for the London Docklands Development Corporation, as a water city—I have copies of his original documents. This was a dream. Today this vision is becoming a reality and we need central government to understand and ever more focus on the economic benefits east London is once again bringing not only to London but to our national economy. There is a once-in-a-lifetime opportunity for the business, public and social enterprise sectors to grasp the moment and join the dots. There may also be important hard-won lessons here to share with the northern powerhouse and other city regions that dream of similar transformation.

I go back to the detail of what we have achieved on the Olympic Park since 2012, as its tentacles spread down the waterways and out into the surrounding communities of the Lower Lea Valley. It is a little over 10 years since London won the bid in Singapore to stage the Games of the 30th Olympiad. Since the end of the London 2012 Olympic and Paralympic Games, this country has secured the most advanced legacy of any modern Olympic and Paralympic Games. The Queen Elizabeth Olympic Park is now open and flourishing, with 8 million visitors since it opened in July 2013. The permanent venues are thriving, with spectacular events such as the Rugby World Cup 2015 and many regular users. Some 40,000 additional jobs will be located on and around the park by 2025.

East London has a history of building public sector housing estates which have been both a social and economic disaster, which we do not intend to repeat. We want to build not just housing but integrated communities that connect people and place and encourage business and enterprise and a sense of well-being and community. The first of five new neighbourhoods is now under construction, with two other neighbourhoods brought forward by six years. Some 31% of the homes we build will be affordable and 24,000 new homes will be built in the wider area by 2031. Many of the essential elements critical to delivering probably the most successful Games to date have helped with the unfolding regeneration story.

Before the Games, we created an effective process to deliver the venues, stage the events and hand the venues over for legacy use. The key ingredients were ensuring that we had dedicated bodies for delivering venues and infrastructure and for staging the events with high-quality, motivated personnel. It was also essential to have cross-party political support at national, regional and local government levels. That support did

not waiver when Boris Johnson was elected as Mayor of London in May 2008 and the national Government changed in 2010. Post-Games transformation work began as soon as the Paralympic Games ended.

That work and the development of the park is the responsibility of the London Legacy Development Corporation, a regeneration body answerable to the Mayor of London. It has plan-making and development control powers and is a single point of contact for developers, investors and landowners. From autumn 2012 to spring 2014, the LLDC undertook a major programme of work to create the Queen Elizabeth Olympic Park, which opened in phases from July 2013 to April 2014. One key to ensuring success was to ensure that the permanent venues had their long-term legacy secured as soon as possible. The Copper Box Olympic handball arena is now a public sports centre for the local community and has hosted major events, attracting 800,000 visits since its opening in July 2013. The London Aquatics Centre and its two 50-metre swimming pools are hugely popular, with 1.2 million visitors already. There is a big demand from schools and swimming clubs and a waiting list for the Tom Daley Diving Academy.

The ArcelorMittal Orbit opened in April 2014 and there are plans for a new slide to attract even more visitors. It will be one of the highest slides in the world and Boris promises us that he will be the first to give it a try—watch this space. The Lee Valley VeloPark, which opened in March 2014, now has four cycling disciplines and is a venue for major competitions. Sir Bradley Wiggins broke the one-hour distance record there in June 2015. The Lee Valley Hockey and Tennis Centre opened in 2014 and is the host this year to the EuroHockey Championships and wheelchair tennis championships.

The stadium has of course been the greatest challenge. Its transformation was paused twice, in 2013 and 2015, to allow athletics events to take place and for five matches in the Rugby World Cup this autumn. Almost 500,000 spectators will have passed through the venue this year. The stadium will now be a national competition centre for British athletics and home for West Ham United Football Club. It is an iconic venue that will keep east London on the world map. It will be capable, going forward, of hosting a wide variety of other sporting and cultural events, from those five matches in the Rugby World Cup and the Sainsbury's Anniversary Games to a motorsports race of champions event—as well as hosting the 2017 IPC and IAAF world athletics championships.

People have asked why we could not leave the stadium as it was. The reality was that much of the infrastructure for the stadium was temporary, so a new roof covering all the seats was required so that it could stage international sporting events of the highest standard. It will be the UK's only IAAF cat 1 and UEFA cat 4 accredited venue. It was a massive engineering project, requiring a new permanent roof and significant work to strengthen infrastructure to support the load. A new retractable seating system has been installed to make the venue as flexible as possible.

One of the exciting developments, for me, is Here East—the development of the former press and broadcast centres. This building is bigger than Canary Wharf,

laid horizontally, and the LLDC has just signed a 200-year lease with a technology company to create a new business district generating 5,300 jobs. The building is already 40% let, with tenants including BT Sport, Loughborough University, the new London postgraduate campus, Hackney Community College, an Infinity data centre and Wayne McGregor Random Dance—a world-class dance company.

The regeneration of the Olympic Park has not just been about buildings. It has also been about pulling down the 11 miles of fences that surrounded the park during Games time and connecting this 248-hectare site with local people and the local communities that surround it down the Lower Lea Valley. Forty-five thousand people have now participated in events as part of the “Active People, Active Park” programme. A community-based Paralympic sports programme, Motivate East, and the staging of the annual National Paralympic Day has been helped by £1.1 million in funding. Seventeen thousand sport and physical activity opportunities have been delivered for disabled people.

The major construction works at the park have allowed the LLDC to help create job and apprenticeship opportunities for local people, particularly for young people and underrepresented groups. The Games were not the end of the building period; in some ways, they were just a kick-start to a major regeneration programme. Hundreds of local people have been trained in industry-required trades and skills at the park.

Some of us in east London learnt many years ago that we are the environments that we live, work and play in. Quality design matters. The park is becoming a benchmark for design standards on accessibility and inclusive design. Some of the new buildings we are creating will be world-class. We are very conscious as a board of directors at the legacy corporation that we are not just rebuilding a park but are responsible for a critical catalyst, which will in time influence the transformation of an area down the Lower Lea Valley that is the size of some cities. Many newer developments down the valley have much to learn from all this work—and we want to share the lessons learnt. It is our hope that the Royal Docks, which is the next big piece of the regeneration jigsaw, will take on board these lessons and not repeat past mistakes.

The transformation of the 248 hectares of the Olympic Park is not confined to the park. One of the central goals of the regeneration programme has been to see the impact of the Games spill across the park boundary and out into its surrounding communities. Westfield Stratford City is today the largest urban shopping mall in northern Europe and attracts more than 40 million visitors each year to its 1.9 million square feet of retail space and three hotels. Future plans include 1.1 million square feet of office space. The international quarter borders the park with 4 million square feet of work space, 330 new homes, a new hotel and more than 50,000 square feet of shops and restaurants. It will create space for 25,000 jobs with Transport for London, while the Financial Conduct Authority have already committed to moving there by 2018. Glasshouse Gardens is under construction, with luxury apartments due to be occupied from 2016 with completion in 2017.

[LORD MAWSON]

Chobham Farm is creating 1,200 new homes in a mixed development to the east of the park. Lea Valley River Park has connected the park to the Royal Docks and Thames to the south, with a new continuous walking and cycling route along the River Lea. A new entrance is planned for Stratford station.

The legacy plans for the Olympic Park are not set in stone. They are constantly reviewed to ensure that they are fit for purpose and deliver the best outcomes for local communities. One of the planned neighbourhoods on the park was Marshgate Wharf, which has been through such a review. As a result of this process, it will now become the home to a new cultural and education district that Boris calls Olympicopolis—not easily said if you have false teeth. This exciting £2 billion project, bigger than the Centre Pompidou in Paris, will be home to new branches of the Victoria and Albert Museum, Sadler's Wells dance company and, we hope, the Smithsonian Institution. In addition, University College London will create a new campus and University of the Arts London will combine its separate buildings to create one new home for the London College of Fashion.

The Government have committed £141 million to this scheme, master planners have been appointed for the UCL East campus and an architectural team led by Allies and Morrison is working on designs and a masterplan for Stratford waterfront. We hope that this scheme alone will create £2.8 billion of economic benefit and 3,000 new jobs. It will drive more than 1.5 million additional visitors to the park each year and deliver some 780 homes. The scheme neatly encapsulates the Olympic legacy. It is highly ambitious in its scope and objectives, will secure a lasting impact on local communities and will cement the creation of a new part of the capital in the area around Queen Elizabeth Olympic Park as it continues to be transformed.

This debate is timely, as the Foundation for FutureLondon will be launched later this evening at an event on the park, with the core task of securing those major philanthropic donations to complement the funds already committed by the Chancellor of the Exchequer, the Mayor of London and the partner organisations involved.

I was very encouraged this summer to take 300 East End children into the Here East complex on the park for the first time, as part of a science summer school programme that Professor Brian Cox and I have been running in a local school in Tower Hamlets over the last four years. The summer school has been focused on connecting the school science curriculum with world-class university academics and local technology and engineering businesses that are putting down roots in the Lower Lea Valley. It has been focused on finding some of those 1 million engineers who we are short of in this country, and on which the success of our future economy so depends. Listening to 16 year-olds at Here East describe in detail the complex molecular biology of diabetes, seeing them engage with world-class scientists and engineers and listening to a 16 year-old West Indian boy describe in detail the Higgs boson was mind blowing. It gave us all just a little clue as to the role of the Olympicopolis and the Olympic Park,

going forward. It pointed us to a talent pool that is critical to the future economy of this country, which will be triggered only if we can all move beyond our old-fashioned government silos and join the dots.

I finish on a personal note. Delivering the Olympic legacy in east London has been a long journey. It has required key leaders in the public, business and community sectors to come together and trust each other—to take the long view and to care about a place over a long period of time. It has required a clear and determined commitment to engage with and embrace the talent of a global community that is the modern east London—a community defined today not by stereotypes from the last war but by innovation, creativity, enterprise and entrepreneurship.

At a time when the Mayor of London is launching the “City in the East” master plan, I hope that the lessons that have been learnt delivering the legacy programme to date will be applied to these wider opportunities. It will be important that they are not run from City Hall or Whitehall. In the same way that the legacy company has brought together four boroughs to work closely with local partners, developers and communities, it will be important that the development nodes are locally owned and managed.

Investment will be needed. I encourage the Minister to reflect with the mayor on the less-than-glorious previous attempts to develop the Thames Gateway via central control with many boards and a wide range of representative bodies and contrast that with the focused approach of the legacy company. There is enormous potential, but this will not be delivered unless there are sufficient resources for infrastructure, particularly transport, including use of the bridges over the Thames. Equally, it will live up to its promise only if key local partners are empowered to take control and make it happen.

I finish with two brief questions for the Minister. First, given the scale of the developments in the Lower Lea Valley and that the centre of gravity of London is moving inextricably east, what practical steps are the Government taking to ensure that Eurostar stops at Stratford International station? The platform is already built. Secondly, what practical steps is the Minister able to take to ensure that the lessons learnt from the successful delivery of the regeneration legacy are applied to wider developments in east London and form an integral part of the wider devolution narrative for other parts of the UK, including the northern powerhouse, to ensure that they achieve their full potential? I beg to move.

3.11 pm

**Lord Moynihan (Con):** My Lords, I declare past interests as former chairman of the British Olympic Association in the run-up to London 2012, director of the London Organising Committee and one of the full members of the Olympic Board back in 2005, which worked well, across party lines—as the noble Lord, Lord Mawson, pointed out—and to reasonable effect over the seven years of work it undertook. I also declare an interest as an officer of the All-Party Parliamentary Group on Women's Sport and Fitness, a point I will come to in a moment.



The whole House should pay tribute to the work the noble Lord, Lord Mawson, has undertaken on this subject. When I started, very soon after we won the bid to host the Olympic and Paralympic Games, the noble Lord, Lord Mawson, already had a long history of assiduous hard work on behalf of the local community and businesses in the area with a vision for bringing the Olympic Games to London and regenerating the East End. His work has been consistent. It is helpful and timely that we are looking at this subject again today, and personally and professionally I congratulate him on his efforts to make sure that London 2012 was the success it was.

In this House the noble Lord has been ably assisted by the noble Baroness, Lady Doocey, who has worked equally hard, raising the relevant questions and ensuring that all those interested in the subject were very much on message. He has also been assisted by the noble Lord, Lord Harris, who from a political standpoint has an extraordinary depth of knowledge of the subject but also chaired the ad hoc Select Committee that looked into the Olympic and Paralympic legacy. Again, it showed that by working together, which we have always done on matters relating to sport in this House, we can achieve a great deal.

Very soon after the Olympic Board first met in 2005, there was a clear vision. The bid was built on a promise to accelerate the planned regeneration of east London and the wider Thames Gateway. The Olympic programme was intended to deliver that promise as a critical component of the massive and comprehensive development of east London. Plans for the significant regeneration of the lower Lea Valley were underpinned by the then new opportunity area planning framework for the lower Lea Valley, which was launched by the Mayor of London, DCLG and the London Thames Gateway Development Corporation. The framework set out in the early days the comprehensive social, economic and environmental vision for changes in the valley for all those who live, work and visit there. Both mayors who were in post during the seven years recognised that the East End of London was a priority area for development, regeneration and infrastructure improvements, with the capacity in the period to 2016 to provide 104,000 additional homes and 249,000 jobs. Those were the objectives we began with.

The largest new urban park in Europe for 150 years was firmly in our minds, with 11,000 to 12,000 new jobs in the Olympic Park alone and, of course, new homes. Some 9,000 new homes were projected back in 2005-06 in the park area, including the conversion of the athletes' village to new apartments, which was intended to contribute to increased local housing choice. Many of these objectives have been achieved; some have not. It is important and noteworthy that the success of the programme of urban regeneration of the East End of London to date has been in no small part due to the original work of Sir John Armitt, who headed up the ODA, and David Higgins and Alison Nimmo, who worked very effectively as a team. I remember John Armitt saying in the early days that 75p of every pound they spent was on long-term regeneration, so a great deal of work was already being done in the formative stage of design and implementation to create a lasting legacy for the project.

As the noble Lord, Lord Mawson, said, every aspect of the work we undertook was intended to make sure that London was a first: not only putting on a great games—which I believe we did, not least courtesy of the athletes, both Olympic and Paralympic, who excelled—but making sure that the whole Olympic Park was designed in a way that would benefit local communities, elite athletes training there in the future and other visitors. A great deal has been achieved in developing that vision and implementing the legacy outcome.

I have a number of questions to put to the Minister but I fully appreciate that, of all the ministerial team, she is probably the most hard worked at the moment, being responsible for a number of Bills. I am sure she recognises that there will be a number of questions and I, for one, would be completely relaxed if she responded to some noble Lords in writing, so she can think about some of these difficult issues and respond in full.

We always hoped there would be progress in narrowing the employment gap between the host boroughs and the rest of London. It was a subject that taxed the Select Committee, and in 2011 the six Olympic host boroughs and the Mayor of London published the *Convergence Framework and Action Plan 2011 – 2015* to take forward collective actions towards meeting the convergence ambition that:

“Within 20 years the communities who host the 2012 Games will have the same social and economic chances as their neighbours across London”.

We have not achieved that. In 2012 the convergence gap was at its lowest, but since then even the Government's own response to our supplementary questions to the Select Committee accepted that it has deteriorated to 2009 levels. I very much hope that the Ministers responsible will recognise the vital importance of narrowing this employment gap, as a result of the catalyst of hosting the Olympic and Paralympic Games. We need a new convergence strategy and action plan. It is being put in place for 2015-18, but I hope that the Government will attach a high priority to this critically important issue.

The noble Lord, Lord Mawson, raised a subject which has been raised before in this House and I hope he will forgive me for emphasising its importance. It is called Stratford International station for a good reason: it is meant to be international. Currently, no international services use it. As I understand it, the Government have little room for manoeuvre on Eurostar, which operates international services from London, because it is a privately owned enterprise, but the line between London and the Channel Tunnel is under a concession from the Government and is incentivised to increase traffic. That is the area where the Government can bring their influence most to bear. New services and new operators on the route are a function of government oversight of that concession. I hope the Minister can say today that there is still an impetus and wish to see Stratford International station develop the facilities to be truly international, which in its own right would be a catalyst for further business growth and a benefit to the local community.

I was disappointed in the response to our supplementary questions about the Prime Minister's legacy team, which was set up with my noble friend Lord Coe as legacy ambassador, a legacy Cabinet

[LORD MOYNIHAN]

committee and a legacy unit. In the immediate aftermath of 2012, we were all persuaded that many of the challenges that had to be faced on the urban regeneration legacy and the sports legacy were longer term. Ten years was regularly quoted by Ministers, my noble friend and others as a reasonable period within which to judge the success or otherwise of the urban regeneration legacy, so I was a little disappointed, to say the least, when the legacy unit that was based in the Cabinet Office until 2014 was effectively wound up after two years. I do not know whether we still have a legacy ambassador, or what resources have gone with the two people now within DCMS who look after legacy and attempt to co-ordinate such a huge issue. It is important to have strong, co-ordinated central responsibility within Government to ensure that the urban regeneration and sports legacies are successfully implemented and delivered.

We are focusing today principally on the urban regeneration legacy, but there were two key legacies from London 2012, the other being sport. The noble Lord, Lord Mawson, alluded to one of the unquestionably successful outcomes: hosting international events during the decade of sport. However, we have a long way to go on the sports legacy, and I shall touch briefly on this, as noble Lords would expect.

We are one of the very few countries in the world, certainly in the advanced world, which does not have a sports policy backed by legislation. Many countries such as Australia, France, Italy and Germany have had a number of measures brought before their legislatures to support sport, because sport now reaches out in government policy in a way it never did 25 years ago, be it tackling obesity or the importance of sport within the educational system. In the context of international affairs, it is excellent to see that the United Nations recognised only a couple of months ago that sport is an important development tool. I believe that the time is right for your Lordships' House to consider a sports policy. Billions of pounds are spent on sport and recreation by different departments, but accountability is weak. The governance of sport nationally and internationally is poor and, regrettably, participation figures are falling in many sports. The methodology used to monitor levels of participation is so out of date as to be an embarrassment. How can you possibly accurately judge the level of teenage activity if you use only landlines to collect data for the active people survey? Recognising that teenagers are more likely to respond positively to a mobile might be a step in the right direction to get accurate figures to back up the active people survey. Investment is falling overall, and the level of volunteering was not raised to that which many of us hoped would be achieved immediately after 2012. Steps which could have been taken to link sponsors for 2012 to sports and grass-roots sports in this country were missed, and the net result is that some sports have near-total reliance on government or lottery funding.

That said, we have a new ministerial team, and we have never had a Secretary of State and a Minister for Sport with so much expertise and knowledge. Certainly, Tracey Crouch, the new Minister for Sport, is a great enthusiast for sport and I hope she will take on board a number of the issues I have raised.

There is one further point I want to make which is very important in the context of women's football, hence the importance of declaring my interest earlier. When I was chairman of the BOA for London 2012, I fought long and hard to make sure that we had football teams in Team GB, particularly a women's football team. The role of the British Olympic Association was to lead, select and manage. The Scottish and Welsh FAs did not agree with me, but they had no constitutional status in the context of the British Olympic Association, the International Olympic Committee or the FA. I cannot understand why we are not selecting to support and be role models for women's sport a team that won a medal in the recent world cup and has real opportunities to medal in Rio next year. It was never a one-off, and I hope that the Minister will at least agree to come back to this House at some stage, perhaps in writing, to explain why we are not sending a women's football team to Rio as part of Team GB.

The Paralympics were memorable. We started perhaps nervously, but we ended up focusing on the abilities of disabled athletes, not their disabilities. I hope we can look at the Olympic park best practice guidelines for access for disabled supporters to make sure that West Ham leads the country with an action plan; not removing walking aids, which happens at too many football grounds; enhanced steward training; supporter assistance teams; and making sure that ticketing policy and procedures look after those with disabilities. Too many clubs simply do not give season tickets to those with disabilities, which is wrong. We need named managers and disability access officers, and much more work needs to be done to meet the Equality Act 2010 conditions. Manchester United has been criticised recently in this House. I met its representatives yesterday, and it is now responding positively to many of these issues. I hope that one of the great legacies of the Paralympic Games will be that we take best practice in the Olympic park and disseminate it across the country, so that those with disabilities have far greater access to sporting events and, indeed, to wherever they wish to go in the country. I close by again congratulating my noble friend Lord Mawson, government and everybody who worked collectively and effectively towards delivering a successful urban regeneration legacy for London 2012.

3.27 pm

**Lord Harris of Haringey (Lab):** My Lords, I echo the thanks to the noble Lord, Lord Mawson, not only for securing this debate but for the huge contribution that he has made over decades to the regeneration and life of east London. I also thank him for giving me the opportunity to reprise some of the themes of the Committee on Olympic and Paralympic Legacy, which I had the privilege of chairing in 2013. It is a particular pleasure to follow the noble Lord, Lord Moynihan, who had a pivotal role not only in the Games themselves but in the work of the committee that I chaired. We have just heard in his speech his knowledge and enthusiasm for pursuing the issues.

It is the local people who should have stood to gain the most from the Games' legacy. It is for this reason that the regeneration of east London was a

major part of the promised legacy. On the day the bid was won, Jack Straw, who was then Foreign Secretary, said:

“London’s bid was built on a special Olympic vision. That vision is of an Olympic games that will be not only a celebration of sport but a force for regeneration. The games will transform one of the poorest and most deprived areas of London”.—[*Official Report*, Commons, 6/7/05; col. 404.]

In 2009, the strategic regeneration framework for the Games, which has just been mentioned by the noble Lord, Lord Moynihhan, was published. It articulated the objective that has underpinned activity ever since: that, “within 20 years, the communities who host the 2012 Games will have the same social and economic chances as their neighbours across London”.

The so-called principle of convergence was born.

It is a fact that previous Games and other major sporting events around the world have failed to leave meaningful transformative legacies for local people. In our 2013 inquiry, we heard from the vice-president of the IOC that regeneration is all about domestic palatability, and the promise to transform the lives and prospects of future generations of east Londoners was the biggest moral case for the Games. The fact that the London Games have focused so heavily on the regeneration legacy is an inspiration to future host cities.

As we have heard, the regeneration of east London is a huge, long-term task, with a potentially great reward. There is no question but that the Games have had an amazing transformational effect on the area. Untold billions of investment were brought into the country and it is inconceivable that so much investment would have been put into east London in such a short timescale without the Games. However, the questions that we have to address this afternoon are whether that transformational momentum has been as great as it might have been; whether it has slowed too much since the Games themselves; and whether the progress can be sustained going forwards.

The redevelopment of the Olympic Park itself is led by the mayor’s London Legacy Development Corporation, the LLDC. It is responsible for delivering the social, economic and physical legacy of the Games—not only in terms of the long-term planning, development, management and maintenance of the Queen Elizabeth Olympic Park itself but in terms of its impact on the surrounding areas. I pay tribute to the work that it has done, including the contribution of the noble Lord, Lord Mawson. I also pay tribute to the leadership shown in that work by Neale Coleman. His departure is an enormous loss to seeing through the next phases of the legacy. I am sure that his talents will be put to excellent use in his new role with my right honourable friend the leader of the Opposition.

In our 2013 report, we were pleased to find that the park was intended to offer a mix of good-quality new housing within the former athletes’ village and the five new neighbourhoods which will be developed across the park. We said how important it was that a fair proportion—by which we meant at least the LLDC’s target of 35%—of this housing was affordable for, and accessible to, local residents. The Government and mayor’s response to our report was that the aim was to deliver,

“as much affordable housing as possible”—

which is not quite the same. I do not deny that much new housing has been delivered. However, the 35% figure has been steadily eroded. In Chobham Manor, only 28% of the 828 new homes will be affordable. In the East Wick and Sweetwater neighbourhoods, the figure is 30%. The Government say that the Legacy Communities scheme has now been revised to set the upper affordable housing target to 31%—down from 35% to 31%. And that, of course, does not engage with the question of what “affordable” means in London.

I turn now briefly to the question of the transport infrastructure. Both noble Lords who have already spoken have highlighted the issue. The transport infrastructure is critical to the future of east London. The one particular issue which everyone is focused on is the recommendation that we and others have made that the Department for Transport take proper ownership of the unsolved problem of providing Stratford International station with international services. I was disappointed that the Government’s response showed no willingness—no willingness whatever—to engage to a greater degree to push this process along. There is still no progress now. Indeed, the Government have seemingly washed their hands of the matter, saying that it is a,

“commercial matter for the operator”;

and, earlier this year, that they are merely “supportive” of more extensive use of the HS1 network to improve rail connections with continental Europe. By implication, however, that supportiveness does not involve actually doing anything to promote Stratford International and making sure that some international trains stop there, with all the implications that that has for business in the local area and for the local communities.

The development of the park and the surrounding area is intended to generate significant new employment opportunities over the coming decades. Central to all this is the extent to which the Olympic Park itself comes to embody the potential future of the East End, a future of aspiration and hope and of technological jobs that will have benefit not only locally but for the nation as a whole. The transformation of the former media centre is crucial to this, as has already been mentioned. I know that the committee I chaired was impressed, in the very early days, by the way in which BT Sport had used the space that it had acquired. I visited Here East again a few months ago and was pleased to see how the plans were developing.

I have to say that the perception of the local people we met during our inquiry was that they have not always felt the benefits of these new opportunities. I am not sure that the position is much better now. Our report called on the responsible bodies to develop a co-ordinated programme through which new opportunities could be targeted at local communities. LLDC assured us then that it was rolling out a programme of outreach and engagement events to ensure that local people were aware, but it is a question of how you ensure that local people get those benefits.

Rolling out information will only ever be half the answer. The new jobs will be taken by locals only if the skills base of people in the area improves. That requires action to deliver the promised convergence. However, in many instances that vital convergence is not being



[LORD HARRIS OF HARINGEY]

delivered in the way that we might have hoped. Let us be clear: the employment rate remains worse in the six so-called growth boroughs than in the rest of London, and the gap is widening. The gap in median earnings for full-time owners remains stubbornly high; if you live in the six boroughs, expect to be paid less. The gap for the proportion of the working-age population qualified to at least level 4 is also getting worse. Those are all areas where convergence was looked for but has not been delivered.

Other aspects of convergence are faltering too. Unfortunately there are no new data to track household overcrowding, but the latest figures available suggest that in the six growth boroughs more than one in 10 households are defined as being overcrowded—10.4% is not just not good enough, and substantially worse than the London average. Health levels remain poorer than in the rest of London: obesity levels in year 6 school-children, those in the top class at primary school, remain more than 10% higher than in the rest of London, and again the gap is widening. Mortality rates from cancer in those under 75 remain stubbornly higher than in the rest of London, 14% higher in those six boroughs. The noble Lord, Lord Moynihan, referred to the survey of sports activities. We discussed its shortcomings in our committee but, even on the basis of that survey, nearly 60% of adults do no sport or activity, nearly 20% worse than across London as a whole, and those levels, and the gap, have risen since the Games themselves.

So why has the progress not been as good as we might have legitimately expected? That brings me to what I always regarded as the central theme of our 2013 report: the real-world pressure of a set deadline to host the Games, and the political unacceptability of failing to deliver a world-class event, meant that there was a very healthy drive to ensure that the plethora of organisations, the veritable Tower of Babel of competing voices within and outside government, were led strongly to a single common purpose. That leadership and sense of direction is just as necessary if we are to deliver the legacy after the Games now that those fixed deadlines have passed.

In 2013 we were unconvinced that the Government's oversight arrangements would represent a robust way to deliver the legacy. We identified confusions on the timeframes and targets involving its delivery, and a lack of clear ownership. We recommended that one senior Minister be given overall responsibility for the many strands of the legacy, working with the devolved Administrations to ensure UK-wide co-ordination, otherwise we could not see how any of the meaningful legacy would take place outside London. In the same vein we called for the mayor's office to be given lead responsibility and the necessary powers to take forward the vision for the future development of east London and create a lasting Olympic legacy in the capital. In their response, the Government did not engage with the recommendation that a single Minister be given responsibility beyond restating the role of the Secretary of State for Culture, Media and Sport. With the best will in the world, DCMS may well focus on the sporting legacy, but whether it is going to have the clout to focus on the wider regeneration legacy, not only in London but elsewhere, I question.

Revisiting the issue now, it is clear that the worries expressed in our report were justified. In the run-up to the Games, governance was effectively joined up between London and central government. Since the Games, though, those joint mechanisms have been dropped, and therefore the joined-up common purpose of achieving Olympic legacy and convergence has not been as effective as hoped. Since entering into an interauthority agreement in 2006, the host boroughs, now the growth boroughs, have had in place robust governance arrangements for the discussion of matters relating to the 2012 Games, the resulting legacy for those boroughs and the drive towards convergence. That has been delivered through regular meetings of borough chief executives, leaders and mayors to provide strategic direction. So the boroughs have been playing their part and continue to do so. In the run-up to the Games, they were involved and participated in the east London legacy group and the Olympic Park Regeneration Steering Group, where they had a place at the table with the other relevant stakeholders, including the London mayor and central government. This indeed ensured a successful Games, defined the commitment to legacy and convergence post-Games and provided the framework for strategic direction and delivery. The noble Lord, Lord Mawson, referred to this.

Four of the boroughs have a place within the governance of the London Legacy Development Corporation because of their involvement with the Queen Elizabeth Olympic Park, but it is important that the involvement of all growth boroughs, previously exercised through the now-defunct east London legacy group and the Olympic Park Regeneration Steering Group, be replicated in any future strategic governance arrangements so that legacy is effectively focused and the drive towards convergence in east London takes place in an area much wider than the park itself. Since the Games' time, participation work between boroughs and the GLA has continued—an annual report on convergence is published—but what is lacking is a triple-tiered forum where central government and London government sit with local government, either at political or officer level.

As we move forward, I fear that already the present mayor is beginning to lose interest and focus as he sets his sights unequivocally on other prizes, perhaps at the other end of this building. London-wide leadership is being dissipated and, with the best will in the world, I repeat that the Department for Culture, Media and Sport is not a powerful central government department able to knock other departments' heads together so as to complete the joint endeavour to achieve convergence and ensure that the most enduring legacy of the Olympics will be the regeneration of an entire community for the direct benefit of everyone who lives there.

In 2013 my committee called for strong leadership to drive the vision for regeneration legacy forward—leadership from the mayor's office and leadership at the heart of central government. Massive progress has been made, as we have seen, but there are now clear signs that convergence is faltering and the unique once-in-a-century opportunity provided by the London Games is in danger of not being fulfilled to its maximum potential.

3.43 pm

**Baroness Doocey (LD):** My Lords, I remember going to the site that was to become the Queen Elizabeth Olympic Park just after we had won the bid to host the Games and feeling completely overwhelmed by the enormity of the task ahead of the organisers. I need not have worried, because they exceeded all our expectations and provided world-class facilities on time and within budget—a spectacular achievement. Since the Games, a team of largely unknown people has also worked tirelessly in the background to ensure a lasting legacy. We owe them our gratitude. I too pay tribute to the fantastic work that has been done by the noble Lord, Lord Mawson.

As the noble Lord, Lord Moynihan, said, participation in sport is sadly declining again. But sport was never meant to be the prime political motivation for bidding to be the host city. Winning the Games was, as the then mayor Ken Livingstone put it,

“the only way to get billions of pounds out of the Government to develop the East End”.

After a century of decline and decades of successive Governments’ ambivalence to the plight of those people, billions of pounds were poured into the East End—and what a difference they have made. They have transformed a blighted post-industrial desert into a blooming 560-acre park enjoyed by 8 million visitors to date.

Despite the fears of the doomsayers, there are precious few white elephants on the site. The press and broadcast centre has found anchor tenants and a legacy use as a state-of-the-art digital campus. The velopark, aquatics centre and Copper Box have been successfully transformed for long-term sporting use, while the stadium is well on its way to providing a new home for West Ham United—albeit at a hefty conversion cost to the taxpayer. Next month, the Lee Valley Hockey and Tennis Centre will host the Wheelchair Tennis Masters, bringing together the world’s elite wheelchair tennis players for their end-of-season final. Both the venue and the fact that four British players have qualified for the event amply demonstrate the legacy benefits of accessible and affordable sporting facilities in the heart of the East End that can also host world-class events.

The careful pricing of access to those venues in the Queen Elizabeth Olympic Park may have gone some way to allay the suspicion expressed to me before the Games by a young man at a nearby youth club. He said, “When this is all over, everything will go to the toffs and we will be left looking through the window”. Those suspicions cannot be dismissed when it comes to housing and jobs, without which a new swimming pool, cycle track and tennis courts are of little use. We were promised that the most enduring legacy of the Olympics would be the regeneration of an entire community for,

“the direct benefit of everyone who lives there”.

Yet the promises made in the bid document presented to the IOC in Singapore have already been undercut. The original pledge that 50% of new housing in the park would be affordable homes for rent and sale was initially downgraded to 35%. As the noble Lord, Lord Harris, has just said, it has now been downgraded even further to 31%. So new homes are being built and

the athletes’ village converted into rental apartments, but precious few of them will be within the grasp of local residents.

In East Village—the new name for the athletes’ village—the cheapest available two-bedroom apartment costs £430 a week. That is the entire net median household income in Newham. At £575 per week, a three-bedroom apartment costs more than the median household income in the surrounding boroughs of Hackney, Tower Hamlets, Waltham Forest and Newham. A local family with two children might reasonably conclude that they have more chance of winning gold at the Rio Games than affording an apartment in the Olympic park.

My second concern is jobs for local people. They were promised that they would get “many” of the 10,000 new jobs originally forecast to arrive in the area. That loose definition should have been a clue to the vagueness of the promise and the paucity of data collected to measure its delivery. The bid pledged to transform the lives of long-term local residents—the people who had had to put up with years of disruption while the area was being prepared for the Olympics. Yet people are being counted as local at the moment, regardless of how long they have lived in the area—all they need to do is to provide a local address. This is not what was promised.

Similarly, it is difficult to see how the original target of getting 70,000 previously unemployed people into jobs can be measured because there is no system whatsoever in place to collect data about the long-term unemployed. A suspicious mind might suggest this lack of enthusiasm to measure success indicates an expectation of failure. If some of the badly-needed homes planned for the park are to come within the reach of existing local residents, they must have access to, and training for, those new jobs that will be based in and around the park.

Like the young man I met at the youth club, my fear has long been that the legacy of the 2012 Olympic and Paralympic Games might well be a fantastic, vibrant new quarter for London, but one which gleamed like a prosperous oasis in the midst of a deprived desert. We cannot and must not allow that to happen. I know that the London Legacy Development Corporation and local government in all the growth boroughs will strive hard to ensure that regeneration brings real benefit to local people. However, they must be long-term local people, not people who have just moved into the area to get a very nice house on their doorstep.

Delivering the promises made to the people of east London will be not a marathon but a triathlon. Success requires that the next Mayor of London and the Government remain sharply focused on the finish line so that the long-term residents of the area are not left outside, looking in.

3.50 pm

**Lord Cashman (Lab):** My Lords, I am particularly pleased to speak in this debate. If noble Lords saw my full title the secret would be revealed—it is Lord Cashman, of Limehouse. Limehouse is where I was born and is where I now live. My family lived in Stepney, I went to school in Bow and Poplar, cavorted in Stratford, and my families are buried in the cemeteries of east London.

[LORD CASHMAN]

I know it well. Since the 1950s I have seen the amazing changes. However, in the 1950s, 1960s, 1970s—and yes, even into the 1980s—those communities thrived because there was employment. There was a sense of ownership of the wider community in which you lived.

Of course, I witnessed the London Docklands Development Corporation. If you were local, when you were offered a flat on the Isle of Dogs you always refused, because there was nothing to do after 7 o'clock at night and if you got what was called a "bridger" you could not get to work in the morning. Look now at what has happened there because of determination and imagination. Again, I look at Wapping and at other parts of the island, where people used not to want to live; indeed, at times it was not a safe place to live.

When I think of Stratford itself, were they not amazing, those pioneers who had the courage to speak out and defend something when others wanted to get rid of it? Joan Littlewood and Gerry Raffles saw the amazing potential of the people of Stratford and Stratford East and built that shrine to culture and the arts for local people, the Theatre Royal Stratford East.

I will come to some of my concerns, but I congratulate and thank the noble Lord, Lord Mawson, for his determination, imagination and courage in seeing through a dream which for many had been unimaginable. The six London boroughs were among the poorest and most deprived in London, and perhaps still are, so the ambitions and aspirations for the regeneration were and remain laudable. Yet, despite the Prime Minister's words in 2010, east London and, more importantly, its people have not shared fully in the capital's growth and prosperity—not in the local growth and prosperity.

For the avoidance of any doubt, let me state that the London 2012 Olympic and Paralympic Games were an outstanding success and a deeply humbling experience, as the noble Lord, Lord Moynihan, said, as is the legacy of regeneration. Therefore I will not be mean-spirited. I believe in celebrating those who try, aspire and reach for the sky, especially for the benefit of others—as this House has shown so very recently.

The reason I am going to raise concerns is that I believe there is still an opportunity and a timeframe within which to address these concerns, and thus ensure that the people of east London—that is, all who live and work there—truly benefit from the inward investment and developments. The convergence strategy referred to before will need revisiting if it is to deliver on jobs, skills, housing and quality of life. As has been said, it is of deep concern that the progress made has now been lost, particularly in relation to jobs, which are now back at the levels of 2009 according to the documents lodged in our Library.

We need to address urgently the low number of apprenticeships, of which there have been only 124 at work in the park since 2012. We can and must do better. The new convergence strategy and action plan must be regularly reviewed and adapted if necessary to ensure that it delivers on new job creation.

As noble Lords have said, it is lamentable that the huge financial investment in Stratford International station has not paid off. I know that we cannot force

international operators to use the facilities, but we can have imagination and flair in promoting them to international operators, as well as work with national carriers to exploit the economic opportunities.

I come to my main area of concern, and that is housing. As the noble Lord, Lord Mawson, rightly said, the centre of London is moving further to the east, and that has consequences. People like me who live locally in the six boroughs, particularly in the private rented sector and in social housing, are under increasing threat as they see a diminishing supply of social housing or privately rented accommodation at affordable rents. People are literally having to move away from where they were born or grew up or work, and often away from their communities where they feel that they belong. I am saddened to say that this is due to the regeneration and its success, and a lack of focus on a stronger mixed-housing development policy.

Allocations of affordable and social housing, as your Lordships have indicated, are not increasing on the site but diminishing. From a starting point in the East Village of 49% for affordable housing, current plans on the other sites are now in the region of 30% to 31% and even as low as 28%. That is entirely unacceptable, particularly when not all allocations have gone to people who live and have lived locally. These levels must be increased, with an emphasis on the social rented sector; otherwise, the opportunity of a generation will be lost. Because of its success people now want to live in and around the regeneration areas, and not only in the Olympic Park sites. We are witnessing rent increases in the private sector, diminishing social housing, an increase in house prices and a subsequent increase in land prices, resulting in further pressures on local communities.

The land grab has extended all the way towards the City of London, at Aldgate. There is the controversy of the Cass sites, acquired by the Department of Education and dubbed the "Aldgate Bauhaus", which are now likely to be destroyed and lost. Elsewhere in Tower Hamlets, an area that I know well, I have deep concerns about the effects of two particular developments on the housing needs of local people, and the damage that these will cause to diverse and cohesive communities.

The noble Lord, Lord Mawson, referred to the work undertaken by Poplar HARCA and it is to HARCA that I now wish to refer. The redevelopment of the Chrisp Street site in Poplar will see a large reduction in the numbers of social housing units and a large increase in units for private sale or rent. Especially worrying is the proposed development of the Balfron Tower in St Leonard's Road, Poplar. The key issue there is that the tower was built and designed as social housing, and maintained as majority social housing even after the right to buy. The estate and property have been poorly maintained, despite leaseholders paying several thousands of pounds per flat per year in service charges.

There has been incredibly poor communication with, and an incredibly poor attitude towards, tenants and leaseholders from the current landlord Poplar HARCA over the decant and refurbishment, with changing plans, the insidious decanting of tenants, years of delay and an eventual declaration that Balfron Tower would be 100% privatised. The need to provide



affordable accommodation for all the community is essential. Tower Hamlets has always prided itself on being a diverse and inclusive borough. Might I suggest that social cleansing in this way is the antithesis of that?

The social landlord Poplar HARCA has finally submitted plans to refurbish the 146 homes at Balfron Tower in Poplar, which it promised to do when it took over the management of the block in 2007. However, instead of the refurbished flats being returned to former social tenants, they will now be sold off as luxury apartments on the private market. As I said earlier, there will be a loss of 99 social homes—at least 99, as 11 flats were declared void during the stock transfer in 2007—despite HARCA's boss, Steve Stride, claiming that no development should see a loss of social housing.

The history of this site and the tower embodies what the architect set out to do. Ernő Goldfinger specifically designed the block to give tenants on low incomes a decent standard of living. Sadly, HARCA now deems the flats to be too valuable for the local community. Tenants and leaseholders have demanded that Balfron stays at least 50% social. I do not consider that to be too vigorous a demand. They have many objections but I will list them briefly: a failure to meet statutory affordable housing targets; a failure to meet best practice guidelines on inclusive consultation; a failure to meet adopted standards defining heritage significance, because the tower has now been registered as grade 2 listed; and a failure to meet best practice guidelines on accountable regeneration, which it is worth restating. The regeneration consultation documents promised that,

“no resident will lose their home involuntarily”,  
and that,

“there will be no loss of homes for rent on the Brownfield Estate”.  
For the people at Poplar HARCA, and in particular at those two developments, that is not the reality.

I want to go back to how I started and congratulate those who had the courage, determination and imagination to proceed, and to celebrate the amazing Olympic and Paralympic Games, which gave us enormous pride in what we can do and what we can achieve with and for others. That is what I expect of the regeneration of the six boroughs and the sites beyond—the so-called domino effect.

I have cited two cases where things are plainly going wrong but, sadly, there are others, and in other boroughs. The regeneration throughout the six boroughs has transformed an area of London once, as I know only too well, overlooked and left behind. However, we must ensure that the ongoing regeneration does not leave behind or remove the local communities and the local people, who, above all, should benefit from and enjoy the fruits of development. Those fruits of development are theirs, or we have failed.

**Lord Berkeley of Knighton (CB):** My Lords, the noble Lord mentioned provision of the arts, for example, for deprived people in the East End. Perhaps I may invite him to recognise and applaud what I think is a very important development. Mudchute is an inner-city farm where children who have never seen farm animals can experience what it is like to be close up to these creatures. It is the result of the amazingly civilised

vision of Michael Barraclough and is now run by local people. I invite the noble Lord to endorse the work of Mudchute.

**Lord Cashman:** My Lords, I take great delight in endorsing it. As a child who rarely used a handkerchief—I am trying to give you a picture—I played at the Mudchutes, because it was famous for newts. I am pleased to say that the development of and emphasis on culture, arts and the local environment are to be applauded and replicated elsewhere. Rest assured that, although I may not be jumping on the Docklands Light Railway, I will be walking from my home in Limehouse to the Mudchute to give it my imprimatur.

4.05 pm

**Lord Kennedy of Southwark (Lab):** My Lords, I thank the noble Lord, Lord Mawson, for securing this important debate on the regeneration of east London following the 2012 Olympic and Paralympic Games, and members of the committee on the Olympic and Paralympic legacy in your Lordships' House, who play such an important role in analysing and closely scrutinising how we can maximise the fruits of the Games. Like other noble Lords, I also pay tribute to the noble Lord, Lord Mawson, for the work he has done in east London for many years.

First, I declare that I am an elected councillor in Lewisham in south-east London. We did not get any of the Olympic Games events, but considerable use was made of Blackheath for security measures. The missiles were there, as were other ancillary and support services. We were grateful that we could play a part in making sure the Games were great. The regeneration of east London and south-east London, where I live, is of paramount importance to the whole of the capital and its role as the powerhouse for the whole of the United Kingdom. Looking back, the Olympics were, as other noble Lords have said, outstandingly successful and a moment in British history which we can all be very proud of. I agree with my noble friend Lord Harris of Haringey that the regeneration legacy is of paramount importance. When we look back in years to come, it will be seen as one of the real successes of the London Games, compared to those in other parts of the world.

When the Games were first secured in 2007, one of the five main themes was to create an environment which would benefit the community through regeneration. The Games were, therefore, purposely sited in east London, across the six boroughs of Barking and Dagenham, Greenwich, Hackney, Newham, Tower Hamlets and Waltham Forest. These areas have typically suffered high unemployment, deprivation and a lack of opportunity. Three years on from the Olympic and Paralympic Games, statistics show that the regeneration of east London has moved forward, but not always in the way we expected. In the whole of London, the three boroughs with the highest unemployment rates are still in east London: Barking and Dagenham, with 9.8%; Tower Hamlets, with 8.8%; and Newham, with 8.6%. Barking and Dagenham has the highest unemployment rate of any London borough, with 27% of residents earning below the London living wage. One quarter of young people in the area live in households receiving tax credits.

[LORD KENNEDY OF SOUTHWARK]

*The London Plan*, published in 2015 by the Mayor of London, promises to,

“close the deprivation gap between the Olympic host boroughs and the rest of London. This will be London’s single most important regeneration project for the next 25 years. It will sustain existing stable communities and promote local economic investment to create job opportunities (especially for young people), driven by community engagement”.

We can all agree with that. Given that the unemployment statistics are not so encouraging, can the noble Baroness, Lady Neville-Rolfe, tell us what the Government are doing to ameliorate the situation? The House of Lords committee noted that where jobs are being created, local residents were not benefiting in all cases. Is this because job opportunities are not being communicated enough locally, or because local residents do not have the skills to take on these jobs? What steps are the Government taking to ensure more local residents are aware of job opportunities? In addition, what evidence is there to show that the London Legacy Development Corporation’s funding to local authorities to develop the necessary skills has resulted in more jobs being taken up by local people?

The new cultural and educational complex in the Queen Elizabeth Olympic Park, mentioned by the noble Lord, Lord Mawson, is an exciting initiative. It is important, again, that local people benefit from the 3,000 jobs which are expected to be created. Will the noble Baroness, Lady Neville-Rolfe, tell the House what the Government are doing to ensure that local people get their fair share of these? The noble Lord, Lord Moynihan, is right when he says that we need a new convergence strategy to deliver jobs for local people in the six Olympic boroughs. I also completely agree with the noble Baroness, Lady Doocey, who spoke about the transformation of the Olympic park and the world-class facilities we have there today. I also agree with her comments about the failure of local people to secure the jobs that have been created.

The Olympic Delivery Authority, which oversees the development of the Olympic park into residential accommodation, struck a deal in August 2011 to sell 51% of the site to developers of private rental accommodation, and the remaining 49% to Triathlon Homes to deliver affordable housing. In addition, the most recent deal struck with Balfour Beatty involves building up to 1,500 homes, including 450 affordable homes. Building new homes is always welcome and will contribute to improving the housing situation in London; but in the last three years, homes have been sold under the right-to-buy scheme, with only one home replaced for every four sold. Can the noble Baroness, Lady Neville-Rolfe, update us on what plans the Government have to ensure that the area remains one of mixed tenures, and to guarantee that any homes sold under the right to buy are replaced on a one-for-one basis? We keep hearing a lot about this from the Government, but so far the figures do not add up.

The noble Lord, Lord Mawson, referred to the number of affordable homes planned for the area in his opening remarks, as did my noble friend Lord Cashman. I am in complete agreement with my noble friend’s remarks about the challenges of ensuring that local people benefit from local housing. The noble

Baroness, Lady Doocey, also made remarks that I agree with, particularly those relating to the downgrading of the social housing element of future schemes. There is a huge problem here with this notion of affordable homes as they can often be anything but affordable to local people on lower incomes.

I would like to briefly mention the Orbit, to which the noble Lord, Lord Mawson, also referred. The Government’s 2015 progress report describes it as a “unique attraction” in east London, providing, “spectacular views and a number of extremely popular events”.

However, recent reports from last month show that this attraction is actually losing £10,000 a week and lost more than £500,000 last year due to visitor figures falling well below the forecasted numbers. Given that this was built with over £3 million of taxpayers’ money, what are the Government doing to increase the number of visitors to the Orbit and to improve its failing finances?

Transport infrastructure has improved considerably in recent years in east London: the DLR, the Jubilee line, and improved road connectivity as well. The bullet train between St Pancras and Stratford International was a great success during the games, as was mentioned by the noble Lord, Lord Mawson, my noble friend Lord Harris of Haringey and others, although it is a matter of great disappointment that we still do not have any international train services operating out of Stratford International station, despite there being over £1 billion of public investment in the international train station. That is a staggering figure and still we have no international train services coming in or out of the station. It would be useful if the Minister could comment on the view from the Lords committee, which did not get the sense that there was any overarching ownership or co-ordination of this issue with the Government. The Government—and in particular the Department for Transport—really need to get a grip of this issue and actually deliver international train services to and from the station. I do not accept that this is just a commercial matter for the operators alone. As the noble Lord, Lord Moynihan, said, it will be a catalyst for further regeneration of the area.

Finally, I again thank the noble Lord, Lord Mawson, for securing this debate. It was a timely opportunity to look again at the regeneration of this part of London and what has happened since the 2012 Olympic and Paralympic Games. There has been some excellent work undertaken, but there have also been some disappointments. The real measure will be when we look back in 10, 15 or 20 years’ time and see what has been achieved and what the real legacy of the Games is. For the goals of the legacy as originally perceived to have been delivered, the people living in the six Olympic boroughs really need to have benefited and shared in the opportunities of the Games.

4.13 pm

**The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills and Department for Culture, Media and Sport (Baroness Neville-Rolfe) (Con):** My Lords, I begin by thanking the noble Lord, Lord Mawson, for initiating this debate, for his thoughtful and fascinating speech this afternoon, and for his magnificent work on East London regeneration. I also

thank my noble friend Lord Moynihan in the same way; the noble Baroness, Lady Doocey, bringing her perspective; the noble Lord, Lord Harris of Haringey, and the others involved on the Olympic and Paralympic Legacy Committee. It is a typical example of something that this House does very well indeed. I also thank the other noble Lords who have contributed to this fascinating and wide-ranging debate.

I will try to answer some of the points that have been raised, but if I am not able to do so, I will write to noble Lords. I also share in the tributes that have been made to some outside the Chamber. In particular, I include Sir John Armitt and his team, who factored long-term, lasting regeneration into the Olympic project. That is one of the lessons. At the end I will try to respond to the A-level set for me only an hour or two ago by the noble Lord, Lord Mawson.

The 2012 Olympic and Paralympic Games, which took place in east London, were a huge success. It was a euphoric summer, not only because of the incredible atmosphere and the best ever performance by our British athletes, as inspiring as those were. The Games were delivered jointly by a range of agencies, national and local, public and private. The delivery of the Games was only a success because of the spirit of partnership that prevailed.

The noble Lord, Lord Cashman, of Limehouse, took us on an amazing journey via Theatre Royal Stratford East, which I also like very much. I add that Canary Wharf, close to the Olympic park, is perhaps now the most vibrant financial centre in the world. I have visited an awful lot of them in my business career. I was there recently, at 8.15 in the morning, to speak at the launch of the report by the noble Lord, Lord Davies, on women on boards. The numbers coming off the Jubilee line were extraordinary. They were buying poppies from a British Legion band playing that morning to all of us as we arrived. It is an amazing centre, a biscuit-toss from the park.

I was also very interested in the points made on health, on obesity, on jobs, and on the whole issue of convergence in the east London area. I am not sure that I have an answer to all those points today, but it is very good that the debate widened into some of those areas.

The 2012 Games' legacy has been acclaimed by Jacques Rogge, the former president of the International Olympic Committee, as a blueprint for future Games. Some 1.4 million more people are playing sport than when we won the bid in 2005 and the UK has benefited to the tune of more than £14 billion in trade and investment. All eight permanent venues on Queen Elizabeth Olympic Park have a secure future. As the noble Lord, Lord Mawson said, millions and millions of visitors have enjoyed the park since it was reopened after the Games. Other Olympic parks elsewhere do not have nearly such an impressive record.

Government and other public sector investment has been the catalyst for the development of this corner of east London. The private sector is taking up the opportunities and driving further development. New communities are now growing in and around Queen Elizabeth Olympic Park. More than 4,500 people live at East Village, in the former athletes' village.

Contrary to what the noble Baroness, Lady Doocey, said, half of this housing is affordable. There is a new school, Chobham Academy, and a medical centre, the Sir Ludwig Guttmann Health and Wellbeing Centre, in the park. People will start moving into the first new housing in the park at Chobham Manor later this year, to be followed by other new neighbourhoods in the years and decades to come.

There are employment opportunities. In all, it is expected that 15,000 jobs will be created in the park by 2025. Here East, the media centre during the Games, was mentioned by the noble Baroness, Lady Doocey. It is being transformed into a huge digital campus, bringing together business, technology, media, education and data. It will deliver more than 7,500 jobs, including 5,300 directly onsite and a further 2,200 in the local community. Here East is more than 40% let and BT Sport is already operating from the venue. Tenants, including Loughborough University and Hackney Community College, are moving on to the site and Here East will fully open in Spring 2016.

As the noble Lord, Lord Mawson, said, Westfield Stratford City is the biggest urban shopping mall in northern Europe, with 40 million visitors a year. It has provided around 10,500 permanent jobs. There will be more employment opportunities with Olympicopolis, which, as has been said, is bigger than the Pompidou Centre in Paris. That is the cultural and academic quarter of the park—which we should emphasise: this is not just about sport. The Government have committed funding to catalyse this new and exciting development, providing £141 million. The Victoria and Albert Museum—a great favourite of mine—Sadler's Wells and, I hope, the Smithsonian will all have a presence there, as will academic institutions including University College London and University of the Arts London. Stratford has been turned into one of the best-connected areas of London thanks to the investment in the run-up to the Games, with the Jubilee line, the Javelin service to St Pancras and the Docklands Light Railway.

The first question asked by the noble Lord, Lord Mawson, was indeed about Stratford International station. Noble Lords piled in behind—everyone mentioned this. I shall not name everyone since it was a common theme. The great wish is that Eurostar services should call there as part of their cross-channel routes, bringing more business, more tourists and more convenience. As has been said, this is a matter for Eurostar as a commercial company. However, today's debate has provided an opportunity to publicise the desirability of that—the power of amplification, as I call it. I shall report to ministerial colleagues in the Department for Transport on the strength of feeling in the House on this issue and on the opportunities that have been described, especially once Crossrail arrives at Stratford in, I think, 2018 or 2019.

My noble friend Lord Moynihan waxed lyrical on the subject and on a host of other points. I shall take up his suggestion of a letter to respond to most of them. My noble friend is an expert parliamentarian. I think that it is the discipline of the cox—every time, he finds an amazing way to move things forward. He makes a virtue of a long shopping list by suggesting a letter—another elegant parliamentary device that we



[BARONESS NEVILLE-ROLFE]

can add to the annals. I agree with him that the Active People survey needs substantial change. Sport England has this in hand and a new methodology will be introduced in 2016. Polling based on landlines is bound to understate participation in sport. Young people mainly use mobiles and the internet, so it is not right that our data derive from landline polling.

My noble friend also expressed regret at the absence of a GB women's football team in Rio in 2016. I share his disappointment. However, FIFA requires agreement of all the home nations for a British team to compete. The other home nations remain concerned that FIFA could see a British team at the Games as a reason to question the validity of having separate national teams in world competitions.

**Lord Moynihan:** I thank the Minister very much for giving way. It would be helpful to the House if the Minister could ask the British Olympic Association to publish the letter from FIFA that set out those requirements, given that the International Olympic Committee does not require home nation agreement for the national Olympic committee to select a team for Team GB. If that letter could be published it would be helpful.

**Baroness Neville-Rolfe:** My Lords, it is not my letter but I will certainly take that point away. The time to look at this again—2016 is nearly upon us—is ahead of the 2020 Games, by which time I think we all hope that FIFA will have been reformed. I make a strategic pause here. But, obviously, that is my greatest wish and, I think, the greatest wish of many others in the House.

Returning to today's debate, I think we can be rightly proud of the investment made by successive Governments and the subsequent effects this has had. It was rightly lauded by the noble Lord, Lord Harris of Haringey. UK Trade & Investment figures covering the whole of London, which were boosted by the British Business Embassy at Lancaster House, show that there were 796 investment projects in London in 2014-15, creating more than 21,000 new jobs and safeguarding a further 2,500.

The noble Lord, Lord Mawson, asked about the lessons learned for the wider area of east London and for projects elsewhere such as the northern powerhouse. Major events, sporting or otherwise, provide a catalyst for regeneration of deprived areas and wider economic growth, including through trade and investment. We have seen this not only in the East End of London but also in Manchester and Glasgow, with their staging of the Commonwealth Games in 2002 and 2014 respectively.

What else have we concluded from our debate today? We have a dedicated legacy body, high-quality personnel, leaders, management, support for local stakeholders, work on jobs and skills and apprentices so that the employment opportunities, some of which I have described, take off and are sustained. Partnership working, involving local communities through consultation and end-users, is important. My noble friend Lord Moynihan talked of the disability legacy of the Paralympics in terms of both vision and design. That is another lesson that we have learned from this great project.

The noble Lord, Lord Harris of Haringey, talked about—if I may summarise him—focus and being joined-up. I think that we can all agree with that objective. There are obviously differences of detail. He suggested a single Minister and a single unit in the mayor's office and talked about the role of local government. But I think that the theme—I am not putting words in his mouth—of focus and being joined-up is important. As he said, ensuring that the legacy extends beyond the area and beyond the Parliament is very important. These are long-term things, which is why cross-party working is so important. We had this over the Olympics. I think it was one of the reasons for its success and I am sorry that today's debate drifted at times too far into party politics.

That brings me to housing, which is another area where we need to learn lessons from these projects. The Government have done their bit in relation to the former athletes' village, as I mentioned. I accept that the proportion of affordable housing in other developments and in other areas, including some in the Queen Elizabeth Olympic Park, is lower. The latter issue is a matter for the mayor and the London Legacy Development Corporation. The Government remain keen to see vibrant new communities in east London with a healthy mix of housing. I will reflect on the comments and look into the specific points, including those made by the noble Lord, Lord Cashman, of Limehouse, because that was helpful feedback. I will talk to the Department for Communities and Local Government. I thank him for his comments.

I am delighted that the park is supporting the Government's apprenticeship programme. The numbers are not huge—124 apprenticeships since the Games, including at the stadium, Here East, Chobham Manor and the venues, but 88% of these have gone to local people. That is how it should be. Last year, more than 600 local residents received specialist construction training as part of the wider construction programme taking place on the park.

**Baroness Doocey:** How does the Minister define local people? Is anybody who has an address now defined as local, as I said in my speech? The bid document and all the promises that were made in the run-up to and at the Olympics defined local people as long-term residents of those areas, which were seriously deprived.

**Baroness Neville-Rolfe:** My Lords, I do not know the answer to that question. I will come back to the noble Baroness. The point I am trying to make is that local is important. We can argue about definitions, but we want to use these great regeneration opportunities, both here and, in future, in other parts of the UK, to help local people get employment. I think there is a certain amount of agreement about that. In September 2014, 66% of the workforce across the venues and in estates and facilities management were local residents—which we will, of course, define. Employment will also be helped by the use of the venues. The Rugby World Cup was amazing, it was wonderful to see it on our screens, and it is great that West Ham and UK Athletics are using the park. My noble friend Lady Brady is vice-chairman of West Ham.

Finally, I come back to the regeneration of east London. The development is based around marvellous sporting venues on the park, which are available for

community and elite use. A swim in the pool where Michael Phelps won his record 18th gold medal costs under a fiver—what a great way to spend one's time—and it will help our sports participation figures, because, as noble Lords know, swimming has gone backwards. The Lee Valley VeloPark opened in March 2014 and is the finest cycling hub in the world, with the iconic velodrome at its heart. It is the only place on earth to offer the four Olympic cycling disciplines: track in the velodrome, BMX on a modified version of the Olympic track, road cycling on a new one-mile circuit and mountain biking on challenging new trails, watched—a lot—by my very masculine family; a husband and four boys.

My time has nearly run out. I will write to noble Lords whose questions I have not been able to answer this evening.

**Lord Cashman:** I was reflecting on something that the noble Baroness said that I think she will want to clarify. She said that a partisan approach was introduced to the debate around housing. Does she accept that housing is not a party-political issue?

**Baroness Neville-Rolfe:** It was a general remark, as I think the noble Lord will find when he reviews the debate. On housing, I agree that we should try to move forward in a non-party way if we can. I am sure that there are party elements, but I was not, in any event, referring to any of the points he was making on housing—housing followed next on my list. I was trying to respond to the challenge identified by the noble Lord who so kindly brought us this debate today: what are the lessons? I look forward to hearing other answers to that excellent question, which has given us so much food for thought.

I conclude by thanking the noble Lord, Lord Mawson, for giving us the opportunity to have this debate. It has certainly been very enlightening to me and I look forward to what, I am sure, will be a brighter future for this wonderful area, thanks to the legacy of the London Olympics.

**Baroness Doocey:** May I ask for one point of clarification? The Minister said that there will be 50% affordable housing. The Olympic bid document said that the park will have 50% affordable housing. The point I was making is that the figures I have from the London Legacy Development Corporation are that 28% will be provided in the first tranche and 30% in the second tranche. I am not clear where the 50% came from and it would be very helpful if the Minister would explain.

**Baroness Neville-Rolfe:** My Lords, my time is up but I will write to the noble Baroness. I have already undertaken to look into these housing points to try to shine a light on them, and I look forward to doing so.

4.34 pm

**Lord Mawson:** My Lords, I thank all those who have taken part in this debate, particularly those in the Chamber who have made such a major contribution through the Games to the regeneration of east London. We are very thankful for that and I give many thanks for the kind remarks from colleagues. We all know that it has been quite a journey.

I will make one or two comments. On the employment gap, there is a limit to what one can say in a speech, but perhaps I might draw people's attention to a speech that I made in this Chamber a couple of weeks ago on apprenticeships and some of the work we have been doing on that. There is a lot more to do. Across the road the Bromley by Bow Centre, which I founded, has 60 local businesses operating around the park. The science summer school is all about this agenda. I would draw attention to the work of Sir Robin Wales, the Labour Mayor of Newham, who has been absolutely consistent about this point and made a major contribution.

I welcome very much colleagues' support for Stratford International station, as I do the Minister's comments. I encourage her to speak to the noble Lords, Lord Heseltine and Lord Deben, who were personally responsible for ensuring that that platform appeared in Stratford.

I have given some of the numbers on local community involvement in the park. I was actually at a party at Here East last night, which is just opening its first piece of that building with a fantastic local event and a reception. There is a very big event tonight in the stadium with the noble Baroness, Lady Brady, and others, which is focused on the Olympicopolis. I agree with the noble Lord, Lord Kennedy, that we may need 10 years to make a proper judgment about these big things. They take time.

We understand well the needs of long-term residents in the area. We focus closely on them and it is very good that the staff at the legacy company are people from the area, who have worked practically on these issues to deliver real things over a very long period. I will ask the chief executive of Poplar HARCA—which, just so we understand the history here, is a local resident-controlled housing company—to write to the noble Lord setting out why it is today committed to creating mixed communities and what the practical realities are in doing this in Poplar today. I would be very happy to share with the Minister my experience of this company, which I have been involved with for over 20 years.

Successive Governments have played their part in giving the people of east London the necessary cross-party support that created the essential conditions and continuity necessary to trigger changes on this scale. The job is not finished, and there is more to do, but the die is set and we welcome anyone who wants to invest or bring their institutions east. It is where the future economy of London lies.

I hope that this Government will share the lessons learnt with other regions of the country as they rightly invest large amounts of taxpayers' money in the north of England. Britain's economy today is on the move and we in east London want once again to play our role as a central driver in the capital city, focused on innovation, enterprise and entrepreneurship—attributes that set this nation apart from the rest of the world. We are absolutely committed to local people being part of all of that. We have in east London the largest artistic community outside New York. We have global brands moving in. What we need now is clarity and focus within central government to see the bigger picture in the Lower Lea Valley, join the dots and

[LORD MAWSON]  
make the connection in the narrative that tells about the Olympic Park and the surrounding area. Today, east London is on the move and we are ready and up for the task.

*Motion agreed.*

*House adjourned at 4.38 pm.*



# Grand Committee

Thursday, 5 November 2015.

## Education and Adoption Bill

Committee (1st Day)

2 pm

**The Deputy Chairman of Committees (Lord Geddes) (Con):** If there is a Division in the Chamber, which is exceedingly unlikely, the Committee will adjourn for 10 minutes.

### Clause 1: Coasting schools

#### Amendment 1

Moved by **Lord Watson of Invergowrie**

**1:** Clause 1, page 1, line 6, leave out “coasting schools” and insert “schools in which pupils do not fulfil their potential”

**Lord Watson of Invergowrie (Lab):** My Lords, I rise to address the first group of amendments on the Marshalled List. In moving Amendment 1, I shall speak also to Amendments 2, 7 and 9 and make reference to Amendment 5 in the name of the noble Lord, Lord Addington.

Amendments 1 and 2 would replace the term “coasting schools” with “schools in which pupils do not fulfil their potential”. We believe that that is essential, because coasting can be, and often is, seen as a pejorative term. There can be many reasons why pupils are not fulfilling their potential and it is wrong to start from a presumption that this is the result of a lack of effort on the part of the school. Currently the Bill provides for the definition of coasting to be set out in regulations. The draft is based entirely on performance data, a combination of pupil attendance data and pupil progress data. It allows for no other factors to be considered, but I am hopeful that that might change after the consultation.

At Second Reading the Minister mentioned—rather casually, it has to be said—that the Government will be launching a public consultation. Of course, that is to be welcomed; but he neglected to mention that the consultation was going to be launched the very next day. I heard about it only a few days later, by chance. It would have been helpful if the Minister had used the opportunity to fully inform all noble Lords, so that we could have been up to speed when the consultation was launched.

From Labour’s point of view, we will be contributing to that consultation, and I am sure that many noble Lords here today will also wish to do so. However, we await the outcome of the consultation, which it is said will be in the spring of next year. It should be drawn to the Committee’s attention that comment on the concept of coasting has already been made by both the Constitution Committee and the Delegated Powers and Regulatory Reform Committee of your Lordships’ House. Both have been clear in their criticism of these aspects of the Bill.

Having considered the fact that the definition of coasting is left to regulations, the Delegated Powers and Regulatory Reform Committee says:

“We consider such a wide and open-ended delegation to be inappropriate given the fundamental importance of the definition to the operation of the new section, and the significant powers which become exercisable in relation to a school once it becomes eligible for intervention”.

The committee goes on to say that it finds the department’s explanation of why the definition is left to regulations unconvincing, and makes a distinction between the criteria and other factors that should apply in determining whether a school is coasting and the detailed data that are used to decide whether the criteria have been met.

The committee argues that if the data are more appropriate for regulations, this does not mean the criteria and other factors should not be included on the face of the Bill. It concluded with a stark warning that,

“there is nothing to prevent regulations being made in the future which completely change the basis for defining what constitutes a coasting school”.

That worry is felt rather more widely than the committee, which is non-partisan. If the Minister was less than happy with that, I imagine that he would have been no more so when he received a letter from the Constitution Committee dated 26 October. That letter pointed out that the committee had previously expressed its concern at the introduction of what it termed “vaguely worded legislation” that leaves much to the discretion of Ministers. The Committee said:

“We wish to put on the record once again our view that Bills should contain an appropriate level of detail and provide a suitable degree of legal certainty”.

I apologise to noble Lords for the extent of those quotes, but I believe that they are important, because the question of how schools are defined is fundamental to the Bill and the manner in which the Government are proposing to act has become the focus for stringent reprimand by two of the most powerful committees in your Lordships’ House.

We welcome statements in the illustrative regulations to the effect that where a coasting school can demonstrate that it can improve sufficiently it should be allowed to do so. This suggests that there may not be a default presumption of academisation—a word I seem to have difficulty in articulating. This point was reinforced by the consultation document. None the less, the judgment is at the discretion of the regional schools commissioner, who will decide on the sponsor where he or she determines that the school should become an academy and can make the decisions with no reference to governors, parents or other stakeholders.

The first two amendments in this group would ensure that the manner in which schools in which pupils do not fulfil their potential are identified and subsequently treated should be no different irrespective of whether they are in the maintained sector or the academy sector. That is why we argue that the provisions of the Act should take precedence over private contracts with academy sponsors. All schools should be treated equally; there should be no place for deals between Ministers and sponsors that are not open to scrutiny. No doubt the Minister will say that issues of confidentiality are involved, but that does not wash,

[LORD WATSON OF INVERGOWRIE]

because this is public money that we are talking about—and hefty chunks of it. The public have a right to know how their money is spent, and how both transparency and accountability are to be demanded of those in receipt of those funds.

Amendment 9 states:

“An Academy may be defined as coasting if it falls within the definition made by the Secretary of State by regulations”.

This is one amendment that the Minister must surely find acceptable because it has emerged that an academy can indeed be defined as coasting. This is something else that my team and I have learned by chance, because no announcement that we were aware of was made. It so happens that one of my colleagues came across the latest revision of the model funding agreement, published on 10 September. That document provides for an academy to be designated as a coasting school using the definition which will appear in the legislation when enacted. The wording in the agreement states:

“‘Coasting’ has the meaning given in regulations made under section 60B of the Education and Inspections Act 2006”.

That may not sound important, but it is—although I have to say that, following the Government’s stonewalling on more than 80 amendments in the other place, I believe that we can now claim that this is a government concession. It may not be the way that the Minister sees it, but it is a factor that there has been movement there.

However, if that is the upside, there is a downside to this as well, in that it begs the question as to whether this method is an appropriate use of parliamentary process. Section 60B of the Education and Inspections Act 2006 will not exist in law until and unless the Education and Adoption Act receives Royal Assent. Is it to become the normal practice for DfE officials to publish model legal documents which assume that Parliament will enact legislation before it actually does so? Can the Minister assure the Committee that the reference to Section 60B will now have a health warning attached to it just in case Parliament should decide not to pass the legislation, or if the provision becomes, for the sake of argument, Section 60C or Section 60D or whatever when the Bill eventually receives Royal Assent? As an aside, perhaps the Minister will be able to tell noble Lords when he expects all academies to have this provision inserted into their funding agreements.

It is difficult to avoid the conclusion that the Government’s decision to leave academies outwith the Bill was at least in part designed to avoid some embarrassment to Ministers if those schools do not perform as it had been hoped that they would. If that is the case, it is hardly a sound basis on which to make law. The amendments also place the assessment of whether a school is in this category in the hands of Ofsted. This is to avoid the confusion of having both Ofsted and regional schools commissioners making judgments about a school. It would be entirely possible as the Bill and the regulations are drafted for Ofsted to find a school good or outstanding and the regional schools commissioner to find it coasting and therefore eligible for intervention. That is a recipe for confusion and not a situation that is in anyone’s interest.

Amendment 2 sets out a broader range of criteria to be considered by Ofsted rather than simply relying on performance data. It recognises that there are factors that will affect outcomes that do not relate to how hard the school is working. For example, it is known that pupils from deprived backgrounds on average make slower progress than others. Pupils with special needs often make slower progress than others. Being located in an area where teacher supply is difficult will affect how well pupils do. Data from small schools are much less reliable than those from larger schools. Surely all these factors need to be taken into account when making a judgment about a school. For that reason, Amendment 2 would require Ofsted to consult local authorities and academy sponsors before reaching a decision. It surely makes sense to get the views of those who know a school best and have the ability to explain whether particular circumstances have affected it.

Being designated as a coasting school—or, more accurately, a school in which pupils do not fulfil their potential—should not lead to an academy order. There is one good reason for that. As will arise in discussing various amendments, there is no evidence that academisation leads to greater improvement than remaining in maintained status. The most important factor is to begin the process of bringing about improvement in a school, not concentrating on legal structures.

The Bill rests on the assumption that school improvement can be achieved only by turning a school into a sponsored academy, but there is no evidence that academisation alone improves educational standards. Last year, the National Foundation for Educational Research published research that concluded that the amount of attainment progress made by pupils in sponsored and converted academies is not greater than in maintained schools with similar characteristics.

It is wrong to pursue a one-size-fits-all approach when the evidence that academies are automatically high performing does not stand up to scrutiny and when other options are available. Schools in which pupils are not fulfilling their potential deserve the opportunity to improve without being told that they have no choice in the matter. The same applies to staff, parents and governors. That last issue is for another day; I hope that the Minister will take on board the arguments advanced in support of this group of amendments. I beg to move.

**Baroness Massey of Darwen (Lab):** My Lords, before I speak to the amendments, I must apologise to the Committee because I have to leave early this afternoon—for a rather strange reason. I live in a small town in East Sussex called Lewes, where there are bonfire celebrations. There are six bonfire societies, six guys, six processions and general mayhem and chaos in the town. The town will therefore be closed down any minute now and I have to get back. I do apologise.

Now to be serious. All of us in this room and in the House generally are concerned about the welfare and education of our children. We are all concerned about having good schools, of whatever type. We are all concerned about pupils reaching their full potential. I want to talk mainly about the issue of coasting,

which I would define as not reaching potential, but coasting is the word in the Bill. Much of the Bill is about coasting: who is responsible for the schools, who consults whom, what collaboration takes place, and so on.

First, I thank the Minister for his letter of 21 October, and for calling a meeting the other day which, unfortunately, I could not go to. In the letter, the Minister talks about the Bill making important changes to deliver social justice—I shall come back to that—and to ensure that every child deserves an excellent education. He goes on to say that the Bill provides measures to tackle coasting schools and that illustrative coasting regulations, including a proposed definition of coasting, were published on 30 June. But, to my disappointment, the letter goes no further with defining what we might mean by coasting.

The definition given is fixed on achievement at GCSE. This is a very dangerous definition for schools, teachers and young people, and for school ethos and performance. I will say why, and why I hope that the definition is broadened substantially and put in the Bill, not just in regulations.

We have heard about the Delegated Powers and Regulatory Reform Committee's criticism of the substance of the Bill being in regulations. This is what happened in the Childcare Bill and it was criticised then. The Government produced regulations that were far longer than the Bill, which is not good enough.

I am surprised that the Minister seems content with a purely academic definition of coasting, because he and I have had several interesting and very valuable conversations about the importance of personal and social skills in education and the importance of school policies which support those skills. Those skills include communication, teamwork, citizenship, knowledge of health matters and school policies about issues such as bullying and behaviour. I believe that the Minister supports all this and I hope he will exercise his influence to redefine with the Department for Education what we mean by a good school where pupils reach their potential.

2.15 pm

The Commons Education Committee certainly thought that such skills were important. It stated that personal, social and health education should be statutory in schools. When will the Department for Education respond to the report calling for this recognition? The report was published in February and we still have not had a response to it. Pupils, parents and business leaders have supported PSHE in schools. This is not a wishy-washy subject but a serious concept. Major evidence-based development programmes and research support its importance for young people. Far from calling for more academic approaches to developing young people, the CBI said that young people should be "rounded and grounded" and that they should not have just academic skills.

It has also been shown that PSHE helps to develop self-esteem and confidence in children and helps them to learn. I have visited many schools where heads say that without personal, social and health education, children would be disadvantaged. I have seen how

social skills and confidence improve social mobility, and so has the Minister. Therefore, why are we trammelling our schools with an inadequate definition of coasting? Coasting to me means a lack of a coherent strategy for personal, social and health education.

In the definition of a coasting school, why is there no mention of sport? I look forward to the speech of the noble Lord, Lord Addington, and I am pleased that the noble Lord, Lord Moynihan, is here. On 15 October, in a splendid debate in the House of Lords, the noble Lord, Lord Moynihan, spoke about all-party support for children doing sport in schools: sport after school, sport linking to clubs and better facilities, including playing fields. He deplored the decline in school sport. Sport and physical activity is known to improve character, self-esteem and academic success, as pointed out by the Youth Sport Trust in 2014. For me, a coasting school would be one that did not provide not just adequate but excellent sporting and physical activity.

What about the arts—music, theatre and dance? Coincidentally, a major novelist, Philip Pullman, just wrote about the provision of the arts in schools. He described education in the arts as,

"of incalculable worth in what it means to be a human being".

He bemoaned the fact that the proportion of primary school-aged children going to the theatre in the past 12 months has dropped from 47% in 2009 to 32% in 2015. As he said, a child tends not to find his or her way to the theatre. Some are taken by parents. Many rely, as I did, on the school to provide visits to the theatre.

A coasting school would not pay attention to our marvellous tradition in the arts and in sport. It would not encourage music, dance and drama. It would not be doing justice to pupils. Without social skills, self-esteem and health skills, upward social mobility is almost impossible. Indeed, without those skills, it may be downward mobility.

We know that Ofsted looks at all these factors when assessing a school. I really do not think that any parent, teacher or child wants an education which lacks breadth and does not have a broad and balanced curriculum. Without these skills, schools certainly will not develop the social justice that the Minister calls for in his letter. We know that children are stressed by an overemphasis on testing for academic results. We also know that teachers hate it. Will the Government, very rapidly, give reassurance that this is not the way in which we define education?

I am not sure what consultation is needed to define a coasting school. We have enough academic and practical evidence about what a good school should provide for our children and what helps them to be rounded and grounded. I fear for children and teachers if the Government seriously think that coasting applies only to academic results. It is a terrible way to look at life. Will the Government please put a better definition in the Bill?

**Lord Addington (LD):** My Lords, these amendments concern the idea of what is coasting. Somewhat late in the day, the Government have given a not bad example of what they consider to be academic coasting. But I



[LORD ADDINGTON]

would say to my noble colleagues that I like the one about special educational needs—and shall we take my declaration of interests in that department as read? But unless you get that identified and the support and structure going through, you cannot get a good measure, even on the academic level. You just cannot because it takes different learning patterns and strategies. The noble Lord, Lord Nash, and I have—let us say—interacted quite considerably on this subject over the past couple of years, so we can take that as something that we will develop during the passage of the Bill.

However, as has already been pointed out, what about the rest of the activities that take place within a school? I also wanted to put into this the final outcomes of a school—“What are you doing to send people on?”. This brings me back once again to apprenticeships, in that how you access what comes next is surely the best definition of success—far better than any test or exam result. I would like to know how that is going to be brought into the equation because school is part of a process. We tend to talk about things as if they are entities unto themselves and you never leave: or you drop off the world and emerge somewhere else.

Then we come to my favourite part: why on earth, when we spend so much time talking about competitive sport and team games, do we not pay some attention to them? It is not just about the number of people you have or the number of trophies your school wins, it is how you get people to play sport after school. That is the primary function. A very successful school sports programme is something that fills out the second and third teams of various sports for a long time—much more so than the odd star you will get by luck or accident every now and again. The same could be said of the arts.

**Lord Moynihan (Con):** I am very grateful to the noble Lord for giving way. I offer my apologies for not speaking independently but I will be on my feet in a matter of minutes in the Chamber speaking about the Olympics’ sports legacy and regeneration. But I wanted to be present when the noble Lord, Lord Addington, introduced his amendment because I am strongly supportive of broadening the definition of coasting—looking at the arts and, in particular, sport. Physical education, sport and physical literacy in schools are exceptionally important. I have always believed that the Secretary of State should report annually to both Houses on the state of those three aspects in all schools, and the Bill gives us the opportunity for that report to be made on coasting schools. I support the intentions of the noble Lord, Lord Addington, and I very much hope that when I have the opportunity at a later stage to read the response from the Minister, they will be well received.

**Lord Addington:** I thank the noble Lord for his support and appreciate that even he cannot be in two places at once—although he does a very good impersonation of it at times.

Unless you broaden, much of the hyperbole we have been getting and that all political parties indulge in about making it a broader experience is going to be missed. The academic model is great but it is always

quantifiable; there are always changes and caveats. If you miss those, effectively you are labelling somebody who has done the best they can as failing, coasting, not achieving—call it what you like. Unless you give us an idea about how you are going to take the rest of this out, you are ignoring the real function; that is, the socialising function. Sport, arts and further adult life, basically—what is your foundation for expanding on here? If we do not get some definition, and it would be much better to have something in the Bill or something that at least directly tells you where to find it—big letters, nice and clear; we are bears of very little brain, show us where and show us the process by which you are going to change this—you are actually going to cause more trouble than anything else.

I hope that when the noble Lord, Lord Nash, replies, he will have something that really goes to the heart of this. If he does not, I have this vision of lengthy litigation and squabbling as we try to readjust and go forward. We have to know what we are talking about.

**Baroness Morgan of Huyton (Lab):** I also give my apologies, as I have to go to a charity reception at 3.40 pm and will not be able to stay later. It seems to me that we are in danger of making this rather too complicated, and I take issue with some of the amendments this afternoon. There has been an awful lot of noise about the definition, which has come rather late and has been a problem. The Minister’s letter is very helpful, but it would have been more helpful to have had it earlier. Nevertheless, it has made things much clearer.

All noble Lords who have dealt in one way or another with schools in various parts of the country know what coasting schools are: they are schools that kind of float along below the radar, and we have all had experience of them over the years. The interesting and the challenging thing is that this potentially will include a lot of schools around the country, which is something I will ask a question about later. They are the sort of schools that, superficially, often have very good exam and SAT results, but which, underneath that, are pretty unimpressive. We have never really put any focus on those schools.

Other schools of course may be doing brilliantly in terms of the entry levels of the pupils that they work with. Handled properly, this will allow us to praise the schools that are doing brilliantly with pupils and making extremely good progress. I speak with a very strong personal interest in this in a variety of ways, but particularly in terms of the work I am doing currently with Ark, which works with extremely disadvantaged communities. I would not want the sort of schools I work with to be let off the hook on pupil progress. The danger of including an awful lot of other stuff in the definition is that it would let schools off the hook again when it comes to making sure that we drive up standards for the most disadvantaged children around the country. I would be very concerned about that.

For schools to get good academic progress from their pupils, all of the things we have just talked about have to be included. I have been around an awful lot of schools in the last five years and have not seen many that deliver great progress without doing the arts and

the range of other things that we are talking about. That is integral to a good school, and therefore I am a bit sceptical that we need to lay that all out again. The system now has a lot more data than it used to have, and there are a lot more data out there than used to be available. The encouraging thing is that we have the headline data, which all of us, in different ways, have had concerns about at times because it does not necessarily take account of progress. The key thing that has changed is that we now have good progress data for pupils, which we used not to have. In addition, we have Ofsted reports, although there is a problem with focusing too much on Ofsted reports, as I know from personal experience, in that sometimes they lag quite far behind; a school may not have been delivering in the period since the last Ofsted report. That can happen in particular with schools that have been outstanding for a long time and therefore have not been visited by inspectors for a considerable length of time.

I am very concerned about the idea of setting up another, completely separate set of quite complicated accountabilities. Although I understand the idea behind it from my colleagues here, there is a danger that if we start to take account of the curriculum, gender, sports, arts and so on, that creates extra pressure for a lot of head teachers and makes life more complicated and more stressful for them. I know from bitter experience that they are anxious enough about Ofsted inspections, so we have to be careful about adding to the complication.

If we were looking at only one year's data, I would be really worried, because we all know you can have bad years or a cohort that does not perform. If we were only looking at progress for one year, I would be worried. But the combination of several years' performance and, crucially, several years' progress data is important and is a step forward.

2.30 pm

I am also reassured by the involvement of RSCs in this process, because it gets it away from Whitehall and closer to the ground. My experience of the regional schools commissioners is that they are, by and large, grown-ups—people with professional expertise who are largely ex-heads, who want to get their schools better in their region. Clearly, it would be foolish if they did not consult the Ofsted regional directors, and that could be built in; that would be practical and sensible.

My question to the Minister is: are we confident that we can resource all this work sufficiently? Potentially, we could be talking about a lot of schools, and at the moment RSCs are a lean operation. The Minister needs to reassure me more about how the work will be carried out than about the actual definition. If the work is underresourced, there is a danger that that will be seen as naming and shaming, whereas all of us in here today, wherever we are sitting, want this work to be about school improvement. If this is to be serious school improvement, it will need serious and properly funded work.

**Baroness Perry of Southwark (Con):** Briefly, I support what the noble Baroness, Lady Morgan, has just said. It is practical common sense. We all know what we

mean by a coasting school. At the heart of it, it is one that is simply not getting better; it is just staying where it is. My experience of good schools is that they always want to do better. They will be proud of and pleased with what they are doing, but they will tell you that next year they will do it better and make this or that improvement. The coasting school is one that has just stopped doing that and is sitting there, content with what it is, not brilliant and not below the bar, but not providing that stretching that a good school does for all its pupils.

We should not try to extend the definition, which is a very crucial part of the Bill, to a whole shopping list of all the things that we would like to see in a school. We could write a book on the subject—and many people have—of all the things that we would like to see in a school. My strong feeling is that all schools, by law, have to provide a broad and balanced curriculum and, if they are not doing so, they are failing. If they are not providing all the things that enrich and enhance the experience of their pupils, again, they are not just coasting—they are failing.

**Baroness Massey of Darwen:** Would the noble Baroness not accept that some schools do neglect sport, the arts and social skills? We know this—and that those skills often underpin academic success, so they need to be there. If they are not there, you will not get academic success, either.

**Baroness Perry of Southwark:** Absolutely. That is why we have Ofsted, which picks these things up. It is my firm belief that schools need looking at very regularly. I do not mean that they need a full Ofsted inspection but, as I said at Second Reading, they need somebody to go in to make sure that these things are happening and to make sure that the school then takes action on the deficit that has been identified.

We have a well-defined definition that is workable; it is not complete, and I do not think that the Minister will claim that it is, but it will flag up the need for further action. Let us get it clear at this stage of the Bill—because some of the amendments later seem to cast doubt on it—that nobody is going to force a coasting school immediately into academy status; it is going to be given an opportunity to improve by other means. After the kind of things that we have seen in the press this week, as if all coasting schools were suddenly going to be made academies against their will and without any consultation, let us just kill that myth among ourselves.

**Baroness Howarth of Breckland (CB):** My Lords, I was not planning to intervene at this stage but I would like to ask the Minister to address a question in his summing up. Like the noble Baronesses, Lady Morgan and Lady Perry, I think that the definition—whatever it is—has to be very clear and simple. My concern about it being simply about academic content and not having just one phrase that adds to the roundness of the whole is that we all know that when schools are under pressure—we all know what a coasting school looks like and when it is defined as such it will find itself under pressure—they will work very hard at the

[BARONESS HOWARTH OF BRECKLAND]

things that will take their scores up, which will be the academic areas. That could be to the detriment of the other areas.

I went to a very good programme that the noble Lord, Lord Nash, arranged. I will say more about that later, but one of the impressive things that the regional commissioners were talking about was how to develop leadership, which in all organisations—and some of us have had to work to change things round—is what is important. Leadership is developed by developing roundness in children. I would just like the Minister to think about how there could be some sort of phrase—a relatively straightforward and simple one—which ensures that schools do not focus just on the academic areas, because they are under pressure, at the expense of developing the other skills that will bring those young people forward and make them the next leaders in schools and in society.

**Lord Knight of Weymouth (Lab):** My Lords, as has become fashionable, I will start with an apology that I have to leave early and that I was not able to take part at Second Reading because of my other interests. That segues into reminding your Lordships of my interests, particularly in respect of my full-time work, which I am not at, at *TES—Times Education Supplement* or whatever phrase resonates best with your Lordships.

This is a very interesting, probing amendment to a key clause. I broadly support what the Government are trying to do with coasting schools and any sense of complacency in schools which feel that they are not blipping on the Minister's radar. Clearly they should be, through the RSCs. I have to say, I baulk at that acronym. If you do a search on *TES* for "RSC" you get to resources provided by the Royal Society of Chemistry, which frustrates the Royal Shakespeare Company. To have another one entering the lexicon frustrates me slightly, but I am sure that the Minister will be informed by the regional schools commissioners.

There seem to be three issues here: the type of school, the definition of coasting, and the definition of intervention. I would be very interested to hear some clarification on the record from the Minister about the types of school. It seems fairly clear that these are local authority-maintained schools so one's assumption is that this applies to grammar schools, comprehensive schools and so on. It is particularly important that it is clear that it applies to grammar schools as well as non-selective maintained schools.

Then there is the question of academies. Academies are addressed in the amendment. I recall when I was a Minister—a long time ago now—that we did not want to include academies in legislation because we had separate legal agreements with academies and it became very complicated to unpick those legal agreements because you had to replace them with primary legislation and that created complications with sponsors. I remember the lines that I was given to take extremely well. I suppose I hope that those lines have moved on because we now have a lot more academies. Once you get to the point where the majority of secondary schools, for example, might be academies, you start to worry about the democratic deficit of Parliament no longer being able to properly influence the evolving nature of the

governance of academies. They are not part of the local authority family. There is a direct relationship in contract law between them and the Secretary of State. How does Parliament influence them if we continue to have that line to take from the department and the Minister?

Incidentally, I would be interested to have clarification about where university technology colleges and studio schools fit within this. I listened to the excellent Cass Business School lecture by the noble Lord, Lord Baker, where he talked extensively, as one might expect, about university technology colleges and how well they are doing. I am a studio schools ambassador. There is fantastic progress in the performance of children in those small, more vocationally focused schools, although on some of the data it does not look as though they are performing as well on raw attainment. Having clarity around these exceptions is also helpful.

That leads to a second issue to do with coasting. We have heard really good contributions from all sides of the Committee on that. I, too, do not think that we should have an overreliance on data. I welcome the notion that we have better progression data than we used to. When I was responsible for the national challenge, it was very much data-driven and was very hard-edged and raw. The notion that we can do something more sophisticated feels a lot fairer. I agree with my noble friend about the use of the regional schools commissioners' judgments and other things that inform that.

In the context of a broad and balanced curriculum and the comments of the noble Baroness, Lady Howarth, it is worth saying that I am able to see some of the data around teacher recruitment. For example, I see evidence that it is quite easy to recruit PE teachers—this has to do with the amendment tabled by the noble Lord, Lord Addington—but it is a lot harder to recruit in some other subjects, such as those in the EBacc. When I see evidence around what head teachers are saying they are doing to compensate for being unable to recruit in certain subjects, I see that one of the things they might do is not continue with some subjects if they cannot easily recruit for them. That would create a worrying scenario in respect of a broad and balanced curriculum. I add that comment because it might inform the debate about teacher recruitment that we will have on later amendments.

Finally, on intervention, this amendment is to the first clause, about certain schools being defined as coasting and therefore eligible for intervention. We are all interpreting intervention as being academy status. This Government will be with us, whether we like it or not, at least until 2020. If it is the Government's intention that they want every school to be an academy, perhaps they should just say that, legislate for it and get on with it, and create certainty in the system. We can then debate real issues about the democratic deficit around academies and the governance of them, if that is what is happening en masse and at scale, rather than it feeling as though they are trying to manoeuvre, lever, persuade and cajole, and do everything they possibly can to get every school to be an academy, without actually saying so. That would be a more honest and straightforward way for us to proceed,



if that is the Government's clear intent. If it is not, and they want local authority schools to thrive, let them say so, clearly and unambiguously, and create a genuinely level playing field, without it feeling, as it does in this case—namely, if the intervention really is to be made to become an academy—as though they are using every excuse to force that to happen.

**Lord Lucas (Con):** My Lords, I enjoy listening to the noble Lord, Lord Knight, much more in opposition than I ever did when he was a Minister.

I have been looking at the draft of the definition on the DfE website. I think that it has gone way off beam in including in the definition of coasting a measure of absolute performance. Coasting is about relative performance: about not doing well by the kids you have got. If you put a figure in there—you cannot be coasting if you have more than 65% of pupils getting grades A to C, including maths and English—you are leaving out all the schools in the leafy suburbs, grammar schools and schools that are selective in other ways because they have tweaked their educational requirements or are religious schools. They are just as likely to be coasting as schools which deal with a broader range of children. I am very keen that the Government should be clear that coasting is about relative performance and not absolute performance.

2.45 pm

I am also keen that the Government should justify the ideas that they are putting forward on a statistical basis. We are dealing with examinations, particularly at GCSE, which are becoming closer and closer to norm referencing, where there is clearly a limit to the additional percentage of children who can pass in any given year. On listening to some of the people the noble Lord, Lord Nash, put in front of us this week, I have every hope that they will do well with some speed. If schools are doing well, we will therefore find GCSEs getting harder. Under those circumstances, I am worried about the statistical validity of the ideas that the Government are putting forward as a definition of coasting.

There will always be variability. I do not know whether the 0.5 below the median is a reasonable figure, particularly when that seems to take no account of the size of the school, which is obviously very important for the statistical validity. I do not know how a measure of relative performance works in a universe where per se the measure is largely non-referenced. I would like some statistical comfort from the Minister. If not now, I know that he has some very good statisticians back in “Fortress Education” and I would be grateful for a letter.

**Baroness Sharp of Guildford (LD):** My Lords, I would like to add a few words. I have been very sympathetic with quite a lot of what has been said today. In particular, as the noble Lord, Lord Knight, said, I think that we are all quite sympathetic with the notion of wanting to improve performance. Picking up the point made by the noble Lord, Lord Lucas, the concept of a coasting school goes back to when the late Chris Woodhead was Chief Inspector of Schools

in the 1990s. He was very concerned that bright pupils were not being pushed and stretched enough to achieve their potential. As we have it, the definition of both the floor and the progress measure does not pick up those bright pupils. It does not pick up grammar schools or the good comprehensives in the leafy suburbs such as Guildford, which do a good job but perhaps could do a better job. If we are looking at coasting schools, it is important that they perhaps are given a bit of a jolt as well as other schools.

I am very sympathetic with what the noble Lord, Lord Lucas, says about progress being what we are actually looking at here, and that the floor standard should play a lesser part and the progress standard a better part. However, I recognise that at present it is quite difficult to measure progress standards, particularly in primary schools. I have great reservations about reintroducing key stage 1 tests but, equally, if it is left to teacher assessment, there is inevitably an element of subjectivity about it, which creates some difficulties.

The noble Baroness, Lady Howarth, made a point about the regional schools commissioners, which at the moment have very few resources. They will be backed by the advisory board of heads. But one of our scarce resources is good leadership and governance in schools. I am sure all of us know of both primary and secondary schools that have spent a long time trying to find good heads and of those with gaps where a deputy has had to take over and run the school for a year or so. When Ofsted comes in, it then marks the school down on leadership and governance because of the very fact that it has not been able to find a head.

We have crippled the leadership training programme. The National College for Teaching and Leadership has been more or less wound up, although elements have been put into teacher training. Compared to the programmes that were run about seven years ago or so, what is available now is a very pale imitation. What we ought to be doing is making sure that every good deputy is sent off to do these programmes, which involve evening and weekend work and attending short courses. They were extraordinarily good and enabled us to generate a new cadre of heads about 10 years ago. They are now working their way through, but we are not doing enough to produce a new cadre of heads, and we are very short of them. I see great difficulty in both the proposals for regional schools commissioners to have these advisory groups of heads who will move into schools and, for that matter, the proposals that came the other day from the Secretary of State about creating a school leadership group and so forth to work in rural and coastal areas. Take these good heads away from their schools and their schools often sink. We know very well that there are difficulties if you do not have a head.

I come back to the point made by the noble Baroness, Lady Massey. I am currently a member of the Select Committee which is looking at social mobility and skills. There is no doubt whatever about what she said about social skills being so important and so valued. It worries me that there are secondary schools in this country that are so worried at the moment about their achievements in academic terms that they are scrapping PHSE. They consider it unnecessary, so the attention

[BARONESS SHARP OF GUILDFORD]

to social skills is just not there in the schools. I take on board what has been said about the need to have a broad-based curriculum and so forth, and it would be very nice if the regulations stressed that need as well as including the definition of coasting.

Finally, I would ask whether the Government intend to reply to the recommendations from the Delegated Powers Committee and the Constitution Committee. What will their response be?

**Lord Lucas:** My Lords, the noble Baroness, Lady Sharp, reminds me that there are some very interesting variations within schools when it comes to progress. You get schools where the bright kids make no progress at all, and those where the SEN kids fall backwards while the general level of progress in the school is good. If we are to have a measure of what constitutes coasting, there must be scope for applying it to the school community as a whole and asking for some level of consistency in performance. Not doing well, for instance, by kids on free school meals but doing well by the rest, and on average being okay, is not where this measure should be at. There should be some sense that this is meant to be consistent across the whole school community and that schools should not be boosting one section of the school community and neglecting the rest.

I have a lot of sympathy with the arguments put forward by the noble Baroness, Lady Howarth. That a school should come out of the coasting definition by cutting back on breadth should be discouraged. I can see why it should not be in the definition of coasting, but narrowing down should not be a permissible way to get out of coasting. It is so depressing, going to schools that are narrowly focused on exams. I do not do it often, but it is a grim experience.

Lastly, I will say that someone has sent me a copy of *Call Me Dave*. If the noble Baroness would like to throw it on the bonfire in Lewes, she can take it.

**The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con):** My Lords, I will speak to the group containing Amendments 1, 2, 5, 7 and 9, which concern coasting schools, tabled by the noble Lords, Lord Watson, Lord Hunt and Lord Addington, and by the noble Baronesses, Lady Massey and Lady Bakewell. Before doing so, I will say that at the recent Third Reading of the Childcare Bill I wished the noble Baroness, Lady Jones, who has been the Front-Bench spokesman on education throughout my time in this job, well with her new brief. I did not realise at the time that the noble Lord, Lord Touhig, was also leaving the education Front Bench and going back to his old brief of defence, so I would like to take this opportunity to wish him all the best with his new brief. It has been a pleasure working with him.

It has also been a pleasure discussing the Education and Adoption Bill with noble Lords both on and off the Floor of the Chamber. I hope that all noble Lords who attended the meetings with regional schools commissioners, head teacher board members and multi-academy trust chief executives on Monday found it useful. It is refreshing that on the 410th anniversary of the gunpowder plot we can take comfort from the fact

that we are no longer a society divided, as our country was 410 years ago, and that there is cross-party support for the central thrust and purpose of this Bill.

As this is the first group of amendments, I hope that noble Lords will permit me to remind everybody of the purpose of this legislation, which is to ensure that every child, regardless of background, has the opportunity to go to a good school. That means dealing with failure swiftly, as a day spent in a failing school for a child is a day of their education lost for ever. We made this absolutely clear in our manifesto, on the basis of which we were elected to government.

So where a school is failing, the legislation proposes that it will become an academy forthwith. Also, for the first time, and as we also stated in our manifesto, we are bringing coasting schools into scope. This is about putting children first. But we must do this in a way which is clear to all and is practicable, and I must say, as I will elaborate, I have some real concerns about the practicality of the amendments proposed to the coasting definition.

Clause 1 of the Bill gives a power to the Secretary of State to make regulations defining which schools will be deemed to be coasting, and therefore eligible for intervention. To assist noble Lords' scrutiny of this clause, we published draft regulations in June setting out our proposed definition and have also launched a public consultation on the proposed definition. The definition provides a clear and transparent data-based approach. The policy is about identifying schools which are failing to fulfil the potential of their pupils over time. We have therefore consciously chosen to base the definition on three years' performance data, rather than a single Ofsted judgment or a snapshot of a single year's results. As noble Lords have said, Ofsted judgments can often be rather backward-looking, excellent though they generally are.

From 2016, primary and secondary schools will be held to account against new headline accountability measures. Given that our proposed definition looks at data over three years, under this definition it would be 2018 before schools have three years of data reflecting these new metrics. It is important that we do not wait until then to tackle coasting schools. So our draft regulations contain an interim measure for 2014 and 2015 which is based on the current headline accountability measures familiar to schools, as well as the measure that will apply from 2016 onwards. A school must be below the coasting bar across three years in order to be deemed to be coasting and to become eligible for intervention.

From 2016, the proposed coasting definition for secondary schools will be based on Progress 8. Progress 8 is a measure which has been well received by schools and head teachers. It is a robust metric, based on the progress a pupil makes in eight GCSEs when compared to pupils with the same starting point. At least five of those GCSEs have to be in English baccalaureate subjects. As the measure compares the results of pupils against those with a similar starting point in other schools, it clearly focuses on whether schools are fulfilling the potential of all their pupils and makes it an ideal metric on which to assess whether a school is coasting—and it moves away from what Tristram Hunt so accurately described as the great crime of the C/D borderline.

For primary schools, we think it is right that the coasting definition includes both an attainment and a progress element. For a primary school to be identified as coasting, it must fall below the bar on both attainment and progress in all three years. Attainment is critical for primary schools as there is an absolute standard which pupils need to reach to be able to make a successful start in secondary school. In 2016, the attainment bar for the coasting measure will be 85% of pupils meeting the new expected standard in reading, writing and maths.

3 pm

Progress is also a critical part of the proposed coasting definition for primary schools. The progress element is again calculated by comparing the results of pupils with similar starting points. If a school has fewer than 85% of pupils meeting the new expected attainment standard, but the new primary progress measure shows that pupils are making good progress from their starting point, that school will not be regarded as coasting.

**Lord Knight of Weymouth:** How will the progress measure account for churn in schools that have a big churn in population because of migration or Gypsy Travellers or because they are in a mobile community?

**Lord Nash:** I think—although I will write to the noble Lord—that it will not be calculated; they will not be in the stats, because they will not be there at the beginning.

The Bill provides that the Secretary of State will notify a school when it is coasting, and this makes the school eligible for intervention. As set out in the draft *Schools Causing Concern* guidance, which is currently out for consultation, regional schools commissioners will then consider whether the school has the capacity to secure sufficient improvement without formal intervention. In some cases, a school which falls within the coasting definition may have a new head teacher, governors or leadership team who can demonstrate that they have an effective plan to raise standards sufficiently. In other cases, they may be able to buddy up on a short-term basis with a nearby school and, in others, external support may be necessary from an NLE.

Where appropriate, regional schools commissioners will use their formal powers to ensure a coasting school receives the support and challenge that it needs, which may include becoming an academy. In answer to the point made by the noble Lord, Lord Knight, it is by no means certain that coasting means becoming an academy; there may be many different ways in which schools can improve. As he knows from his excellent work on the London Challenge, that could be school-to-school support. We see one of the advantages of academisation as the clear structure of school-to-school support that it can bring, but that may necessarily be on a temporary basis for a coasting school.

Amendments 1 and 2, tabled by the noble Lords, Lord Watson and Lord Hunt, and the noble Baroness, Lady Massey, and Amendment 5 tabled by the noble

Lord, Lord Addington, and the noble Baroness, Lady Bakewell, propose alternative approaches to identifying and addressing schools in which pupils do not fulfil their potential. Amendment 2 gives Ofsted and the local authority responsibility for determining which schools are coasting. Amendment 5 seeks to broaden the definition to include achievement in sports and the arts and access to training, further education and the world of work. My concern with such approaches is that they remove certainty and transparency for schools; it would be unclear for any school whether it would be identified as coasting and, as such, could become eligible for intervention.

Being a teacher or a head teacher is a tough job. It is also in my view one of the most important jobs, if not the most important job, in our country at this time, given how highly geared these roles are to the future success of our country. We want to make the environment in which our teachers and head teachers operate easier, not more difficult, and more certain, not more uncertain. Our schools are inspected by Ofsted; that is right, and there is no doubt that our schools take great notice of this. But there is already enough uncertainty in the minds of our teachers and head teachers as to how their school will be rated by Ofsted without adding to that uncertainty and, yes, anxiety, by adding a vague coasting definition by which they are measured. I am grateful to the noble Baroness, Lady Morgan, for her observations on this issue.

We have chosen to base our proposed coasting definition on published performance data precisely so that schools can easily understand whether their performance will equate to them being identified as coasting. Under our proposed approach, many schools can already be reassured that their 2014 and 2015 performance means that they will not be deemed to be coasting when—looking at three years of data, as we propose—we identify coasting schools for the first time in 2016. Such a certain, data-driven approach has been welcomed by many school leaders and organisations representing them. For example, the chief executive of Outward Grange Academies Trust has said that he welcomes the definition,

“in particular the fact that it is based on performance data not Ofsted and the fact that it is measurable every year and compares performance at similar schools over time”.

**Lord Addington:** My Lords, if the primary definition here is based on academic achievement, where does it place other objectives that come through schools? I have spent a lot of time on the school sport strategy. It consults; it goes through; it gives duties; it relates to other bits of government. If you remove a certain aspect of a school's activity from any reference, why do we bother making any references at all?

**Lord Nash:** The reason why it is so important in primary—and it is again based on pupils making the right levels of progress—is the sad statistic that if you get better than level 4 at key stage 2 at primary, you have a more-than-90% chance of getting five good GCSEs; but if you get worse than level 4 at key stage 2 at primary, you have a 6% chance. We all get fixated on GCSE results, but the real work has to start in primary.



**Baroness Massey of Darwen:** My Lords, I fully appreciate what the Minister says about clarity and transparency, but going back to the point made earlier by the noble Baroness, Lady Howarth, surely a reference to the “broad and balanced curriculum”, which is in an Education Act somewhere, would be helpful. I do not want a list of things that should be tested or referred to, but I would like some reference to the broader curriculum, which supports the academic curriculum. What is this consultation about if the Government are so sure that this is the right definition? I wonder whether the Minister could take that into consideration. I do not want a list; I want a rounded, broad and balanced curriculum.

**Lord Nash:** Of course, Ofsted is focused heavily on a broad and balanced curriculum. As the noble Baroness, Lady Morgan, said, schools that are good at sports, arts et cetera tend to do well on all fronts, but how on earth will teachers know where they are if we have a form of words which could, frankly, mean anything? I shall say a bit more about that in a minute.

The chief executive of the Burnt Mill Academy Trust, who was at the meeting on Monday—a very interesting lady called Helena Mills, who was extremely unsure about the whole academy idea in the early days and is now running a highly successful multi-academy trust and talks glowingly about the advantages—has said that,

“having a coasting definition which is based on performance over time, rather than snapshot judgement is really important”.

The chief executive of Olympus Academy Trust has said that,

“a school’s context should certainly be taken into account when an RSC is deciding whether, and how, to act in a coasting school. But to add factors about a school’s context or judgements about a school’s arts and sports provision into the coasting definition itself would make the definition too complex, subjective and ineffective”.

That is the thrust of our argument.

At a recent meeting of the All-Party Parliamentary Group for Education, Dame Vicki Paterson, the executive head of Brindishe Schools, a federation of three maintained primary schools, also welcomed the notion of coasting. She said that it was positive that the coasting schools definition would take into account school performance over three years and, for primary, be based both on progress and attainment. At the same meeting, a representative from the Association of School and College Leaders reported that her organisation was pleased that the coasting definition would be a separate judgment from those made by Ofsted.

Critically, both Amendment 2 and Amendment 5 would move away from a concentrated focus on those schools where data show that they are failing to fulfil the potential of their pupils. We know that the outcomes reflected in performance data really matter. Our latest results show, as I said, that key stage 2 results are so important.

Of course, other aspects, such as those outlined in these amendments, are important. Ofsted already looks at a wide range of factors in forming its judgments, including how well prepared pupils are for training and employment; the use of the PE and sports premium; and the delivery of a broad and balanced curriculum.

But intervention in coasting schools will not be automatic. The draft *Schools Causing Concern* guidance, which is currently out for consultation, is clear that while data will allow us to determine which schools fall within the coasting definition, RSCs will use Ofsted judgments, as well as a range of other factors, including those referred to in Amendment 2, to help inform their decisions about a school’s capacity to improve sufficiently. We have been clear that that list is not exhaustive, but the guidance already explicitly mentions factors such as the performance of disadvantaged pupils, the gender balance of the school, and pupils with special educational needs.

**Baroness Morgan of Huyton:** The Minister has just outlined that the RSCs will take account of Ofsted judgments. Perhaps it would be helpful, rather than adding to the complexity of the definition of coasting, if the Minister was able to at least consider putting somewhere in the regulations that there will actually be a dialogue with Ofsted. One of the things that possibly is missing is that an Ofsted judgment might be quite old but because Ofsted has a regional structure, there may be some much more up-to-date information. People may have been in and out of schools without formally making judgments. That might be helpful in order to take account of the broader issues that have been raised.

**Lord Nash:** I assure the noble Baroness that dialogue with Ofsted does take place. I know that at least one regional schools commissioner shares an office with, or is in the same building as, the Ofsted regional schools team. I know that these dialogues take place regularly and I am sure no regional schools commissioner would intervene without talking to Ofsted, so that is something we can consider.

The noble Lord, Lord Watson, made a number of points about the information we have provided and when. We wrote to all Peers to inform them that the consultation on the coasting definition and the *Schools Causing Concern* guidance had been launched, as well as inviting noble Lords to the meeting on Monday that I have mentioned. I have also replied to the Constitution Committee, explaining my approach to coasting and why the Bill reflects maximum devolution. It is a pity that only one opposition Peer made it to the event on Monday.

The consultation that the noble Lord, Lord Watson, referred to remains open, as he said, until 18 December. We first published illustrative regulations setting out the coasting definition in June, and the Minister for Schools made it clear that the model funding agreement had been amended in the other place; I referred to this at Second Reading. The model funding agreement that the noble Lord referred to has been in operation since September. The noble Lord is correct that this will apply only once this Bill receives Royal Assent but I am sure he will support the fact that we sought to amend the model funding agreement at the earliest possible opportunity and are now being clear with the regional schools commissioners that they will identify and challenge any academy whose performance falls within the coasting definition, whatever the terms of its funding agreement.

I greatly enjoyed listening to the noble Baroness, Lady Massey, and I am interested to hear that she is going to Lewes this evening. I remember there used to be a racecourse at Lewes which was rather oddly shaped. It was just a semicircle; it did not go all the way round. Sadly, I think it is now closed. In my younger days, I had a friend who was a stable lad and he was leading a horse round the ring. It was a National Hunt race and this horse had a hood on its head, which is most unusual in National Hunt, as I am sure the noble Baroness knows, so I asked him why. He said, "Well, it runs very well on the gallops but it does not seem to run very well in races so we concluded that maybe it does not like being around other horses, so we stuff its ears full of cotton wool and hope for the best". We all got behind it and it won at 20-1 so I hope the noble Baroness has as happy a time this evening as I did then.

**Baroness Massey of Darwen:** I have to tell the noble Lord that the jockeys from that racecourse used to wine and dine at the pub which is now the house I live in.

**Lord Nash:** I knew the noble Baroness and I had a lot in common and now we have even more. As she knows, I agree with just about everything she had to say about what a proper education means, the importance of social skills, et cetera. As I have made clear, we just do not think it is right to put this in the definition, but regional schools commissioners, who are extremely experienced, will take this into account in their analysis. If any noble Lord who was not able to be there on Monday would like to meet any RSCs or any members of the head teacher boards, I would be delighted to set up another conversation about this. The noble Baroness talked about teachers' stress levels. As I have said, I am genuinely fearful that having an uncertain, vague definition will just add to teachers' stress levels, and I am sure we are all anxious to avoid that.

3.15 pm

The Government have published their response to the Commons Education Committee's inquiry into PHSE and SRE. As stated in the response, we are working with head teachers and other leading experts on PHSE to understand how best to achieve high-quality PHSE for every pupil. We intend to make significant progress on the issue during this Parliament and will report back to the Education Committee on progress later this year.

The noble Lord, Lord Addington, talked about sport. As I have already mentioned, Ofsted do look at that. I could not agree more about the importance of sport, but as I have said, it is just not possible to legislate for this in a definition of coasting. I would be interested to discuss this more with the noble Lord when he has had a chance to analyse the *Schools Causing Concern* guidance in detail. He talked about the potential for litigation and uncertainty. My fear is that a vague coasting definition which is not absolutely clear and based on facts, like the one we have, would set up the potential for litigation and uncertainty.

**Lord Addington:** My Lords, we are at the point of clarification and probing here, and sport is just an example. This is about the whole-school approach. What we are getting at is that academic achievement is the driver here. If the academic overrides everything, we are in danger of changing the character of an achieving school that is very successful in a different area. How does that get taken into account? It does not seem to be something that is taken into account when looking at academic progress, which is dominating this. Some more guidance there would help.

**Lord Nash:** We should discuss this and I am very happy to do that. It is taken into account by Ofsted and will be taken into account by the regional schools commissioners. All good schools have a broad approach because they know how it pays back in academic results. However, in terms of having a metric which is clear and assessable, we believe that our approach is the correct one.

As my noble friend Lady Perry said, the speech of the noble Baroness, Lady Morgan, was based on practical common sense. As a former chairman of Ofsted, chairman of the Future Leaders Trust and adviser to Ark, she is of course hugely experienced. Her practical experience—instead of theoretical analysis—was extremely helpful. I am grateful for her thoughts and her point that the definitions proposed in the amendments are just too complicated. She also made the point that good schools tend to provide a broad and balanced curriculum anyway. She is right that our new progress data are so much more robust, as the noble Lord, Lord Knight, said. I am also grateful for the noble Baroness's comments about RSCs. We will be resourcing them up substantially over the next year, and I will be able to say more about this once the spending review has finished. I am grateful for the noble Baroness's comments. As she said, Ofsted of course takes a lot of these issues into account.

The noble Baroness, Lady Howarth, commented on the importance of leadership. Ofsted focuses on this heavily, which is the reason why we reduced the Ofsted categories down to four, one of which is leadership. We focus on that substantially. The noble Baroness, Lady Sharp, also talked about the importance of leadership. I could not agree more. This is the most important issue facing us in schools, and we have an active programme of leadership in our schools. We are currently looking at all our leadership programmes to see whether they are fit for purpose, and have recently introduced a new leadership programme, the Future Leaders Trust MAT CEO course, for chief executives of MATs. We are very focused on making sure that our leadership training is adequate. We have had a lot of sessions with different regional schools commissioners, bringing in the top-performing MATs to explain to the newer MATs how they operate their organisations. There has been a huge amount of sharing of good practice.

The noble Lord, Lord Knight, made a number of comments. When he mentioned his involvement with *TES*, I was reminded that I had my first interview with *TES* last week. I am rather naive on the political front, as you know, and I made the mistake of saying that if we are to have enough schools in future, we would

[LORD NASH]

have to get away from the concept that they all had to be on one or two floors. That resulted in a headline—not in the noble Lord's paper, but in another one—that I was advocating skyscraper schools. That shows how naive I am on these matters; I should stay away from journalists as much as possible.

We will be setting up a competition, called the Knight competition, for renaming RSCs, so that the noble Lord does not get confused with the Royal Shakespeare Company in future. It will apply to grammars, I assure him of that. This definition is very focused on schools that appear to be doing well but are in fact coasting. In fact, some of the original thinking behind this was aimed very much at those apparently high-performing schools. From 2016 onwards, the secondary coasting definition will be based on the new headline accountability measure. Over three years, it will be the only measure that we look at. It is very robust, and will measure the progress of all pupils in the school. That will include a grammar school with a high attaining cohort making less good progress than such pupils should be making.

**Baroness Sharp of Guildford:** The Minister said that the programme is going to be very focused on high-performing schools. Can he tell us how that will be?

**Lord Nash:** If you are a high-performing school with an APS of entry of 30 average pupils, and you are bound to get high GCSEs but they are not really good, then you are not doing your job. That will clearly come out.

**Baroness Sharp of Guildford:** If I may say so, high-performing schools achieve the five A\* to C grades perfectly easily and will do the EBacc perfectly easily. It is the progress measure that is going to be absolutely crucial here. What is really required is for more weight to be given to the progress measure than to the performance measure.

**Lord Nash:** The noble Baroness is completely right. I have not made myself clear. The progress measure comes in for the first time in 2016. The coasting definition is based over three years. Therefore, for the first year that the coasting definition applies, it can only have the progress measure in for one year, which is why we have these interim measures for 2014 and 2015. In 2018, however, it will all be entirely based on three years' progress—so we will be entirely focused on progress in secondary schools.

**Lord Lucas:** My Lords, that is not the way the draft reads. It says: if fewer than 60% of school pupils achieve five A\* to C grades, including English and maths, and the school has a below median score on progress. To fit in with what the noble Lord is saying, that “and” ought to be “or”.

**Lord Nash:** It applies only to 2014 and 2015—and if it is not clear, we will make it clear in the future.

Amendment 5 requires draft regulations to be laid before and approved by each House before they can be made or updated. I hope that the noble Lord, Lord Addington, and the noble Baroness, Lady Bakewell, will allow me to discuss this important element of the amendment when we reach Amendment 8, which proposes exactly the same approach.

Amendments 2 and 9 propose that academies, alongside maintained schools, would become eligible for intervention, and, in the case of Amendment 2, subject to the statutory intervention powers in the Education and Inspections Act 2006, when notified by Ofsted that they are schools where pupils do not fulfil their potential.

I agree that coasting schools must be tackled—whether it is a maintained school or an academy. But academies are not governed by the statutory framework that this Bill seeks to amend. They are run by charitable companies—academy trusts—which operate in accordance with the terms of individual funding agreements between the academy trust and the Secretary of State. We have already published a new coasting clause for the model funding agreement, as I have said. But I want to reassure the House again that, even where academies do not have this specific clause in their existing funding agreement, regional schools commissioners will assess all academies against the coasting definition. Where academies are identified as coasting, RSCs will assess their capacity to improve sufficiently in just the same way as maintained schools, supporting and challenging them to improve and taking action under their funding agreements where necessary.

RSCs have already shown that they take effective action when academies underperform. Since 1 September 2014, when RSCs came into post, they have issued 58 prewarning and warning notices to academy and free school trusts. In the same period, they have moved 83 academies and free schools to new trusts or sponsors, compared to 13 in the previous academic year.

Amendment 2 would remove the Secretary of State's power to issue an academy order for a school that has been notified that it is a school in which pupils do not fulfil their potential. While some coasting schools may choose to become academies in order to benefit from the strong governance and support of a multi-academy trust, we have been clear, as I said, that enforced academisation will not be the default solution for all coasting schools. RSCs will want to consider whether a coasting school has demonstrated that it has the capacity to improve sufficiently on its own, and in some cases this capacity will be evident, or it may need advice and support, for example from an NLE, and that may be sufficient to bring about the required improvements.

It is important that RSCs have the discretion to make an academy order where it is clear that a school's leadership does not have the capacity to improve sufficiently and where the school needs the support of an experienced sponsor in order to fulfil the potential of the pupils. We know that sponsors can bring new life to schools. For example, the City Academy Whitehawk in Brighton and Hove opened in September 2013. The year prior to its becoming an academy, only 39% of pupils achieved level 4 or above in reading, writing



and maths at the end of key stage 2. By 2015, the provisional figure has increased to 75%. It would not be right to deny coasting schools this support where it is appropriate.

Amendment 7 would provide the governing body of a maintained school with a right of appeal to the First-tier Tribunal when it considers that the data used to define a school as coasting could have been interpreted in a different way. This amendment is unnecessary. Our clear and transparent data-based definition will not be open to interpretation. Schools will be certain, based on the data, whether they have fallen below the coasting bar or not, but regional schools commissioners are already required by virtue of public law to act reasonably in exercising the Secretary of State's powers. As I said, they will work with schools to consider all the relevant factors when deciding what action to take.

The draft *Schools Causing Concern* guidance already includes a number of examples of the type of factors they should consider. As I said, we have been clear that intervention in coasting schools will not be automatic. Nick Capstick, the CEO of the White Horse Federation outlined this clearly when he said:

“It is right that the coasting definition is based on transparent performance measures. It is then clear-cut for schools whether they fall within the coasting definition or not. The majority of schools will therefore be able to carry on free from fear that they suddenly and unexpectedly be judged as coasting”.

I know that noble Lords support our ambition to ensure that all pupils, whatever their background, receive an education that enables them to fulfil their potential. I hope that, following this debate and having seen the detail behind our coasting policy—alongside the proposed coasting definition set out in our recent consultation—noble Lords will be reassured that our approach is the right one.

**Lord Knight of Weymouth:** Will the department record the interventions made as they are made on coasting schools against the different categories the noble Lord described earlier, so that there is a dataset that we can then interrogate to understand in practice as it rolls out how that balance plays out?

**Lord Nash:** When we formally intervene, we already publish that information, so it will be in the public domain. In view of what I have said, I hope that noble Lords are reassured that our approach is the right one, and I therefore urge the noble Lord to withdraw the amendment.

**Lord Lucas:** My Lords, despite my noble friend's fine efforts, I have been unable to torture the words of the draft definition of coasting into the form that he says they take. It is quite clear from the wording here that, taking GCSE as an example, you have to fall below 60% five A to Cs to be considered coasting. It is therefore impossible for any grammar school, however lackadaisical in its teaching, to be considered a coasting school. That is a fundamental fault in the Government's approach. It is very important that those schools and others which are lucky in their selection of pupils should be eligible for coasting.

**Lord Nash:** We could go on like this for a long time, but I will talk to the noble Lord, Lord Lucas, outside. The first principle of legal interpretation is to look at whether the wording is clear—I think that it is clear, but we can take this offline.

**Lord Lucas:** My Lords, the Minister is already writing me a letter full of statistics, so I hope that he can include that matter. I am comfortable that he says that a grammar school will be eligible, but I would be very grateful if he could make it clear to me how, given the wording in the draft.

**Baroness Sharp of Guildford:** Will the Minister send the letter round to everybody who has participated in the debate?

**Lord Nash:** Yes.

3.30 pm

**Lord Watson of Invergowrie:** My Lords, I thank all noble Lords who have contributed to an excellent and very informed debate. At Second Reading, two weeks ago, I commented on the fact that sitting behind me were two Secretaries of State for Education and a former Minister for Schools. Today we have had another former Minister for Schools and a head of Ofsted, so we have had impressive depth in our debate, which has shown in the contributions of those noble Lords and of others who have participated.

The noble Baroness, Lady Massey, the noble Lord, Lord Addington, and the noble Baroness, Lady Morgan, made the point that there needs to be a more rounded definition of what should contribute to how a school may be categorised as coasting. I enjoyed the contribution of the noble Lord, Lord Moynihan, who had to leave for very sound reasons. It is not the first time that he has been involved in a debate looking at sport and education. The last Bill in which I was involved was the Charities Bill. He got involved in that, to some effect, to ensure that independent schools are obliged as charities to make available their sporting and arts facilities, as well as their teaching resources, to maintained schools. He was very effective in that, and I am sure that what he says on any aspect of sport, particularly with regard to education, is listened to with great interest. As he was until quite recently the head of the British Olympic Association, I wonder whether he has enough time on his hands now to cast his eyes rather more widely and, perhaps, look at the job that has become available at the head of the international football organisation, FIFA. I would certainly like to see him enter those portals—it would shake up quite a few people and I am sure he would quickly sort it out. But that is something for the future, and I hope that he will participate in another sitting of the Committee.

The more rounded definition is important. The noble Lord, Lord Addington, talked quite tellingly about outcomes. We hear a lot about inputs and outputs, but it is outcomes that really matter, particularly in schools but also in sporting terms. I liked the noble Lord's mention of the fact that, ultimately, it is not trophies that count but participation levels. That is a point that I subscribe to very strongly. It seems odd

[LORD WATSON OF INVERGOWRIE]

that the Minister said, if I quote him correctly, that he was not in favour of broadening the concept of coasting because it would remove certainty and transparency about what constitutes coasting. I do not see why that should be the case. Surely, it is about setting down criteria clearly, and making it known and making it clear that not every school can be measured against the same criteria at the same time. There are some schools that excel in different subjects—that is natural—and I do not see how broadening it necessarily has to weaken any kind of definition.

My noble friend Lady Morgan talked about schools that were floating along despite good SATs and exam results. I am sure that there are quite a few of those, and floating might be a better term than coasting, although there is not that much difference. But the quick progress that schools make is the key here. I do not want anybody to get the impression that Labour is in any way opposed to the concept of coasting: it is not the concept but the term that we have objected to. That may seem perverse in some circles given that I think the Labour Government were the first to use the term, in 2009, although it had a slightly different meaning. It is about the concept rather than the terminology.

A number of noble Lords mentioned resources. The question of whether additional pressure is put on head teachers, as my noble friend Lady Morgan said, is an important one. The vast majority of head teachers work very hard for very long hours, and the inspiration that they provide for their teachers and indeed their pupils is almost always a deciding factor in how successful a school is. However, I have to say that I disagree with my noble friend when she says she does not want to put extra pressure on head teachers, because if a school is in a position where it is not progressing, I would have thought that a head teacher who knows that that is the case would not be satisfied. Otherwise, that should set lights flashing not only at Ofsted but among parents and indeed school governors. So to some extent we have to balance the pressure that we expect head teachers to be under against the point at which that crosses a line and the first thought in the head teacher's mind is, "I just can't go on like this; it's just too much", whether as a result of pressure from the bureaucracy, as we hear has been an issue, or whatever. If the pressure becomes too much, you can understand that head teachers have a limit. We have to bear that in mind when it comes to using the word coasting because, as I said, it has a pejorative sound to it that does not necessarily suggest to teachers or head teachers that what they have done has been adequately recognised.

I also noted the point from the noble Lord, Lord Lucas, that coasting is a relative measure. Of course it is, but whether we should cast the net wider in trying to find a proper definition for coasting and a proper way to measure it effectively, while bringing schools into a position where they can improve, is difficult to say at this stage. Perhaps the consultation that is under way will provide some clarity on this. I certainly hope so.

The noble Baroness, Lady Sharp, talked about a cadre of heads, which is interesting. The pressure that I just referred to on some head teachers and indeed on

classroom teachers, because of the amount of bureaucracy that they are obliged to deal with these days, is not necessarily something that will encourage people either to go into teaching or to stay there for too long. That is something that we have to look at. Of course it comes back to resources, but it is also an issue that we have to address in terms of the overall performance of the school.

In response to the Minister, I have to start off with two apologies. The first is that if indeed he did write to all Peers on 21 October with the consultation document, I apologise; for some reason it did not reach me. I would not have made that comment if it had. The second is that last Monday I was in transit from Scotland and could not come to the meeting with the regional schools commissioners. I would have liked to have been there because I would have liked to have had a much greater understanding of just what it is that they do, so perhaps we can look at that at some time in the future.

**Lord Nash:** I would be delighted to write to the noble Lord.

**Lord Watson of Invergowrie:** I thank the Minister for that. I referred earlier to the fact that he talked about the need for certainty and transparency, which is why he is minded to reject these amendments. At a stage like this, when we are dealing with a dearth of teachers coming into the profession or indeed staying in it, there has to be some feeling that teachers themselves are valued more than they appear to be at the moment. This kind of legislation, in which, as I said at Second Reading, there is no mention of teachers, is not designed to show that they are valued in that way. That is unfortunate.

The Minister talked about the Constitution Committee and his reply to its suggestion that the term coasting was vaguely defined. Will the Minister furnish the Committee with his response to the Constitution Committee? That would be very valuable when it comes to increasing our understanding of how he sees the comments of that important committee.

The main issue here is that schools that for whatever reason are not doing as well as they might should improve. I cannot imagine that anyone does not want to see that happen. I certainly want to see it happen, but it is a question of how we do it. I am a firm believer in carrying people with you, which is why I am opposed to the nature of this and other aspects of the Bill where the Government are determined to have their way without consultation or taking people with them. Saying, "We know best—this is what must happen", is not a means by which you improve anything. You have to win people to your arguments and make them part of the solution. These particular aspects of the Bill are not designed to do that. We will be looking at other aspects of the Bill later today and indeed on Tuesday, which I look forward to. I beg leave to withdraw the amendment.

*Amendment 1 withdrawn.*

*Amendment 2 not moved.*

*Amendment 3*

*Moved by Lord Hunt of Kings Heath*

3: Clause 1, page 1, line 15, leave out “may” and insert “must”

**Lord Hunt of Kings Heath (Lab):** My Lords, I have grouped Amendment 3 with Amendment 8, both of which concern parliamentary scrutiny in relation to the regulations concerning definition of schools to be dealt with under the coasting provisions. We have had a very interesting first debate, and the Minister has been helpful in clarifying that the coasting provisions apply to selective grammar schools and high-performing comprehensive schools. That is welcome. It is also welcome that he has clarified, as I understand it, that RSCs, albeit using the funding agreements, will take the same approach to academies as they will to maintained schools.

My noble friend Lord Knight has now had to depart, but he raised a very interesting point, which relates to parliamentary scrutiny. We are all agreed about the need to tackle coasting schools—there is no doubt whatever about that. However, part of the resistance there has been to it has been due to a feeling that the Government are partly motivated by trying to create academies by the back door. My noble friend Lord Knight put the point to the Minister that, if in the end the Government want all schools to be academies, which it seems that they do, why on earth do they not say that they are going to do that and then deal with the democratic deficit that undoubtedly exists within academies?

I was involved in the thinking behind the establishment of the NHS foundation trusts, and you could argue, very loosely, that they were a parallel movement. However, with the foundation trusts we were absolutely determined to strengthen local accountability by setting up a governance structure that involved patients and members of the public in appointing the boards of directors. In some of the debates we are having around academies, the department is missing a very big trick; my noble friend will come back to this when later in the Bill we come to the issue of parental involvement in decisions about whether a school is an academy or not. That is why parliamentary scrutiny here is so important.

The Minister will have seen the report of the Delegated Powers Committee on the provisions in the Bill. Obviously, Governments normally respond by agreeing to the recommendations made, and it would be interesting to hear from the noble Lord what the Government’s response is. Essentially, the committee thinks that there should have been a definition of “coasting” in the Bill. It says in the report that it thinks it is too “wide and open-ended” and that the delegation is,

“inappropriate given the fundamental importance of the ... operation of the new section, and the significant powers which become exercisable in relation to a school once it becomes eligible for intervention”.

The committee obviously received evidence from the Minister’s department, but it says that it finds,

“unconvincing the Department’s explanation for putting the definition of ‘coasting’ in regulations ... based on the practical difficulties associated with setting out in primary legislation the data sets and measures required to assess whether a school is a coasting school”.

The committee goes on to say that the explanation given by his department,

“fails to distinguish between two entirely different matters: the criteria and other factors which should apply in determining whether or not a school is a coasting school, and the detailed measures and data which are to be used to decide whether or not those criteria or other factors are met”.

In other words, it argues that the latter quite rightly could be put into regulations, but the former could be in the Bill. What is the Government’s intention in relation to that?

3.45 pm

The second point is whether these regulations should be affirmative or negative. Having heard the debate, I am absolutely clear that they should be affirmative. Taking the comments made by noble Lords, there will have to be a great deal of discussion around the Government’s final determination on the regulations. From time to time, the Government will want to change them, which is absolutely right, but they should come to the attention of Parliament and we should be clear that there will be debates in both Houses. The Delegated Powers Committee has made clear that it thinks it should be by affirmative resolution. My advice to the Minister is to accept it because he would lose a vote in the Chamber. It is very rare for a Government not to accept the recommendations of the DPC. These regulations are so important, and I hope that he might even accept the proposals today. I beg to move.

**Lord Addington:** My Lords, I support the noble Lord, Lord Hunt, primarily because, having looked at the end of my Amendment 5 and the end of Amendment 8, we have the same last 13 words. Basically, there is not much between us on this. A lot of the debate has been on the fact that we just do not quite know what we are getting into. If this is going to change and the Secretary of State or a Minister is going to change their mind, we have to know, or we are not doing our jobs. We are utterly irrelevant if we do not insist on knowing. I hope that the Minister will be able to accept this amendment, or something like it, in the course of the day. There is no reason not to do it. There is a great deal of confusion, which I know he is doing his best to sort out; there is also disagreement. There should be a way in which we can input into this system as it changes and develops because, undoubtedly, it will as it goes on.

To echo others—indeed, they echoed what I said at Second Reading about not going to an all-academy status or something like it—we will always have discussions about this while we have this death of a thousand cuts or piecemeal change, call it what you like. We have got to know what we are dealing with. These amendments would be one way to make sure that we do.

**Lord Nash:** My Lords, I shall speak to Amendments 3 and 8 tabled by the noble Lords, Lord Watson and Lord Hunt, and the noble Baroness, Lady Massey. As I promised earlier, I will also cover the similar element of Amendment 5 relating to the coasting regulations from the noble Lord, Lord Addington, and the noble Baroness, Lady Bakewell. Amendment 3 seeks to place



[LORD NASH]  
a duty on the Secretary of State to make regulations setting out the definition of coasting. This goes beyond the current power in Clause 1, which provides that the Secretary of State may by regulations define what coasting means in relation to a school.

We have been very clear that we intend to make such regulations. In June, we provided an indicative set of regulations to Parliament for scrutiny. Last month we launched a public consultation on our overall approach to coasting and the detail of the definition set out in the draft regulations. I can reassure the House that our intention has always been that regulations will be made but I appreciate that, with this amendment being laid in this House as well as in the other place, there continues to be concern that regulations will not always be made. I have reiterated the Government's commitment to making regulations today but will also reflect before Report on whether the primary legislation should be more explicit on this point.

Amendments 5 and 8 seek to ensure that the regulations defining coasting are subject to the affirmative resolution procedure each time the regulations are changed. As I have said, we published comprehensive draft regulations in June so that Parliament could understand and scrutinise our proposed approach. From these draft regulations, the House will be aware that the proposed approach relies heavily on references to the department's performance tables which capture schools' performance data, as well as defining the specific coasting bar which applies in each year.

Results for primary and secondary schools are published at two different points each year, which might necessitate changes to the regulations as national performance standards change. The performance tables are also technical in nature and so, if minor changes are made to their layout or content, this may also necessitate minor, consequential amendments to regulations. A change as small as a revision to a column heading in the performance tables would require a change to the regulations. Similarly, if the department were to change or merely update the published guidance regarding the calculation of Progress 8, for example, the regulations would again need to be updated. Requiring the consent of both Houses each time such changes were needed would seem an excessive use of Parliament's time. We already publicly consult, however, when significant changes are made to accountability systems—for instance, as we did on the new measures coming in in 2016. I reassure noble Lords that, if major changes to the accountability system underpinning the coasting definition were proposed, such public consultation would therefore happen again.

I hope that, having seen the detailed illustrative regulations, as well as hearing my explanations today, Peers will understand why it would be very difficult to subject the regulations to the affirmative procedure each time a change is needed. I do, however, appreciate the concern of noble Lords who have tabled these amendments, as well as the concern of the Delegated Powers and Regulatory Reform Committee that due process should be followed. I will therefore reflect if there are any further reassurances that I can make on this point at Report. I hope that I have been able to

assure noble Lords that we take their concerns very seriously, and I therefore urge the noble Lord to withdraw his amendment.

**Lord Hunt of Kings Heath:** I am grateful to the Minister for that response; he said that he would consider this between Committee and Report. My reading is that if he is not in the end prepared to accept the amendment, regulations will still have to go through both Houses. The difference is that if they are negative, in the Commons, you need a large number of MPs to say that they want a debate on it; in this House, only one Member can lay down a Prayer, and then there has to be a debate. So I do not really get that argument at all; one way or another, it has to go through both Houses. The issue here is that, by being affirmative, there has to be a debate and it is flagged up, because it appears on the Order Paper.

This is important stuff, and I doubt that the department will want to change the criteria all the time, for the very reason the Minister mentioned, about giving certainty to heads, which I understand fully. It is clearly so important that the affirmative procedure should apply. The Delegated Powers Committee does not say that lightly; it only says so if it thinks it needs to be sure that it is properly debated every time. However, I am grateful to the Minister for his response, and I beg leave to withdraw the amendment.

*Amendment 3 withdrawn.*

#### *Amendment 4*

*Moved by Lord Watson of Invergowrie*

**4:** Clause 1, page 1, line 16, at end insert—

“(3) The governing body must inform the parents of registered pupils that the school has been notified that it is coasting.”

**Lord Watson of Invergowrie:** My Lords, Amendment 4 touches on an issue that I dare say will be explored in greater depth when we come to consider amendments to Clause 8. For the moment, this is an appropriate place to highlight the fact that the Bill removes parental rights in almost every clause. Schools are deeply rooted in their communities. Parents and other stakeholders need to be—and, I would argue, have a fundamental right to be—fully engaged in decisions that affect their children's education. Fast-tracking the process of academisation and removing any discussion with head teachers, teachers, support staff or parents about any of the classification as coasting or the decision to become an academy are short-sighted moves that are likely to breed mistrust and resentment. I cannot understand why the Minister thinks it appropriate to disfranchise parents in this way.

I was going to put a question directly to the Minister. I do not normally regard it appropriate to indulge in questions of a personal nature, and it is not my habit to do so, but the Minister personalised the debate on Second Reading to some extent when he referred more than once to his involvement with Pimlico School. I have no problem with that; it is perfectly legitimate in illustrating his point, so I trust that he will allow me to do the same on this occasion. My son attends a

maintained school in London. Why does the Minister think that I, as a parent, should have absolutely no right to even as much as comment, far less express an opinion, should a proposal be made to classify my son's school—I trust there is no sign of that happening—as “coasting”, or worse, to take steps to remove the school from maintained status to become an academy? I am more than willing to sit down and enable the Minister to answer that specific question as to why he feels that it is appropriate to disenfranchise me, my wife, and, indeed, millions of parents throughout the country on the rather important question of the type of school that my son should attend.

**Lord Nash:** We had some banter on the floor of the House on the question of democracy. The democracy in this is that it was clearly in our manifesto and in the Queen's Speech, when a school reaches a certain point it is not in the interests of the pupils in that school. I said in my opening remarks that we must put children first. The democracy is that we have been elected to enact this legislation—but, of course, as we have discussed, coasting will take place over a long period of time. It is not a sudden event. Schools commissioners will give coasting schools time to uncoast, if that is a word. There will be plenty of time for parents to be fully aware and informed of what is going on. I do not think that it is quite the dramatic event that it might sometimes be portrayed as.

**Lord Watson of Invergowrie:** I have to say that a number of people I have spoken to were concerned by the Minister's comment on Second Reading that,

“democracy can be suspended where it is in the interests of the children”.—[*Official Report*, 20/10/15; col. 634.]

In what other situations can it perhaps be suspended? The fact that it was a general commitment in a manifesto does not mean that parents should be disenfranchised in this way. It is indicative of a frankly rather authoritarian approach that the Government have begun to exhibit in not just this Bill but others currently going through Parliament. That is a worrying trend.

Amendments such as this should not be necessary in an education Bill in an advanced democracy, yet we find that they are. I warrant that the Minister will say again why he is unable to accept it. It is not a good enough reason to give that some people, in exercising their democratic rights, may slow down the process. We are dealing with a very important issue. Yes, of course, the education of children is important, and any day lost cannot be regained, to echo the Minister's remarks on the previous group of amendments. Yes, that is true, but at the same time wider issues have to be considered on the behalf of children themselves. They cannot speak for themselves. Parents, governors and local authorities have views that should be fully taken into account. As the Bill stands, that will not happen. I believe that the Minister's argument lacks any form of intellectual rigour because it undermines the hard-won and long-held democratic traditions of this country.

I have very real concerns about the curtailment of rights and responsibilities of governors in respect of the schools for which they have legal responsibility.

Consultation with local stakeholders before a school is classified as coasting or becomes an academy is an essential part of community engagement—a concept that I believe the Government should embrace, not repel. I beg to move.

**Baroness Sharp of Guildford:** My Lords, the amendment asks that the governing body informs the parents that the school has been notified that it is coasting. It is not asking for consultation, although, in effect, it probably presages or precedes a period when there will be consultation. That came out of our lengthy discussion on precisely what coasting means.

The Minister made it clear that there are different options when a school is told that it is under surveillance, in effect, as a possible coasting school. The regulations make it clear that there are various options at this point. One is that the school might be asked to academise, but it might also be asked to link up with a local school to get help from a successful head. The regional schools commissioner has a lot of discretion about what to do and he may send one of the platoon of head teachers on his advisory board to advise the school about what to do.

4 pm

I notice that on page 15 of the consultation document there is a box labelled “What can parents expect?”. The box is not very helpful. There is no advice about the involvement of parents in decisions about the school. Instead, the box repeats the mechanics of how a school is defined as coasting. It would be more sensible to have a proper note that tells parents what they can expect. There is a lack of consistency here. The Education Act 2005 requires parents to be given a copy of any Ofsted report following an inspection. Where there is a failing school, under Section 15(2)(b) local authorities are required to produce an action plan after,

“informing registered parents of the proposed action, ascertaining their views on the proposed action and taking account of those views”.

There is a real democratic deficit here. In their haste to create more academies—we shall come to this later in the Bill—the Government are riding roughshod over proper consultation processes. It is insensitive, to say the least, and unthinking, to say the most. Everybody knows that in good schools teachers and parents work together to reinforce the processes of learning and that children thrive in those circumstances. Where there are disadvantaged homes, it often takes a very long time to build up trust and carry parents with you. Sometimes the interests of the children and the school require a clean break and a new beginning, partly because that trust is not there, but that is by no means always the case. Where schools have many children from homes that are chaotic, difficult and so forth, it takes time to build up that trust. The problem is that if actions are taken without the parents knowing they are going to be taken and without consultation or information going to the parents, they break that trust, and if you break that trust, you go back to the beginning and have to try all over again. It is very dangerous for the Government to leave out the processes of consultation in this way.

**Baroness Howarth of Breckland:** My Lords, I take a slightly different view. I shall be brief. I am quite sure that the Government cannot intend that when this process moves forward there is no communication between the school and the other stakeholders, in particular, the parents. I say to the noble Lord, Lord Watson, that I am no education expert, but I know a great deal about children and children's advocacy. My great worry is that often we worry about the status and needs of parents over and above those of children. I come from a pretty tough working-class background, and if my school had not, if you like, overridden my parents on occasion, I would not be standing here. As we are into personal anecdotes, I am giving one.

I think that both things need to happen. There has to be quick action when a school does not meet the needs of children. You cannot spend a long time discussing matters with parents who may be comfortable about what is happening, although it will not benefit their children in the long term. However, I do not think that that prevents good communication, and I cannot believe that the noble Lord, Lord Nash, and his team intend that.

**Baroness Evans of Bowes Park (Con):** My Lords, the noble Lord was right when he noticed that I would be responding to this amendment. I shall allow him and the Minister to continue their debate next week, when no doubt we will cover these issues in more detail, and I will focus on the amendment.

Amendment 4 proposes that a governing body must inform parents that a school has been notified that it is coasting. We firmly believe that, once a school has been notified that it is coasting, we should trust the governing body to engage parents as they see fit, exactly as the noble Baroness said. That is what we would expect of a school. In practice, we envisage that where a school meets the coasting definition, the governing body will voluntarily inform parents. Issuing a communication to parents is already the normal approach taken by schools following the publication of exam results or Ofsted inspections. In fact, schools are not required to notify parents of Ofsted judgments but they do, and we would expect schools to adopt a similar approach in this situation. We would certainly expect governing bodies to be as open as possible with parents.

In the modern day and age, with social media and the availability of lots of websites, we would also—

**Lord Hunt of Kings Heath:** I note what the noble Baroness said about schools and Ofsted inspections but I have certainly come across cases where schools and governing bodies have been very reluctant to release this information because they do not like what it says. I agree with the noble Baroness about parents and children, but there ought to be a guarantee or requirement that parents will receive information, whether it relates to Ofsted or is about coasting. I am afraid the fact is that some schools do not do the right thing when they get an adverse Ofsted judgment.

**Baroness Evans of Bowes Park:** I hope that the noble Lord will be pleased to know that I was going to go on to say that, in view of the concerns that have

been expressed, we will consider how we can ensure, through the *Schools Causing Concern* guidance, that parents are sufficiently aware that their child's school has been identified as coasting. We absolutely agree that that is important. Of course parents need to know. Our feeling is that governing bodies will provide such information but, in the light of the concerns raised, we are happy to consider being a bit more explicit. I hope on that basis that the noble Lord will withdraw the amendment.

**Lord Watson of Invergowrie:** I am delighted to hear what the noble Baroness has said. She couched it in terms of "considering" but I await the schools guidance with interest. She said that governing bodies regularly notify parents of a number of issues. That is so but, as my noble friend Lord Hunt said, some do not, and our proposal would make the notification mandatory. If it is going to be mandatory in terms of guidance, why not put it in the Bill? I do not see any reason not to tie it down in that way.

There is the further question of what happens after the parents have been told. I was rather surprised by some of the remarks of the noble Baroness, Lady Howarth. I accept that the needs of children have to come first but most parents are very concerned about how their children are doing at school and they want education to be as beneficial to their children as possible. I do not see that the needs of the parents and the needs of the children necessarily diverge. If we could make the assumption that they were absolutely the same, that would be very positive. I accept that we cannot; none the less, we have to trust parents to some extent as well, and surely they have the right to make representations about something with which they are unhappy.

**Baroness Howarth of Breckland:** I absolutely agree, and I said in my speech that I expected parents to be given the information and thought that they would be. We have been assured that they will be. I simply made the point that we must always put the children's needs before other needs and that we have seen, down the generations, children who have not received the education they might have received, not only because of the system but because their parents have been comfortable where they are. I am sure they are very good parents and that they want the best for their children—most parents do. They do not necessarily know what that best is, though, and that is what I think this Bill is seeking to press forward.

**Lord Watson of Invergowrie:** I take on board that point and, yes, there will be various levels of knowledge of education, or indeed of the benefit of education. I do not doubt that. But it does not seem right that because there may be a small group of people who have an agenda whereby they want to prolong the process, or be seen to be doing so, you shut everyone else out. Using a sledgehammer to crack a nut, in my view, is not the way to move forward. As I said when speaking to the previous amendment, you need to carry people with you. I put it to the Government that this is not the way to carry people with you. However, I have noted what the Minister said. I hope that on



Report she will come back with the outcome of her considerations, and on that basis I beg leave to withdraw the amendment.

*Amendment 4 withdrawn.*

*Amendment 5 not moved.*

### Amendment 6

Moved by **Lord Watson of Invergowrie**

6: Clause 1, page 1, line 16, at end insert—

“(3) Prior to defining a school as coasting, the Secretary of State must undertake an investigation and report on the current level of teacher recruitment and retention in that particular school.”

**Lord Watson of Invergowrie:** My Lords, I move Amendment 6, in my name and that of the noble Baroness, Lady Massey of Darwen. If this amendment were to be accepted, it would make a radical change to the Bill, because it would introduce teachers. Some would regard it as odd, given the Bill’s title, that we should need to do that; but the Bill contains just a single mention of the word teacher, and even that is merely in the context of a pay and conditions warning notice.

The amendment is necessary because it highlights the fact that a number of factors need to be taken into account when pupils are not fulfilling their potential in a school—beyond, that is, a metric based on pupils’ attainment and progress for three consecutive years. That is currently the bald performance data on which the Government propose to designate a school as coasting. I have read about the interim measures and I take that on board, but none the less, there is good reason to have broader consideration.

Even allowing for a more flexible definition of coasting schools than just Ofsted grades or exam results, there will always be a spread of schools performing at different levels. Not every child can get A\*s and inevitably some will be comparatively coasting, compared to others. With effective quotas on grades, to stop grade inflation, gains by one school will inevitably mean that others will do comparatively worse. Thus, as more schools become academies there is more chance that they will end up as coasting schools.

Furthermore, as both Education Datalab and Henry Stewart of Local Schools Network have shown, the measures chosen will disproportionately impact upon schools with disadvantaged pupils, not those in affluent areas. Dr Rebecca Allen, of Datalab, in evidence to the Bill Committee in another place, said,

“if a school serves an affluent community then it will not be judged to be coasting using these metrics”.—[*Official Report*, Commons, Education and Adoption Bill Committee, 30/6/15; col. 7.]

Laura McInerney of *Schools Week* has pointed out that:

“Wealthy kids don’t just achieve more than poorer kids, they also progress quicker”.

The factor that most affects a school’s performance is of course its teaching staff. All high-performing schools have inspirational, driven head teachers who

are able to translate their ethos throughout the school. But without a stable teaching staff, with all subjects capable of being delivered in a sustainable way, the head teacher alone cannot bridge the gap between performing and underperforming. That is the reason that the question of teacher supply is the most urgent one facing education in England today.

Perhaps not unnaturally, the Government are attempting to put a positive gloss on teacher supply, often by cherry-picking particular bits of information or research. But the essential facts are these. The number of entrants into teacher training has fallen steadily, from 39,000 in 2009-10 to 32,000 in 2014-15. In that year, only 93% of the target for recruitment into teacher training was achieved, compared to 108,000 in 2009-10. I am not making political points here; I am not going to highlight the fact that we have a different Government. It is too important for that, but the figures are there. We are where we are and we should be concerned about it. The Government’s favoured School Direct route is much less successful in recruiting than universities. We find ourselves in a period of rapidly growing pupil numbers because of the rising birth rate.

4.15 pm

Universities have long played a significant role in the delivery of teacher education, offering undergraduate and postgraduate courses and awarding both academic and professional qualifications. These courses were, and continue to be, run in liaison with schools, with which universities have close working relationships. However, since 2011, the DfE has introduced a number of major reforms which directly affect the recruitment and training of teachers by universities. Of these, the introduction and rapid expansion of School Direct has been the most significant in scale and scope, with a consequential impact on universities engaged in teacher education, as well as the creation of risks to future teacher supply. Labour is not opposed to School Direct. I have, personally, always been in favour of on-the-job training and there is evidence that School Direct has introduced many teachers who would not otherwise have been attracted to the profession. School Direct routes require university partnerships, but universities have not been allocated a consistent core of initial teacher training numbers and School Direct partnerships may not recruit to target. High degrees of unpredictability are systemic in the new model and this, in turn, impacts on the viability of courses. As a result, university education departments have made specialist staff redundant and three universities have now withdrawn completely from teacher education.

Despite School Direct clearly being the Government’s preferred route for teacher education, last month the National College for Teaching and Leadership announced a reduction in financial support for salary and training costs for non-STEM salaried School Direct trainees for the 2016-17 year. This announcement was made after schools had bid for School Direct numbers and universities had agreed to support partnerships with these schools. It was just before the opening of the UCAS 2016-17 admissions year and there was no consultation—a recurring theme—with schools or universities prior to this announcement. As an example

[LORD WATSON OF INVERGOWRIE]

of what this will mean; in inner London, funding is £17,600 per School Direct salaried trainee in 2015-16 but this will be reduced considerably to £11,200 in 2016-17. How does the Minister believe this decision will assist in encouraging more people to become involved with School Direct? Since its introduction in 2011, School Direct routes have consistently underrecruited. In spite of heavy promotion by the NCTL, schools' interest in SD has varied in different parts of the country, and yet regional factors are disregarded in the teacher supply model estimates. It would be helpful if the Minister would explain that.

Overall, there are wider questions about the new system's capacity to plan and deliver teacher supply on a national and regional basis. The Department for Education cannot guarantee that any school will continue to engage in School Direct on an annual basis if its circumstances or leadership change. Even if schools are engaged in School Direct, their teacher education requirements are likely to change from year to year. Academy chains focus on their needs but are obviously not concerned about issues of national or regional supply. There is an urgent need for a change to the current direction of travel on teacher education and for the role of universities to be recognised. I suggest that they should be reinstated to their previous position.

It is self-evident that teachers are fundamental to the education system, but there are other issues that have to be taken into account when the definition of coasting is applied to a school. I hope that this, allied to the comments made in the first group of amendments, will convince the Minister. We have submitted this amendment to draw attention to an issue that neither Minister seems to want to highlight. I may be paraphrasing, but I think the Minister said that Labour likes to highlight the fact that there are problems with teachers. That is only from the point of view that I want more teachers coming into the profession, particularly in the shortage subjects, and staying in it. There are difficulties with that. Some of the School Direct traineeships have not proved sustainable, but the role played by the universities has been invaluable. I would like to have this recognised. I talked about on-the-job training. School Direct does that in one school; universities will often offer training in a number of schools. Whether or not the Minister is willing to recognise it, current levels of teacher recruitment and retention are in need of his attention and it is certainly an issue that the Secretary of State should be obliged to consider in respect of any school being defined as coasting. I beg to move.

**Baroness Sharp of Guildford:** My Lords, I have some sympathy with what the noble Lord, Lord Watson, said about teacher recruitment. A potential crisis is arising. I know that the Minister does not agree with that—we had a Question in the House the other day about precisely this issue.

I want to take the amendment at face value rather than preach about what is likely to happen with teacher recruitment. The amendment states:

“Prior to defining a school as coasting, the Secretary of State must undertake an investigation and report on the current level of teacher recruitment and retention in that particular school”.

That brings me back to the previous amendment, where I talked about how important it was that schools should build trust with parents and work in cohesion with them. I say again that a happy school is one where there is a stable staffing situation, without children being subjected to constant changes of teacher, sometimes halfway through a term, with supply staff brought in who have no knowledge of the young people whom they are teaching. Such teachers are often ineffective because they are coming in halfway through term and trying to pick up where other teachers have left off.

As I said earlier in relation to the first group of amendments, many underperforming schools are those which have suffered from a long interregnum in recruiting new head teachers. A new head who is finding their feet in a new school may be doing good things, but it takes time nevertheless to turn a school round. It requires at least a year, if not longer.

My reading of the regulations is that the regional schools commissioner must have discretion to look at the situation in which a school finds itself. It is not in a school's interest, particularly where a new head is bedding down, to throw the whole thing into turmoil again by enforcing academisation, with a new senior management team, a new board of governors and so forth.

It seems useful in these circumstances to make it clear, perhaps in regulations rather than in the Bill, that the regional schools commissioner has discretion to look at teacher recruitment and retention. Teacher shortages still vary enormously from region to region and within regions. It is silly to require a new senior leadership team in a school which is coasting, as distinct from having positively failed, if it is going to be almost impossible to recruit a new senior leadership team. That is certainly true of parts of the south-east, where it is extremely difficult to get head teachers—I was talking about that earlier.

It would be very useful if we could have this spelled out in regulations. It need not necessarily be in the Bill, but there seems to be a lot of sense in it. In that sense, I support the amendment.

**Baroness Evans of Bowes Park:** My Lords, the noble Lord, Lord Watson, is right that the recruitment and retention of high-quality teachers is crucial to achieving our goal of educational excellence everywhere. As I explained at Questions yesterday—the noble Lord may dispute the figures—the number of teachers in post is at an all-time high and the number of teachers leaving the profession remains low, with around three-quarters still in the profession after five years' service.

As the noble Baroness, Lady Sharp, rightly said, there is an overall challenge, but in some areas of the country there is a struggle to attract, recruit and retain high-quality teachers. That is why we are actively supporting schools to take a leading role in the training of new teachers and have given schools greater flexibility to attract and retain good teachers through the pay system. It is also why the Secretary of State on Tuesday announced the creation of the National Teaching Service with the aim that by 2020 it will deploy 1,500 high-performing teachers and middle leaders into underperforming schools in areas that struggle to recruit. There are already many outstanding teachers

and leaders working in challenging areas, but we know that more needs to be done to help them and we are committed to giving them support.

My noble friend was clear that when we are discussing coasting schools, regional schools commissioners will consider whether the school has the capacity to secure sufficient improvement without formal intervention. In some cases, a school which falls within the coasting definition may have a new head teacher, governor or leadership team who can demonstrate that they have an effective plan to raise standards sufficiently. In these cases, the school will be left to improve.

This amendment suggests that where a school fails to ensure that pupils reach their potential because there are retention and recruitment issues at the school it should not become eligible for intervention. We feel this is counterintuitive. These are the very schools that require additional support to address those problems in order to improve outcomes for their pupils. This Bill will provide that support. We have made clear in the *Schools Causing Concern* guidance, on which we are currently consulting, that RSCs will take a range of contextual factors into account when looking at coasting schools. They could include looking at teacher recruitment and retention. Where this is identified as an issue, the RSC will be able to work with the new National Teaching Service to bring teachers into the school to work alongside the existing teachers to make the improvements needed. Other measures, such as encouraging schools to participate in School Direct partnerships, which allow them to train and employ high-quality new teachers, might also be appropriate.

The noble Lord, Lord Watson, raised several issues around School Direct, so I will cover some of them briefly. Completion and employment rates from teacher-led teacher training are higher than from university-led provision, but we agree that universities remain an important part. In fact, the move to school-led teacher training is helping to encourage collaboration because 70% of School Direct places are delivered by universities. As I said yesterday, a school-led system is not a university-excluded system. We want to see collaboration.

**Lord Watson of Invergowrie:** I welcome what the Minister has said. I am not suggesting that the two are mutually exclusive, but figures show that universities are now less certain about the number of students they will get. They are also less certain of the relationships they will have with schools. School Direct seems to be the preferred choice of the DfE. That may or may not be the right way to go, but universities need some reassurance. Why are university departments closing? Why are education student numbers at universities falling if there is not a problem as I outlined? It is not a question of either/or. Surely the two should be working together.

**Baroness Evans of Bowes Park:** Absolutely. We are seeing growing collaboration. The noble Lord is right that we are looking at teacher training on a year-by-year basis because we believe that schools should be at the heart of thinking about where they want to get their best training. The best universities will be extremely attractive. They are still the only organisations that

can award PGCEs, which remain extremely popular. While we think that the school-led system is the way we want to go, we see that the collaboration is working within the system.

This year we hit our primary recruitment targets. We made good progress on secondary and are ahead of last year in some key subjects, such as English, maths and physics. The noble Lord also mentioned STEM subjects. Again, we want to attract the best graduates into teacher training, which is why we are looking at generous bursaries from next year, up to £30,000. We are also looking at some of the issues that teachers tell us worry them most once they are in a job, such as unnecessary work-flow and poor pupil performance, so that we can help to ensure that when teachers are in the profession, they stay in it. Again, teacher retention remains good and has remained pretty stable for the past two decades.

I hope that the House realises that we take the issue of recruitment and retention very seriously. As the Minister has already said, high-quality teachers are absolutely crucial, and the impact that they can make on young people is huge—so we take this seriously, and we believe that we are already taking steps to support schools when this impacts on the progress that pupils make. I therefore ask the noble Lord to withdraw his amendment.

4.30 pm

**Lord Watson of Invergowrie:** I thank the Minister for her remarks. I certainly welcome the fact that she has acknowledged the importance of teachers and underlined that they are key to future development of education and to raising standards. There is no point in bandying figures back and forth, because I suppose that she will cherry pick figures that suit her. I hope that I am not doing the same, but it has been quite widely reported that 50,000 teachers left the profession in the last year, which is the highest ever level. She said that the figures were down, so there is something not right there. To me, that is the most worrying statistic, because it means not that all teachers are reaching 60, or whatever age at which they choose to retire, but that they are leaving the profession because, for some reason or other, it is not giving them what they want, or they feel that they cannot put in what they want to improve children's education. That is a very worrying statistic. The Minister said that primary recruitment targets have been met this year. That is obviously to be welcomed but there are, understandably, greater challenges in secondary schools, which must be pursued.

If I caught the Minister's remarks correctly, she said that the amendment suggested that schools should not be eligible for coasting until teacher recruitment and retention was a problem. That is not what I said and it is not what the amendment said, and I certainly did not mean to say it, if I did. Attention should be given to the whole teacher recruitment question, and that was the whole point of the amendment. She will understand that, as with most amendments in Grand Committee, it is a probing amendment, and I wanted to get these issues discussed and on the record. I am pleased that we have been able to do that.



[LORD WATSON OF INVERGOWRIE]

The Minister said that the regional schools commissioner would take into account contextual factors when considering whether schools should be designated as coasting. She said that that could include teacher recruitment and retention—but why would that not automatically include those things?

**Baroness Evans of Bowes Park:** Through the metric that we have discussed, when a school would be considered to be coasting, teacher recruitment and retention would be taken into account—it is about what intervention may be needed in terms of what support the schools may need when they have been identified as coasting through the measures that we have discussed. It may well mean additional support—and we have talked about the National Teaching Service coming in and helping with high-quality teachers. So it is about bringing that to bear, as to how best to help the school improve.

**Lord Watson of Invergowrie:** I think that we have covered the issues that I hoped we would cover. With that in mind, I beg leave to withdraw the amendment.

*Amendment 6 withdrawn.*

*Amendments 7 to 9 not moved.*

*Clause 1 agreed.*

## **Clause 2: Performance standards and safety warning notices**

### *Amendment 10*

*Moved by Lord Watson of Invergowrie*

**10:** Clause 2, page 3, line 10, at end insert—

“( ) After section 60 (performance standards and safety warning notice) insert—

“60ZA Performance standards and safety warning notices: Academy schools

(1) A local authority may, pursuant to its duty under section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential), give a performance standards and safety warning notice to the proprietor of an Academy school situated in the area of the local authority.

(2) Before giving a warning notice, the authority must be satisfied that—

- (a) the standards of performance of pupils at the school are unacceptably low, and are likely to remain so unless the proprietor requires an improvement in standards,
- (b) there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards or performance, or
- (c) the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise).

(3) For the purposes of subsection (2)(a), the standards of performance of pupils at a school are low if they are low by reference to any one or more of the following—

- (a) the standards that the pupils might in all the circumstances reasonably be expected to attain;
- (b) where relevant, the standards previously attained by them;
- (c) the standards attained by pupils at comparable schools.

(4) For the purposes of this section, a “warning notice” is a notice in writing by the local authority setting out—

- (a) the matters on which the decision to give a warning notice under subsection (2) is based,
- (b) the action which the proprietor is required to take in order to remedy those matters,
- (c) the period within which the actions must be taken by the proprietor, and
- (d) the action which the local authority are minded to ask the Secretary of State to take if the proprietor fails to take the required action.

(5) Academy arrangements in relation to an Academy school must include provision imposing obligations on the proprietor to comply with actions set out in a warning notice issued under this section.

(6) Academy arrangements in relation to an Academy (other than a 16 to 19 Academy or an Alternative Provision Academy) that are entered into before the date on which this section comes into force are to be treated as if they included the provision required by subsection (5), to the extent that they do not otherwise include such provision.””

**Lord Watson of Invergowrie:** My Lords, we now move on to the question of performance standards and safety warning notices—in this case, specifically with reference to academy schools. The amendment would extend the power of local authorities to allow them the right—albeit one challenged under the clause—to issue performance standards and safety warning notices to an academy that they consider is underperforming.

The wording is drawn from existing provisions for giving warning notices to maintained schools. The only difference is that the local authority would need to ask the Secretary of State to intervene if the warning notice did not have the desired effect of bringing about improvement, but the academy would be required to comply and the power would apply to both existing and new academies.

The argument in the amendment turns on local versus national—or local versus regional, in the case of the regional schools commissioner, although she or he acts on behalf of the Secretary of State, of course. A local authority is much better placed to identify problems than a distant Minister or even a regional commissioner. Not only can it scrutinise data but it gets all the soft intelligence that comes through the local community, in whatever form that may take. Specifically, I would imagine that it would be from other schools, issues raised in MPs’ or councillors’ surgeries, the local media, information from social services, and health services, as well as issues with admissions or exclusions.

It is apparent that the Department for Education has huge difficulty in keeping tabs on the growing number of academies. The Public Accounts Committee laid that out very clearly in the previous Parliament, and I suggest that eight regional schools commissioners cannot properly scrutinise several hundred academies each as well as getting involved with maintained schools and promoting new conversions. It is reasonable to assume that any regional schools commissioner worth her or his salt will seek informally to source local intelligence, but that will be limited, and the amendment would allow such activity to be formalised. The key to the benefit of handing this task to local authorities lies

simply in the first word of their title, because local knowledge is essential to enable intervention when necessary.

In addition, it would restore proper accountability to local communities. It would mean that the concerns of parents and residents could be taken up locally by a local authority that has the right to take the action necessary. It should be noted that this would not reduce the autonomy of academies. All the freedoms they currently have would continue to be in place, but this would provide a much more robust accountability system. Centralising accountability in the hands of the Secretary of State and her appointees is both undemocratic and ineffective, and the poor outcomes from many academies that have already been referred to demonstrate that.

At Second Reading, I invited the Minister to comment on the Ofsted inspection results up to June 2015. They demonstrated that of all schools inspected, the percentage of academies classified as inadequate was 3.4%, with the percentage of maintained schools classified as inadequate less than half that figure at 1.6%. I do not welcome any school, whether maintained school or academy, being classified as inadequate, but those are the figures produced by Ofsted. The evidence is clear: despite the fact that there are more pupils in the maintained sector, there are now more pupils in inadequate academies than there are in inadequate maintained schools. That surely should give the Minister pause for thought. I understand why the Minister would not like to deal with those facts, but having declined the opportunity to tell me and other noble Lords what that says about the panacea that academies are supposed to be, will he use his closing speech today to do so? Clearly, something is not working.

In the same way that we have argued for maintained schools and academies to be treated equally when it comes to coasting—or, indeed, outright failure—we believe that parity in respect of performance standards and warning notices is entirely appropriate. I beg to move.

**Baroness Sharp of Guildford:** My Lords, this amendment picks up an issue which we Liberal Democrats have been worried about for some time: accountability for academy trusts and academy chains, and what happens when an academy is put into special measures or, as in this case, fails to make the progress that one would expect over the three-year period.

I know that the Minister will reel off statistics and examples of how good academies are and how much they achieve, but he must admit that, looking at the picture overall, now that we have academies of 10 years' standing and many of four to five years' standing, the record is that the probability of an academy not performing as well as we might expect is just as high as for local authority schools, and that the record of local authority intervention in turning around failing schools is just as good as academisation. In its statistics report, his own department shows the same range of performance across academy chains as with local authorities.

I know that the Minister will protest that local authorities do not intervene when they should and that this legislation is a necessary wake-up call to

them. But if he is maintaining, as he does, that no child should have to put up with less than a good education for a year or so, it is only right that the principle should apply to academies as much as to local authority schools.

This clause is the mirror image of the one applying to maintained schools at the beginning of this Bill, explaining how the local authority, now the Secretary of State, can give a warning notice to an academy and requires, under new subsection (4B), those in charge of academies to take remedial action, and the local authority or the Secretary of State to do so if the academy fails to take that action. It also requires that the funding agreement should be amended appropriately.

I find myself very much in agreement with the noble Lord, Lord Knight, on this issue. Now that we have got such a large number of academies, it seems extraordinary that we have to negotiate separate funding agreements with every single one. One of the reasons why we have education Bills and Acts is in order that all schools should obey the same set of regulations. It seems extraordinary that when you have thousands of schools having to obey the same set of regulations, you have to negotiate separate funding agreements. It is about time that the Government made up their mind on what they want to do. We have quite a lot of sympathy with the general principle of this amendment, which is that academies should be treated on a par with maintained schools.

**Lord Nash:** My Lords, I speak to Amendment 10 regarding the extension of local authority warning notices to academies. The amendment proposes that academies as well as maintained schools should be subject to performance standards and safety warning notices given by a local authority. They would be able to be given on the same grounds as they can already be given to maintained schools; that is, where pupil standards are unacceptably low and likely to remain so, where there has been a serious breakdown in management or governance that is prejudicing or likely to prejudice standards or performance, or where the safety of staff or pupils is threatened. The amendment provides for academy arrangements to include a duty on academy sponsors to comply with such a warning notice given by the local authority. This would apply retrospectively to academies that are already open.

While I completely understand the noble Lord's intention to ensure that academies and maintained schools are all subject to a rigorous accountability framework, I can reassure the House that academy trusts are already answerable to regional schools commissioners via a different system based on funding agreements with the Secretary of State which apply the same grounds for action as are set out in this amendment; namely, underperformance, concerns about management or governance, or threats to safety. Academies are run by charitable companies, known as academy trusts, which enter into a contractual relationship with the Secretary of State through the signing of a funding agreement. It is this agreement that governs how an academy will operate and how the Secretary of State will hold it to account for its performance.

[LORD NASH]

I assure the Committee that regional schools commissioners do hold academies to account against the grounds set out in their funding agreements. We have the power, via these funding agreements, to issue formal notices and can and do ultimately terminate funding agreements or bring about a change in sponsorship where the notices are not complied with, as we have done in 100 cases. The vast majority of the over 5,300 open academies and free schools perform well. In the small number where we have concerns, RSCs have already shown they can act quickly to bring about improvements.

Since September 2014 when RSCs first took up post they have issued 58 formal notices to academy and free school trusts, many of which will be based on exactly the same grounds that the noble Lords are proposing additionally to impose via this amendment; that is, 58 formal notices in just over a year, which can be contrasted with 51 local authorities, one-third of all local authorities, which since 2010 have not issued a single warning notice. I am afraid that I do not share the confidence of the noble Lord, Lord Watson, or the noble Baroness, Lady Sharp, in local authorities in general, although I accept that there are many excellent ones out there.

Our experience of issuing warning notices to academies is that they are highly effective in driving up standards. One good example is Benjamin Adlard Primary School.

**Baroness Sharp of Guildford:** If they are going to apply the same standards to academies, why is that not in the Bill?

**Lord Nash:** As I have said, academies are judged by a contract called a funding agreement, which sets out what the standards are.

4.45 pm

**Lord Hunt of Kings Heath:** My Lords, I do not understand why the Government do not want to deal with the issue of maintained schools feeling that there is not a level playing field in the approach that the Government take to academies and take to them. The Minister is always quoting achievements in academies, but very rarely says anything about maintained schools. He knows there is a huge variation in the performances of both academies and maintained schools. I do not understand why the Bill has not been used to issue a proclamation, in a sense, that academies will be covered in the same way. He has clearly said, twice now, that there is a level playing field and that he expects the RSCs to intervene in coasting academies—at least I think he is saying there should be no difference. Why then are the Government so frightened to put that in the Bill? They could find a way to do it by relating the principle to the funding agreement. That would be very easy to draft—parliamentary counsel could do it in five minutes—and I do not understand why the Government do not want to do it. It would reassure the whole education system that there is a level playing field. At the moment, it does not think there is.

**Lord Addington:** My Lords, my Amendment 16 addresses this later on. We might even be able to kill two birds with one stone.

**Lord Nash:** We may bring this up again in Amendment 16, but I cannot really say more than I have already. I was about to give an example of a very successful academy. I shall move on but will address the point made by the noble Lord, Lord Watson, about Ofsted results for academies and local authority maintained schools. As I tried to explain at Second Reading in relation to Ofsted ratings, over the last five years—or less than that—we have taken more than 1,300 failing schools off local authorities and turned them into academies. That is clearly why there are many more schools rated as failing among the more limited number of academies than there are among local authority schools, because we have dealt with the matter in that way. I am sure we will return to this, but I reiterate our belief that regional schools commissioners are driving up standards and issuing warning notices much more stringently than many local authorities. Following this discussion, I hope that the noble Lord will feel able to withdraw his amendment.

**Lord Watson of Invergowrie:** The first thing that I have to say to the Minister is that I am amazed at his comment about the Ofsted figures. He says they have turned 1,300 schools that were deemed to be failing in the maintained sector into academies and a large number of them are still failing. That seems to be what he is saying, and, in a sense, that was my point. I do not take any pleasure in saying that, but the figures do not lie.

**Lord Nash:** They are failing because we took them over only very recently. As we have already discussed, you do not turn around a school that has been languishing in failure for years overnight.

**Lord Watson of Invergowrie:** I cannot imagine that they would be inspected that soon. If they have been moved into, effectively, special measures—special measures in this case meaning becoming an academy—of course it is going to take time. However, if that is included in the Ofsted figures—I would like to see the figures in more detail—that gives a distorted picture. The idea is that schools improve with academy status, but that is not the pattern to anything like the extent that the Government like to suggest.

In response to the Minister's comments, I note what he says about 58 formal notices being issued to academies in the past year since the regional schools commissioners took up their posts. My question on how those decisions are arrived at returns to the point I made in introducing this amendment. Where does the local intel come from that informs those kinds of decisions? A lot of local issues are going on that are defined as regional, but regional schools commissioners cannot have their ear close to the ground in the way that a local authority would have.

**Lord Nash:** If the noble Lord had come on Monday and met the regional schools commissioners, he might have been better informed about how they will gather their soft intelligence. I suggest that I set up a meeting



with some regional schools commissioners and they can tell him for themselves. Having sat on every single head teacher board while they have deliberated over the last year and heard the level of soft local intelligence that they are receiving, it is absolutely clear that they have their ears extremely close to the ground.

**Lord Watson of Invergowrie:** I look forward to getting that briefing when I am able to attend. That would be helpful. But that sort of impression—that the local information required in situations like this is being made available—is not out and about at the moment. Perhaps that will change when we meet the regional schools commissioners.

**Baroness Sharp of Guildford:** I have the Ofsted figures here, which show that for all the maintained mainstream schools the percentage that was judged inadequate by Ofsted was 1.8%. Of the academy schools—the converters—which are on the whole the outstanding schools, the figure is 1.9%. For the sponsor-led academies, it is 12.1% and for free schools it is 5.8%. As I think I said in my Second Reading speech, that indicates that it was quite a high figure for the converter academy schools but, of course, they were being converted from being inadequate. That again holds up my argument that it takes time for any school to be turned around.

**Lord Watson of Invergowrie:** I thank the noble Baroness for those remarks. The Minister referred to the contractual relationship. This comes up continually and is a reason for the lack of transparency in academy trusts. Part of this is that if you try to look at the minutes of academy trust boards, often they do no more than list the decisions that were reached. There is no detail given to that or background information or dissent, if, indeed, there was any—simply the decisions that were reached. They are not particularly illuminating. I think the whole question of the contractual relationship between academy trusts and the department gives a sense that there is something to hide. I do not believe there should be anything to hide and there may not be but we do not know that because there is a lack of transparency. Part of the purpose of this amendment is to open up the way in which academies operate, particularly with regard to local issues and links with local authorities, which I think would be mutually beneficial. I hear what the Minister says. I am disappointed that we have not made some progress on this. But having had the issues aired, I beg leave to withdraw the amendment.

*Amendment 10 withdrawn.*

*Clause 2 agreed.*

*Clause 3 agreed.*

#### *Amendment 11*

*Moved by Lord Addington*

**11:** After Clause 3, insert the following new Clause—  
“Regional Schools Commissioners

All Regional Schools Commissioners must apply uniform performance standards and criteria in fulfilling the duties laid upon them under sections 1 to 12 of this Act.”

**Lord Addington:** My Lords, this is an attempt to try to gain a little more clarity about the role of the regional schools commissioners. The aim of this amendment is to provide them with uniform criteria. I could expand at considerable length but this issue has been raised in the Commons Select Committee. We just want to know what criteria these individuals will follow. They undoubtedly have extreme merit and are doing a tremendously good job. I am afraid that I was not able to meet them on Monday. What criteria will they follow? Will the same standards apply across the country? It would be absurd if commissioners worked to different standards literally just across a line. So could we have some idea about what they are doing and can we hear that now? It will go into *Hansard* and we will have a little more guidance. If there is no way of applying uniform criteria, we have a real problem. I am assuming that the Government know how this is to be achieved—because, if not, there will be a big hole. I hope that there is no big hole. I beg to move.

**Lord Hunt of Kings Heath:** My Lords, my Amendment 12 is in this group. The point the noble Lord has raised is highly appropriate. We want assurances about a consistency of approach throughout the country.

My own amendment is probing and I would like to have it confirmed that the function of the RSC can be carried out by a combined authority, as defined in Clause 8 of the Cities and Local Government Devolution Bill as it left your Lordships' House a few months ago. If my reading of the Bill is right, can the Minister say whether it is intended in any circumstances that the RSC function would indeed be given to a combined authority? If not, perhaps he could say why not.

The Minister will be aware that the Cities and Local Government Devolution Bill gives a combined authority extremely wide powers; for example, the function of the police and crime commissioner and the entire commissioning and provision of health and social care can be devolved to the combined authority. Indeed, any function of a public authority in the area of the combined authority can be devolved to the combined authority. The definition of a public authority is very wide and includes a Minister of the Crown or government department. My reading therefore is that the functions of the RSC could very easily be given to the combined authority.

I find it interesting that in Greater Manchester—which, with Cornwall, is a pioneer of the combined authority concept—it has already been established in a memorandum of understanding between the Government and the combined authorities that health and social care will be devolved in their entirety to the combined authority. Obviously, I know more about health than education but there are great similarities. They are two essentially national services, locally delivered. Ministers are accountable to Parliament for their overall performance. Money is voted by Parliament for their funding.

If you look at the Explanatory Notes of the Cities and Local Government Devolution Bill as it left your Lordships' House, it is interesting that clearly the core purpose of a combined authority is to boost growth and the local economy. If health and social care are considered to be part of that, why on earth is education

[LORD HUNT OF KINGS HEATH]

not, given the Government's own concerns that young people are leaving our schools system without sufficient skills to go into employment? I cannot think of a more closely related service than education to the economic prospects of a locality. The Explanatory Notes mention skills but are silent on education. I am assuming that the Department for Education has opted out of this. I would be fascinated to know why.

I would have thought that in some circumstances the combined authority or the mayor could easily perform the role of the RSC. As we have such a democratic deficit in education now, it would be one way of taking that—and I have listened to what noble Lords have said about the quality of RSCs and the work that they do—but putting it back into some form of local accountability. In the end this accountability issue will have to be addressed. But overall, in trying to ensure consistency of approach and linking RSCs back into some kind of democratic process at local level, the noble Lord, Lord Addington, and I are at one on this.

**Lord Nash:** My Lords, the two new clauses proposed concern the role and remit of regional schools commissioners, and would be placed after Clause 3.

We introduced eight regional schools commissioners last year to take decisions and provide advice regarding academies and free schools in their regions on behalf of the Secretary of State. These regional schools commissioners will also exercise the new and strengthened powers which the Bill introduces, to intervene in failing, underperforming and coasting maintained schools.

Amendment 11 was tabled by the noble Lord, Lord Addington, and the noble Baroness, Lady Bakewell. It proposes to require regional schools commissioners to use uniform performance standards and criteria when fulfilling the duties and exercising the powers described in the Bill, thus seeking to ensure consistent decision-making across all RSCs.

5 pm

RSCs already operate according to specified uniform performance standards and criteria in their decision-making. All RSC decisions are taken in line with legislation and our published criteria, such as the criteria for sponsor approvals and for free school applications. RSCs' interventions in underperforming academies must be conducted according to the terms of each academy's funding agreement, and they identify underperformance on the basis of Ofsted judgments and school performance data. Taking their decisions in line with these set frameworks ensures that they act reasonably and it also gives consistency.

In exercising the new duties and powers introduced by the Bill, RSCs will continue to act according to performance standards and criteria. The Bill is very clear on when maintained schools become eligible for intervention by RSCs: when they are judged inadequate by Ofsted; when they have met the coasting definition; or when they have failed to comply with a warning notice. Further to what is specified in the Bill, we have published revised *Schools Causing Concern* guidance

for public consultation. This describes in greater detail how we propose that the RSCs will use the intervention powers in the Bill in practice.

RSCs will have discretion, and be able to use their judgment, in their decisions. For example, in coasting schools RSCs will have discretion to make judgments about whether and how to act, as we have discussed. In making these decisions, they will give consideration to additional information, such as school-level data and what actions the school is already taking to improve. The *Schools Causing Concern* guidance describes where RSCs have discretion and how we propose they will make their decisions in these cases, as well as the types of information they may commonly take into account.

It is essential that RSCs have this discretion and flexibility when making their decisions in order to take account of the circumstances of the schools and sponsors in question, and in response to regional priorities. This is one of the great strengths of the system. In our public consultation, we are specifically asking for views about how the *Schools Causing Concern* guidance describes how RSCs will use their discretion in tackling underperformance in maintained schools.

To go further than setting these kinds of criteria and frameworks, and instead, insisting upon uniformity in all RSC decisions, would be completely impractical and inappropriate. Not only would it require the achievement of an unworkable level of bureaucracy but it would mean that RSCs had no discretion to take account of school circumstances—many of which have concerned noble Lords today, as we have discussed in some detail—or to respond to local needs and priorities, completely tying their hands. RSCs are experienced head teachers and system leaders, and we want them to make informed decisions based on their wealth of experience, expertise and local knowledge, not on rules set by bureaucrats.

I also reassure noble Lords that RSCs do not take their decisions in isolation. They are supported and challenged in all their decision-making by their head teacher boards, made up of outstanding academy head teachers and other system leaders. Four members of each head teacher board have been elected by their peers. The RSCs and their head teacher boards review the relevant evidence, including data, Ofsted reports and intelligence from academy visits, and apply their own professional expertise to ensure that a robust decision is reached. We have already committed to publishing more detail than we have at the moment of the records of head teacher boards' minutes, and these will be available from next month.

RSCs also come together regularly to share practice and provide peer-to-peer challenge, and oversight is provided by the national schools commissioner. By being in close contact with the RSCs and challenging their methods—for instance, at the monthly RSC forum and regular challenge sessions—the schools commissioner ensures consistency in decision-making across the country and helps to share good practice. This close contact also enables him to identify cross-regional issues and encourage the relevant RSCs to work together.

RSCs and HTBs have been in place for just over a year but they are having an extremely positive impact. They are introducing new and different ways of working

that support increased collaboration, and self-regulation of the system. It is a devolved, localised system run by education professionals with access to excellent local soft intelligence. As I have said, I have spent a considerable amount of time watching head teacher boards and RSCs in action, and I have been most impressed by their level of experience, judgment and soft intelligence. The education system is very lucky to have leaders of such outstanding experience, judgment and ability who are prepared to give up their time in this way on HTBs. I think that all noble Lords who came on Monday were impressed by the quality of their answers and by the way in which they described their varied roles and answered noble Lords' questions.

RSCs are already operating highly effectively. We have already published for consultation the *Schools Causing Concern* guidance, which describes how we propose RSCs will make their decisions. Therefore, I do not consider this proposed new clause to be necessary.

Amendment 12 has been tabled by the noble Lords, Lord Watson and Lord Hunt, and the noble Baroness, Lady Massey. The noble Lords propose that the elected mayor or the combined authority of an area should be able to appoint an RSC for their area. RSCs are already embedded in their regions, based and operating within them and building close working relationships with local authorities, dioceses and other local actors. They are fully immersed in the local context, which informs everything they do. RSCs also regularly run events for schools and sponsors in their regions. They operate openly and are available to the public, and parents can and do write directly to them with local issues.

I have already referred to the head teacher board of academy head teachers that advises each RSC to ensure that local knowledge and expertise underpin their decisions. The support and challenge that RSCs get from head teachers from within their regions through their head teacher boards has been working well and adding value. Nick Capstick, CEO of the White Horse Federation and HTB member in the south-west, advising Sir David Carter, said:

“The headteacher boards hold RSCs to account. We are there to challenge and enable them to do their job. As practising headteachers we can bring a sense of normality and reality from the jobs that we carry out day in and day out. Ultimately the headteacher boards create a sense of shared ambition, endeavour and collective responsibility”.

The current regional structure for RSCs, with eight large regions, enables the spread of expertise and experience in improving schools across wider geographical areas. Aligning RSCs with the potentially much smaller areas covered by combined authorities and elected mayors would make this spread of school improvement expertise much more difficult.

RSCs already work closely with local authorities in their regions. The revised *Schools Causing Concern* guidance describes in more detail our proposals for the respective roles and responsibilities of local authorities and RSCs, and how we propose they should work together to challenge underperformance in schools. We would expect RSCs to work just as closely with combined authorities and elected mayors.

The eight regional schools commissioners are highly experienced academy head teachers and sector leaders, appointed for their extensive knowledge of the education sector. RSCs are appointed through open competition and are civil servants. They exercise the powers and duties of the Secretary of State on her behalf in their regions, meaning that the Secretary of State remains fully accountable to Parliament for decisions made by RSCs.

If combined authorities or elected mayors were able to appoint RSCs, as the amendment proposes, we would lose this robust accountability to Parliament through the Secretary of State. Having some RSCs accountable to mayors and others accountable to the Secretary of State would create a completely incoherent, mixed system.

**Lord Hunt of Kings Heath:** But, my Lords, that is exactly what is happening in health and social care. Clearly, in government as a whole, everyone is behind combined authorities. Why is the Minister's department opting out of it? If he looks at the Cities and Local Government Devolution Bill, he will see that not only is there provision for any function of a Minister of the Crown to be devolved to a combined authority but there is a particular provision, because the Lords passed an amendment, to specify that the national characteristics of health and social care should be preserved within devolved health and social care. I do not understand why the education department, of all departments, is not playing in this area when the Government are putting so many eggs into it—I am talking about the northern powerhouse, obviously, with Greater Manchester at the core of it. I do not understand why his department is not involved or interested. If you take the skills agenda, you see that the whole point of combined authorities is economic growth; it must embrace the skills agenda. The Minister and I must share the desire that our schools play their part in making sure that young people are employable. I just do not get it; I do not understand why his department is opting out.

**Lord Nash:** I am afraid that the noble Lord has lost me with a lot of political theory. I am interested in—

**Lord Hunt of Kings Heath:** My Lords—

**Lord Nash:** If I may finish, I am interested in a practical system which actually works. We believe that we have devised one which is working extremely well. As I made clear in response to the Constitution Committee, this is maximum devolution to the front line. We trust teachers and head teachers to be responsible for their own system, and that is exactly the system that we have designed.

As I said, I am interested in a system that works, rather than one in the cause of some political theory. If combined authorities or elected mayors were able to appoint RSCs, as the amendment proposes, we would lose that robust accountability to Parliament and would have a system which is, frankly, totally incoherent, mixed and unworkable. I would rather have a system that works. Even those small MATs which operate



[LORD NASH]

across the regions that this would create would be working with multiple RSCs, which would add the complication of operating under multiple accountability structures. That would be confusing and chaotic.

Having additional RSCs appointed for combined authorities, further to the existing eight RSCs, would lead to significant additional costs. Overall, such a system would be confusing to schools, inconsistent, highly expensive and be adding unnecessary bureaucracy without bringing any tangible benefit to children's education, which is what we on this side of the House are concerned with. Our current system of eight regional schools commissioners supported by a head teacher board is all about bringing decisions about schools closer to the front line. It ensures that experienced school leaders are the ones making and implementing decisions in their areas. They know what works best in their schools, how to address local needs and what the local priorities should be. This is therefore completely in keeping with the Government's devolution agenda, and I urge the noble Lord to withdraw his amendment.

**Lord Hunt of Kings Heath:** My Lords, that was a quite remarkable speech by the noble Lord. He accuses me of political theory. His department has written a speech which essentially undermines the core purpose of the Cities and Local Government Devolution Bill. I do not think his department has read the Bill. He is saying that what the Government are doing with the setting up of combined authorities will lead to a completely incoherent approach. His answer is complete nonsense.

Clearly, I am not going to get an answer on this. I still do not understand why, when this will have massive implications for the devolution of central government powers, the education department seems to have completely opted out. I am absolutely speechless.

**Lord Nash:** As I said, we believe that this is not just devolution but devo max, if you like, to the front line.

**Lord Addington:** My Lords, enjoyable as that little bit of hack and thrust was, to go back to my amendment, it was basically tabled to seek information and clarification. There is a framework and I wanted to look at it.

I was interested to hear that there is a degree of judgment to be used. I was wondering whether we could work into that judgment whether a school has a decent sports policy, arts policy or something like that. It might be an interesting place to include whether the Government's sports policy is being implemented properly. I am sure that we will discuss the arts later. Once again, one is trying to get all bits of government singing at least the same tune, if not the same words; that would be a step forward. However, I think I have enough information to be going on with and I beg leave to withdraw the amendment.

*Amendment 11 withdrawn.*

*Amendment 12 not moved.*

### *Amendment 13*

*Moved by Lord Watson of Invergowrie*

**13:** After Clause 3, insert the following new Clause—

“Governing body appeal against warning notice

(1) The Education and Inspections Act 2006 is amended as follows.

(2) After section 60A insert—

“60AA Governing body appeal against warning notice

(1) The Secretary of State must by regulations make provision for reviews of, or appeals to the First-tier Tribunal about, decisions relating to warning notices by the relevant authority under section 60 or the local authority under section 60A.

(2) Regulations under subsection (1) must enable the First-tier Tribunal to revoke a warning notice.

(3) The revocation of a warning notice under subsection (2) does not prevent the relevant authority or local authority giving a revised warning notice.”

**Lord Watson of Invergowrie:** My Lords, the Bill removes the right of the school to make any representations against the issuing of a warning notice. The consequences of a warning notice are now much more significant than they have been, because they open the door to possible—perhaps that should be likely—academisation.

To deny school governors the right to make any kind of appeal against such a semi-judicial decision is, I suggest, nothing less than a denial of natural justice. The amendment provides a procedure for a school to appeal against a warning notice.

I must say that I chuckled at the Minister's reference to devolution, not least devolution max, which in Scotland of course means something slightly different. The Bill is about centralisation. It is about the Government taking a grip. Whether it is really central—in London—or in the regions, it is government control. It tells anybody who does not happen to share that vision—some might say, political philosophy—to shut up and go away, because the Government have made their decision and that is that. That is very much the impression that was given about the Bill when it was in another place—when all those amendments were submitted and discussed and none was successful. This afternoon, apart from one small, but very welcome, concession by the Minister, we are doing the same here. I hope that that is not going to be how we will proceed in the remaining two days in Committee, because noble Lords are putting forward serious points to try to improve the Bill, which some of them have grave concerns about. I hope that they will be taken seriously and that the Minister will at least agree to think about some of them.

*5.15 pm*

I suspect that the Minister is going to tell the Committee again that he is unwilling to tolerate people who are seeking, in his view, to obstruct the will of the Government because it is in the interests of pupils, which must come first. I think we have established that the interests of the pupils must come first, but at the same time, governors of schools are there for a reason. Part of that reason is to look after the interests of the

children. If they are not allowed to do that, what is the purpose of governors? The Minister will be well aware that there is a shortage of governors: many schools do not get enough people to fill the positions. For instance, my wife is a governor of a school in London, and even when the governor positions are filled, in some cases it is difficult to get them to turn up to meetings. This casting aside of views of the importance of governors is not going to do anything for the management of schools or oversight of the way in which schools are run.

Yes, the Government have the right to implement their manifesto. At the same time, they have to be willing to accept that there are different views about the way they do that. Surely, there is a balance to strike. In a democratic society people have the right to challenge government actions and, unless the stakes are extremely high, governments have to put up with it, listen and, at least on occasion, accept what is said to them. I would say that that was a lesson that the Chancellor of the Exchequer learned in your Lordships' House last week and it seems that, to his credit, he has thus far taken it on board.

There surely cannot be any suggestion that the procedure outlined in Amendment 13 would be too time-consuming or burdensome or would disrupt the process, either in terms of Ministers achieving their aim of getting as many schools as possible to academy status or, indeed, of the tribunal system itself.

I have a question for the noble Lord. I see that he is taking advice at the moment, so perhaps the noble Baroness can help me. I think I am right in saying that in the previous debate in 2014, the noble Lord said that 58 formal notices had been issued by regional schools commissioners to academies and free schools trusts. Will he clarify whether he was talking about the same warning notices? I did my research, and came across a figure that only 12 had ever been issued to academies by the DfE. That may have been before the regional schools commissioners were established; I do not know. It does not matter that much, because it does not deflect me from my argument that between 2010 and 2014, local authorities issued 221 warning notices to maintained schools. If we aggregate the figures of 58 and 12, that is still out of proportion with the number of academies in special measures, which is twice that of maintained schools. As I mentioned on Amendment 10, there are more pupils in inadequate academies than in inadequate maintained schools. As the Minister said, a third of local authorities did not issue any warning notices between 2010 and 2014; but, equally, there is no evidence that the performance of schools overall in those local authority areas is any different from those that have issued notices. That is not to say that that is not an issue: warning notices are there for a purpose and I believe that they should be used where appropriate.

As noble Lords may recall, Labour revised all the administrative non-judicial tribunals some time ago to bring them within a single system. In education, appeals on education, health and care plans go to the First-Tier Tribunal, as do some appeals on the suitability of staff to work with children, particularly childcare. It is telling that parents can now appeal—following, let it

be noted, a Government amendment to the Childcare Bill—to the First-Tier Tribunal on access to the additional 15 hours of free childcare a week that they are to become entitled to. If that is the case, then I say to the Minister: why should governors be denied the option of appealing against a warning notice, on which the very future of their school might depend? I suggest that that is not right on a number of levels and I hope that the Minister might be persuaded to say that she will reconsider this issue and return with a proposal on it at Report. I beg to move.

**Baroness Sharp of Guildford:** In relation to this amendment, while we have some sympathy with the notion that there should be an appeal when a warning notice is issued, we are by no means convinced that the First-tier Tribunal is the right place to go.

**Baroness Evans of Bowes Park:** My Lords, I shall speak to Amendment 13 and warning notice appeals. The Bill proposes that the governing body of an underperforming school should no longer be able to make representations to Ofsted about being given a warning notice. The amendment would restore an appeal route, although not the same route. The amendment would require the Secretary of State to make regulations that would allow a school to have a warning notice reviewed, or allow it to appeal to the First-tier Tribunal, which could then revoke the notice.

The amendment would not preclude the local authority or regional schools commissioner from issuing a revised notice to that school, but we believe that it oversteps the mark and builds into the process delays and arguments that are a distraction from the important business of getting the school to improve. Indeed, appeals to the First-tier Tribunal would lead to the clock stopping and months of delay ensuing while all avenues for appeal are exhausted. During this time, children will be in a school that is causing serious concern and they will not be given the education that they deserve.

To clarify, any complaints about the decision made by a regional schools commissioner may be directed to the schools commissioner. If a formal complaint is lodged, it will be dealt with in accordance with the department's formal complaints procedure, which involves an independent officer, an official, investigating the complaint and making a recommendation. One formal complaint about a regional schools commissioner's decision has been made so far and has been considered but no evidence was found to uphold it. Ultimately, the process for appealing a decision made by a regional schools commissioner is to apply for judicial review via the courts.

The noble Lord, Lord Watson, referred to warning notices. Our figures indicate that we have issued 112 formal notices to underperforming institutions. Ninety-eight of these were issued to academies associated with 53 individual sponsors. We have also changed sponsor arrangements for 100 academies and free schools where there has been underperformance.

**Lord Watson of Invergowrie:** What period does that cover? Is it just since the regional schools commissioners were established or does it go back to 2010?

**Baroness Evans of Bowes Park:** It is since the academies came in, so it applies to a wider period than since the regional schools commissioners have been in place. I reassure the House that we believe the process as set out in the Bill is fair and reasonable and that there are appropriate safeguards built in where schools have concerns. Regional schools commissioners and local authorities already have to act reasonably in carrying out their functions on behalf of the Secretary of State. The revised *Schools Causing Concern* guidance, on which we are currently consulting and seeking views, also sets out clear processes and expectations for the giving of warning notices. This is guidance which local authorities and regional schools commissioners will follow. The Bill requires the local authority to notify the regional schools commissioner if it issues a warning notice and vice versa. Regional Schools Commissioners can therefore already review a local authority's warning notice and, if they believe that it is not appropriate, they can issue their own that would render the local authority's notice redundant.

Although I understand the sentiments behind the amendment, it builds in additional process in primary legislation which is unnecessary and time-consuming and is not helpful in supporting schools to improve in the best interests of children. In the light of this, I urge the noble Lord to withdraw their amendment.

**Lord Watson of Invergowrie:** If this is all just a distraction, will the Minister tell me what she thinks the role of school governors is?

**Baroness Evans of Bowes Park:** Obviously, the role of school governors is to hold head teachers to account to ensure that the school is providing the high-quality education that they are looking for. They have an oversight role and have to be involved in the school by going to visit and making sure that they know what is going on.

**Lord Watson of Invergowrie:** But do they have no right to comment in situations where warning notices are being issued? This seems to me to be saying that they have no meaningful role, as it is being taken away from them. Surely that cannot be a positive step.

**Baroness Evans of Bowes Park:** No, as I said, any complaints about a decision made by the regional schools commissioner can be directed to the schools commissioner. If a formal complaint is lodged, it will be dealt with through the process that is in place. Ultimately, the end process is judicial review.

**Lord Watson of Invergowrie:** I noted the noble Baroness's remarks that delays and arguments are a distraction to the process of bringing about change in a school. The whole underlying ethos of the Government's approach to the Bill is that people who might not agree with the proposal are simply to be sidelined. They are to be silenced—gagged—and to have no input, because they might delay the process. I do not think anybody has said anything other than that change needs to be brought about as quickly as possible. But at the same time the Government must

consider the fact that some people have different views from those they may have. Those views should be considered.

The Government do not have, despite their victory on 7 May, the right to ride roughshod over people's views, particularly those of local people, on such important issues. It does not serve the Government's case to suggest simply that complaints can be made to the regional schools commissioner or the schools commissioner, or through judicial review. Yes, of course judicial review is open to anyone anyway in any situation, but that is not the point. This is a specific proposal that relates to the role of a school's governing body, which is being taken away from that body. As I said earlier, it is difficult to see why anybody would want to be a school governor, because they are being disfranchised and disempowered, and basically being told that what they say does not matter. I am disappointed that neither Minister is willing to consider this. We may return to this issue on Report, but at this stage I beg leave to withdraw the amendment.

*Amendment 13 withdrawn.*

*Clause 4 agreed.*

#### **Clause 5: Appointment of interim executive members**

##### *Amendment 14*

*Moved by Baroness Sharp of Guildford*

**14:** Clause 5, page 5, line 4, at end insert—

“5B (1) Where a school has been designated by order under section 69(4) of the School Standards and Framework Act 1998, the interim executive board shall be under a duty to secure that—

- (a) the religion or religious denomination of the school is preserved and developed, and
- (b) the school is conducted in accordance with the school's instrument of government (except in relation to the composition of the governing body) and the foundation's governing documents, including, where appropriate, any trust deed relating to the school.

(2) In exercising any powers under this Schedule, the Secretary of State shall comply with any agreement between the local authority and the appropriate diocesan authority, if any, and person or persons by whom the foundation governors are appointed, in relation to the membership and operation of the interim executive board.”

**Baroness Sharp of Guildford:** My Lords, Amendment 14 replicates the current agreements that local authorities and churches have about the membership of interim executive boards of church schools. This amendment has been put forward partly as a result of representations made to us by the Catholic Education Service, which is worried that powers that are now very rarely used by the Secretary of State will become much more widely used by the regional schools commissioners and that the regional schools commissioners may, unknowingly, cut across existing working practices with local authorities. In written evidence to the Commons Public Bill Committee, included in a briefing to us, it wrote:

“We are concerned that the powers given to the new RSCs may cut across existing working practice. Local authorities and Department for Education officials who currently make decisions



about school support understand the dioceses' legal duties to preserve and develop the Catholic character of their school ... In particular we are concerned about new powers granted to RSCs under Section 5 of the Bill. Usually an IEB is put in place following discussion between the local authority and the diocese, with carefully considered agreements as to its operation, including in relation to its members. To do this the diocese and local authority agree a memorandum of understanding ... This enables the school to continue to comply with its trust deed through a Church appointed majority on the IEB".

Should the regional schools commissioners intervene and appoint their own members to an interim executive board without regard to the church-appointed majority, the Catholic Education Service says that the school might then cease to be a Catholic school. Once a school is no longer recognised as Catholic by the bishop, it is no longer complying with its own trust deed, presumably forcing the closure of the school that ultimately undermines the intention behind an interim executive board, which is to prevent the closure of the school, as well as to bring about the necessary improvements. I beg to move.

5.30 pm

**Lord Watson of Invergowrie:** My Lords, I support Amendment 14. We recognise that church schools have an integral role in the education system, comprising, as they do, around one-third of all maintained schools.

One of the reasons the church academy model has been a success is because dioceses are at the forefront of decisions concerning these schools, which means that decisions are made at a local level after consultation with communities. But as the noble Baroness, Lady Sharp of Guildford, mentioned, the Bill is at risk of cutting across this local decision-making, and this amendment addresses one of the areas where changes are necessary to ensure that adequate safeguards are put in place.

If decisions about the people who are nominated to interim executive boards are not acceptable to a local bishop, they do not carry his support. Therefore, that could undermine the whole *raison d'être* of the school. It would also, I suggest, undermine the whole *raison d'être* of an interim executive board, which is to prevent the closure of the school as well as to bring about necessary improvement. The amendment ensures that the appointment of an interim executive board does not undermine the faith character of a school. Surely the Government do not intend to affect faith schools in any way that would be seen as damaging and I hope the Minister will be prepared to recognise this in the Bill.

We believe the amendment provides the safeguards that the churches are seeking, without detracting from the process of school improvement that everyone wants to see.

**Lord Nash:** My Lords, Amendment 14, tabled by the noble Lord, Lord Storey, the noble Earl, Lord Listowel, and the noble Baronesses, Lady Pinnock and Lady Sharp, concerns where the Secretary of State makes directions about an interim executive board in respect of a school with a religious character. I believe I will be able to offer considerable reassurance on this point. The churches and other faith bodies are

important partners in our education system but sometimes schools with a religious character fail, so we must be able to respond decisively and robustly in such cases.

Proposed new Section 5B(1)(a) and (b) propose a duty for IEBs in schools with a religious designation to ensure that the religious character of that school is preserved and developed. They would also be placed under a duty to ensure that the school is conducted in compliance with the school's instrument of government and the foundation's governing documents, including any trust deed.

First, I offer reassurance that while we are committed to tackling failure swiftly and robustly wherever it occurs, we fully recognise the importance of ensuring that the ethos of schools with a religious designation is preserved. I really think that the Catholic Church's concerns on this are unfounded. I look forward to being able to reassure it on this point. I believe that I have already reassured the Church of England on this point, and I look forward to engaging further with both churches as we develop our memoranda of understanding, which the noble Baroness, Lady Sharp, referred to. I reassure the noble Lord, Lord Watson, that we have no intention of damaging or affecting church schools in any way. To support that commitment, as I said, we have already begun discussions with the churches about reviewing and updating the memoranda of understanding that set out the roles of dioceses and government as they relate to the academy programme, in order to reflect the changes in the Bill and the wider evolving policy landscape.

**Lord Watson of Invergowrie:** The Minister says he has had discussions with the Roman Catholic Church. Does he recognise that it is not satisfied with the outcome of those discussions? Certainly, the Catholic Education Service is making it quite clear that it supports this amendment because it is not satisfied with where the discussions with the Minister have led.

**Lord Nash:** If the noble Lord would let me finish, he would understand that these discussions are at a very early stage. We have just issued a draft of the memoranda of understanding and I believe that the churches are considering the detail. I will refer to this in more detail in a minute.

Under paragraphs 3(3), 10(2) and 13(2) of Schedule 6 to the Education and Inspections Act 2006, IEBs are already required to comply with the same duties that applied to the previous governing body, which includes any duty to comply with a trust deed. Members of a church or faith school's IEB are therefore already bound to preserve and develop the school's religious character. This is the case even where the new powers under Clause 5 of the Bill have been used to direct the local authority to appoint specific IEB members. The first part of the amendment is therefore unnecessary because it is simply restating a requirement that already exists in law.

Additionally, we are currently consulting on the revised *Schools Causing Concern* guidance, which describes how we propose that the new and strengthened powers in the Bill will work in practice. This includes how we propose IEBs will operate in practice, and it sets out

[LORD NASH]

the role and duties of an IEB. To avoid any further doubt on the matter raised in this amendment, we have specified in the guidance:

“Any obligations on the governing body in relation to maintaining the religious ethos of a school will also apply to the IEB”.

The second part of the amendment proposes that RSCs, where they are exercising the Clause 5 power to direct the local authority to alter the make-up of an IEB in a church or faith school, would be required to protect the continued involvement of the relevant diocese or faith body. That would mean that they would have to comply with an existing agreement between the local authority and the diocese about the membership and operation of the IEB. Such agreements between local authorities and dioceses about the membership and operation of IEBs are not required by legislation, nor are they legally binding. It would therefore be inappropriate to require RSCs to comply with such agreements through this amendment.

However, we are currently working with the churches to agree a memorandum of understanding. We are fully committed to agreeing these MoUs; it will enable dioceses and RSCs to work together for the benefit of pupils in church schools. In particular, we want to make sure that, as the draft MoU states:

“Where RSCs wish to exercise their power to establish an IEB to a church school, they must consult the diocese”.

We would expect the consultation to provide an opportunity for the diocese to nominate one or more IEB members and for RSCs to accept the diocese’s nomination, providing they agree that the proposed member has the capacity and skills required to fulfil their role on the IEB.

Where any IEB established by either the local authority or the RSC is established in a church school and the RSC has concerns about the capability of an IEB member to fulfil the role, the diocese will be asked if it wishes to nominate a replacement IEB member. Our expectation is that RSCs will accept such a nomination, provided they agree with the diocese’s assessment that the individual has the capacity and skills required to fulfil their role on the IEB.

Furthermore, the purpose of the power in Clause 5 is to enable the RSCs to intervene swiftly where they are not convinced that the IEB constituted by the local authority will secure necessary improvements in the school. Accepting the amendment proposed here would require RSCs to endorse an IEB whether they had confidence in it or not. That would undermine the purpose of the clause and may prevent RSCs from acting decisively to address underperformance.

In view of what I have said about making sure that we preserve the faith status of any church schools—which we are absolutely determined to ensure, and I am sure that we will be able to satisfy the churches on this—I urge the noble Baroness to withdraw the amendment.

**Baroness Sharp of Guildford:** I am very grateful to the Minister for giving these assurances. I was fairly confident that in fact they would be in discussion with the churches about these issues and that some system would be found to relieve their fears. I beg leave to withdraw the amendment.

*Amendment 14 withdrawn.*

*Clause 5 agreed.*

*Committee adjourned at 5.37 pm.*





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