

Vol. 773
No. 6



Thursday
26 May 2016

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

Retirement of a Member: Baroness Perry of Southwark <i>Announcement</i>	503
Questions	
NHS: Diabetes.....	503
Anti-corruption: Beneficial Ownership Registration	506
Obesity	508
Severe Anaphylactic Shock.....	511
Rehabilitation of Offenders (Amendment) Bill [HL] <i>First Reading</i>	513
Divorce (Financial Provision) Bill [HL] <i>First Reading</i>	513
House of Lords Reform Bill [HL] <i>First Reading</i>	513
Student Support (Non-Interest-Bearing Finance) Bill [HL] <i>First Reading</i>	513
Regulation of Health and Social Care Professions Etc. Bill [HL] <i>First Reading</i>	514
Commissioner for Standards <i>Motion to Approve</i>	514
Schools: Special Educational Needs and Disabilities <i>Motion to Take Note</i>	515
European Union Referendum: Young Voters <i>Question for Short Debate</i>	539
Mental Health: Ensuring Equal Access to Mental and Physical Healthcare <i>Motion to Take Note</i>	552

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

*This issue of the Official Report is also available on the Internet at
<https://hansard.parliament.uk/lords/2016-05-26>*

The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

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

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

© Parliamentary Copyright House of Lords 2016,
*this publication may be reproduced under the terms of the Open Parliament licence,
which is published at www.parliament.uk/site-information/copyright/.*

House of Lords

Thursday 26 May 2016

11 am

Prayers—read by the Lord Bishop of Southwark.

Retirement of a Member: Baroness Perry of Southwark

Announcement

11.05 am

The Lord Speaker (Baroness D’Souza): My Lords, I should like to notify the House of the retirement, with effect from today, of the noble Baroness, Lady Perry of Southwark, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I should like to thank the noble Baroness for her much valued service to the House.

NHS: Diabetes

Question

11.06 am

Asked by **Lord Harrison**

To ask Her Majesty’s Government how they intend to deal with the financial burden on the National Health Service of type 1 and type 2 diabetes.

The Parliamentary Under-Secretary of State, Department of Health (Lord Prior of Brampton) (Con): My Lords, we want to ensure that the best possible care is provided for all those with diabetes, reducing the risks of complications and minimising the financial pressure on the NHS. Preventing type 2 diabetes—for example, through the Healthier You: NHS Diabetes Prevention Programme—and improving outcomes for all those with the condition, including through tackling variation in management and care and increasing take-up of patient education, are key priorities for this Government.

Lord Harrison (Lab): My Lords, given that, currently, 10% of the NHS budget is absorbed by treating diabetes, which is set to quadruple by 2035, why is it that the prioritisation of diabetes foot care has been relegated below other objectives? The vast majority of amputations—135 every week in this country—are avoidable if attended to in time. Why have in-house specialist diabetes teams not been made regular throughout the country, given that they are shown to save three times their own set-up costs? Finally, on objective 2, can we hear what has happened to the obesity strategy?

Lord Prior of Brampton: My Lords, diabetes is a key priority of the Government and part of the mandate that was given to NHS England for this year. The noble Lord is right—the direct cost to the NHS of treating diabetes is actually about £5 billion every year. Variation is the critical aspect that we should focus on. Whether it is foot care or the incidence and treatment of diabetes, across the country there is a huge degree of variation. The work being done with

Diabetes UK on a national audit for diabetes will play a big part in reducing that variation.

Baroness Ludford (LD): My Lords, are the Government satisfied with the overall cost-benefit analysis of the provision of insulin pumps and continuous glucose monitors? I should mention that my own husband has those. NICE guidelines are quite restrictive, and only a fraction of those who qualify get them. Many people self-fund, yet the long-term cost savings to the NHS of good blood glucose control and avoiding organ damage are enormous. Will the Department of Health look again at whether the benefits outweigh the relatively small costs?

Lord Prior of Brampton: My Lords, there are clear NICE guidelines on the use of insulin pumps and blood glucose monitoring equipment. For type 1 diabetes, NICE does not recommend their use unless there is clear evidence that the patient will comply with such use at least 70% of the time. The advice from NICE is clear on the use of both.

Baroness Gardner of Parkes (Con): My Lords, is the Minister aware of the very conflicting reports in the press at the moment about whether you should be eating more fat or less fat, or more sugar or less sugar? Does he not think it important for the Department of Health to bring forward some clear guidelines for people to avoid them having to go in for treatment? As regards treatment, will he acknowledge the very important part played by the specialist nurses?

Lord Prior of Brampton: Public Health England has clear guidelines, published under *The Eatwell Guide*, on what makes a healthy diet. However, I agree with my noble friend that the position is now quite confused following the report that was published earlier this week. Confusion is not something we want and I am sure that when we produce the obesity strategy later this summer, we will make it very clear what those guidelines should be.

Lord Morris of Aberavon (Lab): My Lords, bearing in mind the tragic increase in types 1 and 2 diabetes each year, particularly among the young, will the Minister comment on reports of promising developments in this country and the United States in dealing with type 1 diabetes? Will he personally satisfy himself that enough funding is available for research into type 1 diabetes?

Lord Prior of Brampton: My Lords, I will certainly endeavour to do that. If the noble and learned Lord has a keen interest in research into type 1 diabetes, I am happy to meet with him outside and with anyone else who would like to join us.

Lord Forsyth of Drumlean (Con): My Lords, does my noble friend agree that the considerable pressure on the National Health Service would be relieved if we were able to control levels of immigration into this

[LORD FORSYTH OF DRUMLEAN]
country—we have shocking levels today—and if we did not have to make a net contribution of £10 billion to the European Union?

Lord Prior of Brampton: My Lords, I am not sure that that question has much to do with the original Question on the Order Paper. However, without the levels of immigration that we have had in the past, the NHS simply could not operate.

Baroness Young of Old Scone (Lab): Is the Minister aware that one of the most cost-effective interventions in the care of people with diabetes is to educate them in how to manage their own condition in order to avoid progressing to the costly complications which constitute 90% of the costs to the NHS? Is he also aware that we are still bumping along with less than 10% of people with diabetes receiving any education whatever in how to self-manage their condition daily? What plans do the Government have to increase that figure stratospherically, to a point where all people with diabetes are not only offered education but are encouraged to take it up and use it?

Lord Prior of Brampton: The noble Baroness will know a lot about the diabetes prevention strategy that is being launched with the support of PHE and Diabetes UK, and about the DESMOND and DAFNE structured education programmes. The plan is to roll out the prevention strategy across the whole country by 2020, at which time we expect that at least 100,000 people will have personalised support, which will include structured education.

Baroness Tonge (Ind LD): My Lords, in view of the fact that the Government are rightly worried about the obesity epidemic, will they do anything about the number of television and radio programmes that promote food, cooking, baking and gourmet meals? I find them disturbing and they make me very hungry.

Lord Prior of Brampton: As the noble Baroness will know, the Government will produce their childhood obesity strategy later in the summer. I am sure that advertising, particularly before the 9 pm watershed, will be addressed in that strategy.

Lord Hunt of Kings Heath (Lab): My Lords, I hope that “Bake Off” will not be removed from our screens as a result of the strategy. The Minister said that the strategy has now moved from being published in the summer to later in the summer. Will he say a little more about when we can expect to see it? Also, will it answer my noble friend’s original point? Will he crackdown on clinical commissioning groups that are making arbitrary decisions to cut foot care services, which are a short-term saving but a long-term disinvestment?

Lord Prior of Brampton: My Lords, on the first point, I think we can say that “later in the summer” means before the parliamentary Recess. I do not mean the Recess starting tomorrow, but the main Recess later in the summer. On foot care services, this goes

back to the unconscionable variations we have across the country. These are being addressed in part by the diabetes audit and in part by the improvement and assessment frameworks that have been developed for CCGs, so that we can see the results of different CCGs around the country and take action accordingly.

Anti-corruption: Beneficial Ownership Registration Question

11.15 am

Asked by *Lord Collins of Highbury*

To ask Her Majesty’s Government what steps they have taken following the anti-corruption summit to address the estimated \$1 trillion a year lost to poor countries through illicit capital flows and through tax avoidance and crime, and whether they have a timeline for creating registers of beneficial ownership in the Overseas Territories.

Lord Ashton of Hyde (Con): My Lords, through our G8 presidency in 2013 and the Prime Minister’s recent anti-corruption summit, the UK has been at the forefront of international efforts to tackle corruption and tax evasion, and to help developing countries to do the same. All the UK’s Overseas Territories and Crown dependencies have agreed to provide UK law enforcement and tax agencies with full access to company beneficial-ownership information in their jurisdictions.

Lord Collins of Highbury (Lab): I thank the noble Lord for that progress report, but of course transparency is the key to tackling corruption. How can we demonstrate our leadership in the battle against corruption when our territories are the biggest facilitators of it? Public registers are required. We have only to look down the river at the St George Wharf Tower; two-thirds of it is in foreign ownership and a quarter is held through offshore companies based in tax havens. Will the Minister outline the steps that we will be taking to get full transparency and what timetable is to be set by the Government so that the Overseas Territories will be required to have public registers? Failure to do so will result in even more monuments to this corruption on our riverfront.

Lord Ashton of Hyde: My Lords, there are two parts to the question: what are we doing about public registers of beneficial ownerships, particularly in our Overseas Territories? First, we should acknowledge that we made huge progress in getting them to have registers at all in some cases. All the Overseas Territories and Crown dependencies will share information with our tax and law enforcement agencies. As regards the tower mentioned by the noble Lord, the Prime Minister made a commitment at the anti-corruption summit that we will have the first public register of foreign-owned companies owning property in this country, and that will apply not only to new but to existing ownership by foreign-owned companies. It will also apply to a public register of public contracting. Lastly, I should

say that, as a result of the anti-corruption summit, 12 countries have either agreed or are agreeing to have public registers.

Lord Wallace of Saltaire (LD): My Lords, can the Minister explain what sovereignty means in terms of our sovereignty over the Overseas Territories? The Prime Minister declared last year that we were pushing them to have public registers giving full transparency of beneficial ownership, and the Minister has now kindly said that we are making good progress towards accepting that our tax authorities can have access to them. That is half way there. If these areas are under British sovereignty and benefit from the recognition of UK law and UK accountancy, surely we have the right in certain instances to tell them what has to be done.

Lord Ashton of Hyde: The noble Lord is absolutely correct that in the last resort we could do so, but these are democracies and we think it is better that they agree to do things rather than we dictate to them, which is a rather 19th century attitude. At the same time, we acknowledge that we would like to have public registers and we are trying to persuade them on that. As I say, 12 countries have agreed so far, so we are making progress.

Lord Tugendhat (Con): My Lords, does my noble friend agree that it is slightly ungracious of the noble Lord opposite not to recognise the great progress that has been made under this Government by comparison with the complete lack of progress made under the previous Government? Does he also accept that while there is much that we can do, and no doubt more that we and other rich countries can do, there is a great burden of responsibility on poorer countries? If they would tighten up their regulations and clamp down more on corruption, this problem would be a great deal less great than it is.

Lord Ashton of Hyde: I agree with my noble friend. It is important to make the point that we would like to help developing countries to facilitate this, and we are spending money and resources doing that. DfID, for example, and the HMRC are capacity-building, and we are spending more money. We agreed to double our expenditure on that under the Addis tax initiative.

Lord Howarth of Newport (Lab): My Lords, what proportion of the illicit capital flows that my noble friend asks about end up invested in the London property market? If the Government persist in their privatisation of the Land Registry, will they undertake that no bids will be entertained from business interests that have connections with secretive jurisdictions, such as the Cayman Islands, Jersey or Delaware? Will they also undertake that any organisation that is allowed to have charge of the Land Registry will be subject to freedom of information requests, with cast-iron guarantees of full transparency and public access?

Lord Ashton of Hyde: My Lords, about 100,000 properties in England and Wales out of 24 million titles are owned by foreign companies, and of those about 44,000 are

in London. As I say, we will be the first country to insist on a public register of beneficial ownership by foreign companies for property and, as I said, that will apply to existing properties, not just new ones. We are leading the way in the world in opening this up to transparency.

Baroness Berridge (Con): My Lords, my noble friend made a distinction between Overseas Territories and Crown dependencies. Is it not the case that jurisdictions such as Jersey have had a beneficial ownership register for many years that is accessible by anybody with a legitimate interest, and that we should be careful to maintain these distinctions? Can my noble friend give some indication of how its benchmark compares with many states of the United States, and indeed with the United Kingdom?

Lord Ashton of Hyde: I am not sure that I can answer my noble friend's question on the distinction between Jersey and the other Crown dependencies. All Crown dependencies and all Overseas Territories will share information. It will be accessed, and most of them—not all—will also share it with an extra 40 countries outside the UK jurisdiction as well.

Obesity Question

11.22 am

Asked by **Baroness Jenkin of Kennington**

To ask Her Majesty's Government what steps they are taking to tackle obesity.

The Parliamentary Under-Secretary of State, Department of Health (Lord Prior of Brampton) (Con): My Lords, tackling obesity, particularly in children, is one of our major priorities. The Government are developing a strategy that will look at everything that contributes to a child becoming overweight and obese. We plan to publish it this summer.

Baroness Jenkin of Kennington (Con): My Lords, I declare an interest as somebody who has been technically obese, so I am well aware how difficult is not only to lose the weight but to keep it off. Does my noble friend not agree that the solution is simple but not easy—that we should eat less and healthily and move more? If we do not do this and if the Government do not grip it, both the NHS and a substantial number of the population's lives will collapse under the weight of the problem.

Lord Prior of Brampton: My Lords, can I say to my noble friend that she looks far from obese today? She looks positively svelte. I agree that obesity is a massive problem facing the country. The chief executive of the NHS even referred to it as “the new smoking”. It causes not just diabetes but cancers and heart disease, so it is critical that we address it—and it is critical that we address it with people at a young age as it is much more difficult to lose weight later on in life.

Baroness Walmsley (LD): My Lords, is the Minister aware that some food manufacturers and supermarkets are delaying their reformulation programmes in anticipation of the strategy? Is he also aware that they would welcome mandatory industry standards for potentially harmful ingredients so that they do not lose competitiveness when they do the right thing?

Lord Prior of Brampton: My Lords, I think that the announcement of the sugar levy on sugary drinks has meant that that part of the industry has been forewarned of what is coming in the strategy. Already there are signs from some of the manufacturers that they are reformulating their products—which is the whole purpose of a levy rather than a tax.

Lord Robathan (Con): My Lords, would my noble friend not agree that our noble friend Lady Jenkin is quite right to stress individual responsibility, which the Government must encourage? Of course there should be education, but individual responsibility will lead to people losing weight.

Lord Prior of Brampton: My Lords, of course my noble friend is right that individual responsibility is critical to this. But we have to make it easy for people to make the right choices by providing the right information. Particularly for children, we have to make it easier for them and their parents to make the right choice.

Baroness Finlay of Llandaff (CB): Has the Minister asked NHS England to tackle the problem of obesity among healthcare staff? It is very difficult for the public to get a public health message about losing weight from a member of staff who is, frankly, obese.

Lord Prior of Brampton: The noble Baroness makes a very important point. That is what lies behind the chief executive of NHS England's decision to address the presence of unhealthy food and drinks on NHS properties, and to encourage staff to live a much healthier lifestyle.

Baroness Wall of New Barnet (Lab): My Lords, does the noble Lord have a view on whether the sustainable transformation plans that are now in, joining all the services in a community, will make a difference to obesity when providers are working with the community and also with CCGs?

Lord Prior of Brampton: I completely agree with the noble Baroness. Integrated care organisations and accountable care organisations, although similar, will bring together in one pool the money for preventing as well as for curing disease—and will bring in social care as well. That should lead to a much better, more joined-up and more cost-effective way of delivering health and social care.

Lord Lang of Monkton (Con): My Lords—

Baroness O'Neill of Bengarve (CB): My Lords—

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): We definitely have time for two more questions. If we are going round in turns, it is the turn of my noble friend Lord Lang—and then, I am sure, we can come to the noble Baroness.

Lord Lang of Monkton: My Lords, I wonder whether my noble friend can help me. We used to be told that we should not eat salt; now we are told we should. We used to be told that we should not eat fatty foods; now we are told we should. We used to be told that one glass of red wine a day was good for us; then we were told we should have none. Now we are being told we should have two. Will my noble friend tell us which of these items should exit our diet and which should remain?

Lord Prior of Brampton: My noble friend makes a very good point. He is as confused about this as most of us are in this House. A very important part of the obesity strategy, when it is announced later in the summer, will be to address this very clearly. All the evidence from more than 600 separate studies reinforces the advice that is already out there from Public Health England, but it has been very muddled over the last five days.

Baroness O'Neill of Bengarve: Does the Minister agree that this is not a matter just of individual responsibility? Many meals are eaten in places where people have no choice. They are provided by public institutions, including hospitals, hospital canteens, schools, prisons and the armed services. Should not all those meals be designed not to further obesity?

Lord Prior of Brampton: My Lords, I was not saying that it was exclusively individual responsibility, but we have to recognise that individuals must take some degree of responsibility for their own actions. Of course the noble Baroness is absolutely right. That is why we and the last Government introduced free school meals in all infant schools. It is why the proceeds of the levy will be ploughed back into increased sport and PE facilities in schools and why we have the fruit and vegetable scheme for schools. Of course we take diet and food extremely seriously, and where we have direct control, as we do in schools, we take action.

Lord West of Spithead (Lab): My Lords, next week, when the House is up, is the centenary of the Battle of Jutland, where some 9,000 men from our two countries died. None of them was obese, I hasten to add, but the standard porthole was smaller than the size of the average man, so sadly many died able to see their way to freedom but unable to make it. Will the noble Lord pass the wishes of this House to all those commemorating the event and the 9,000 men who died bravely for their countries in a divided Europe?

Lord Prior of Brampton: My Lords, I certainly echo those sentiments. My history is not as good as the noble Lord's. I had not realised that 9,000 men died in that action, which is a huge number of people. I certainly join with him and, I am sure, everyone in this House in commemorating those very brave men.

Severe Anaphylactic Shock

Question

11.29 am

Asked by **Baroness Kennedy of Cradley**

To ask Her Majesty's Government what action they propose to take to protect people at risk of severe anaphylactic shock.

Baroness Kennedy of Cradley (Lab): My Lords, I declare an interest as a councillor in the London Borough of Lewisham.

Baroness Chisholm of Owlpen (Con): My Lords, there are several causes of anaphylactic shock, ranging from bee stings to food allergies. For food, the food information regulations 2014 require pre-packed foodstuffs to highlight 14 allergens in their labelling. For non pre-packed foods, including those in restaurants and takeaways, information on the same 14 allergens must be available for customers. Informed consumers with severe food allergies can then choose to avoid those foods that put them at risk of anaphylactic shock.

Baroness Kennedy of Cradley: My Lords, I know the whole House will join me in offering our sincere condolences to the family and friends of Paul Wilson, who died after a severe allergic reaction to food containing peanuts from his local restaurant, despite specifically requesting no nuts. Paul's death was needless and avoidable. I ask the Government to agree to review how food businesses can be better monitored, how staff training can be improved and how we can work better with the third sector to raise awareness and develop consumer-focused resources. Finally, has any assessment taken place of the impact of cuts on the capacity of local trading standards services to monitor and enforce food labelling legislation? If not, could this now be commissioned?

Baroness Chisholm of Owlpen: My Lords, there were a lot of questions there. Of course, I join the noble Baroness in sending best wishes to Paul Wilson's family after that tragic accident. That occurred in January 2014 and the new regulations came into effect in December 2014. Research by the FSA shows that there have been great improvements with food allergies since this law came in. It is up to local authorities to make sure, through their food standards operatives, that restaurants are checked and those that do not follow the law in labelling the 14 allergens as required have criminal proceedings brought against them.

Lord Deben (Con): My Lords, does my noble friend accept that there has been a great increase in the incidents of allergies in our lifetime? Many of us are concerned that there does not appear to have been the amount of research necessary for us to understand the reasons for this. It is perfectly reasonable to protect people from allergies that are clear but we do not know what causes these allergies to anything like enough extent. Will the Government do more to try

to help people know what they themselves can do, apart from avoiding peanuts? That is sensible in any circumstances.

Baroness Chisholm of Owlpen: My noble friend is absolutely right: there has been a 5% increase in those suffering from allergies and half of all those affected are children. I think part of the reason for that increase in allergies being diagnosed is because diagnosis is now better. There are clinics are doing good work on making sure that allergies are well known by those who suffer from them, and that they are given treatment and advised about the right way forward in how to deal with them.

Baroness Walmsley (LD): My Lords, does the Minister agree that public awareness of the dangers and what to do in the case of anaphylactic shock would help to save lives, such as in the sad case we just heard about? Does she also agree that it would be a pity if concerns about being stung prevented people keeping bees in their gardens? Bees are important pollinators and are much more interested in flowers than people. I declare an interest as a beekeeper.

Baroness Chisholm of Owlpen: I certainly agree with the noble Baroness about bees. Education is getting much better in making businesses aware of the dangers of anaphylactic shock and those allergens. In fact, the FSA along with the charity Allergy UK produced very good technical guidance and free online training. They also produced posters, templates and leaflets in different languages, which is particularly important for fast-food outlets. There should be no reason why food outlets are not aware of the 14 allergens of which people must be notified when they buy food.

Lord Rooker (Lab): Will the Minister please update us on the work being done on genetic modification with the aim of eliminating the peanut allergy?

Baroness Chisholm of Owlpen: I am aware of that. This could, indeed, be very useful in the future.

Baroness Hayman (CB): My Lords, further to the question of the noble Lord, Lord Rooker, while I absolutely support strong regulation to safeguard the health of people who have allergies, does the Minister agree that we have an extraordinary contrast and disparity in our attitude towards some foods that we know can be fatal and other foods, such as genetically modified crops, which two recent reports, including that of the Royal Society, have shown pose no danger whatever to public health?

Baroness Chisholm of Owlpen: What the noble Baroness says is very true. I cannot add much to that because I agree with it.

Lord Hunt of Kings Heath (Lab): My Lords, I declare my presidency of the Royal Society for Public Health. The noble Baroness referred to the FSA's review of the success of the new regulations, but is she

[LORD HUNT OF KINGS HEATH]

aware that the RSPH did a mystery dining investigation a year after their introduction and found that 70% of takeaway outlets were flouting the law by not providing the required information, and that 54% did not know whether any of these 14 major allergens were in the food? Will the noble Baroness go back to the FSA and suggest that it needs to take rather greater enforcement action?

Baroness Chisholm of Owlpen: I thank the noble Lord for that question. He is right: there is still a lot of work to be done. The FSA is well aware of this. That is why it is providing food officers with better training to ensure that restaurants are following the rules. One of the key messages for these businesses is that they will incur much greater burdens and cost if they do not follow the regulations. They can be prosecuted and closed down. It is beneficial to them to ensure that the allergen information they provide is displayed clearly and is provided verbally.

Rehabilitation of Offenders (Amendment) Bill [HL]

First Reading

11.37 am

A Bill to amend the Rehabilitation of Offenders Act 1974; to make provision about rehabilitation periods.

The Bill was introduced by Lord Ramsbotham, read a first time and ordered to be printed.

Divorce (Financial Provision) Bill [HL]

First Reading

11.37 am

A Bill to amend the Matrimonial Causes Act 1973; and make provision in connection with financial settlements following divorce.

The Bill was introduced by Baroness Deech, read a first time and ordered to be printed.

House of Lords Reform Bill [HL]

First Reading

11.38 am

A Bill to make provision about elections to and membership of the House of Lords; and for connected purposes.

The Bill was introduced by Baroness Jones of Moulsecoomb, read a first time and ordered to be printed.

Student Support (Non-Interest-Bearing Finance) Bill [HL]

First Reading

11.38 am

A Bill to make provision for non-interest-bearing student finance facilities.

The Bill was introduced by Lord Sharkey, read a first time and ordered to be printed.

Regulation of Health and Social Care Professions Etc. Bill [HL]

First Reading

11.38 am

A Bill to require Her Majesty's Government to introduce a Bill to regulate health and social care professions.

The Bill was introduced by Lord Hunt of Kings Heath, read a first time and ordered to be printed.

Commissioner for Standards

Motion to Approve

11.39 am

Moved by The Chairman of Committees:

That this House approves the appointment of Lucy Scott-Moncrieff CBE as House of Lords Commissioner for Standards for a period of five years beginning on 1 June 2016.

The Chairman of Committees (Lord Laming): My Lords, this Motion invites the House to appoint its second Commissioner for Standards. The term of office of the current commissioner, Paul Kernaghan, expires on 1 June. An open competition was held to recruit his successor. A board comprising the leaders of the main political parties and the Convenor of the Cross-Bench Group, or their representatives, and the noble Baroness, Lady Fritchie, a former Commissioner for Public Appointments, recommended that Lucy Scott-Moncrieff, a former president of the Law Society of England and Wales, should be appointed. This Motion approves her appointment for a single, non-renewable term of five years.

I am sure the House will agree that this is an appropriate moment to put on record our thanks to Paul Kernaghan for his service as Commissioner for Standards over the past six years. Mr Kernaghan had a very distinguished career in the police service. Although not many Members will have encountered him during his service as commissioner, I know from being on the Committee for Privileges and Conduct what a thorough and fair job he has done in investigating allegations of misconduct. The House is now far better equipped to deal with the rare complaints about misconduct by its Members than it was when Mr Kernaghan was appointed. That in no small part is due to his painstaking work as commissioner.

I beg to move that the House do appoint Lucy Scott-Moncrieff as the Commissioner for Standards for the House of Lords.

Motion agreed.

Schools: Special Educational Needs and Disabilities

Motion to Take Note

11.41 am

Moved by Lord Addington

That this House takes note of the case for improved individual school capacity to deal with commonly occurring special educational needs and disabilities, in the light of the increasing number of academies and free schools.

Lord Addington (LD): My Lords, I thank those happy few who have put their names down to speak in this debate. It behoves me to tell the House why I have tabled this debate now. First, we had the opportunity and, secondly, there is huge reform going on in the schools system and a great deal of work going on about how special educational needs are addressed in the classroom. The Carter review is going on and we are creating more academies, so I thought it was time we had a little look at this situation.

Why has this come about? The Government have decided that they want a structure where schools are more independent and are not talking to groups outside local education authorities in the same way they did before. This means that you have something that stands much more by itself, at least in theory, than it has done before. The structures that have been developed, and indeed are still being developed, tend to refer back to something where the local authority or the local education authority is there as effectively a baseball catcher or a wicket-keeper to catch what is going past. It is the block. It will not always get it right but it has been there. Key to this is the educational psychologist. This highly trained individual who provides structure and help, and the relationship—what are they going to do? Indeed, in the individual school, how are they going to deal with the SENCO? But how is the rest of it—this structure and this idea that goes on outside—going to work in future?

When I first tabled this debate, I was not quite as aware of how the Government seem to be restructuring and going forward with the idea that the education authorities are now going to concentrate much more on special educational needs. But we still do not know exactly what that means. How is this interaction going to take place? What is the level of involvement in a school that is run individually or as part of a chain, or by the Church of England or any other religious body? How is that relationship going to develop? What is going to happen? How do we get through?

We have also heard that school places are not going to be totally removed from the educational authorities. I appreciate that this is something of a moving target for the Government but I hope the Minister will take the opportunity to give us an idea of how thinking is developing at the moment. This is something that we can genuinely expect from the Minister. What do the Government think will be the situation in a couple of years' time? If by, I think, 2022 everything is going to be an academy or something like it, there should be something in place that reflects these duties. How are

we going to get through? Indeed, what are we ruling out? The idea that a local authority is going to provide for special educational needs or be the main backstop suggests that we might be instituting more special schools.

If we want a hardy perennial of discussion in your Lordships' House, special schools is an extremely good one. There are those who think they are the wonderful answer to all problems, and those who think they are effectively a form of apartheid in which you take somebody with a disability away from the rest of society. It is a long, well-established argument which predates the noble Baroness's arrival in the House, but I assure her the scars are there on many of us who have been through it. How do you get in there and involve these two—at times, childishly—competing ideas?

I have always felt that education is the most important thing and should be done in a way that prepares you for later life. Being taken and locked away with a selective group of people that does not give you that cross-reference is a bad start, but occasionally it will be necessary—very occasionally and I hope increasingly infrequently, but the need will be there. How is this being looked into? The learning pattern of the individual, and whether it interferes with the learning pattern of others, is probably the only real way of justifying that exclusion. How are we going to look at that?

Those who are excluded from school tend to have a very high number of special educational needs. If you want to follow this through, look at the prison population. What happens there? You can find groups of prisoners who have incredibly high levels of functional and indeed total illiteracy. When you look at most of the people in prisons, the fact that they have been effectively excluded from school by the age of 14 is one of the most common denominators. How are we getting on? How are we developing and structuring this?

Then there are the individual schools themselves. It will come as no surprise to the noble Baroness and many of my noble friends that I am very concerned that we improve the knowledge and preparation of the average classroom teacher for dealing with the commonly occurring special educational needs—I say commonly occurring, because anybody who deals with this will know that certain needs and groups of disabilities are very infrequent. Even if they are well known and obvious, how do you deal with the normal occurrence that you expect to find in a classroom?

It is about time I declared one of my very obvious interests in that I am president of the British Dyslexia Association. I am dyslexic and have used assistive technology for nearly 20 years. People with dyslexia are going to be a part of the career life of any teacher, as 10% of the population, or three in a standard classroom, will be on the dyslexia spectrum. We use a low definition internationally—America goes with 20%.

That is just one of the conditions. I congratulate the autism lobby on getting its briefing out on time, given only a week's start. Autism generally affects only 1% of people, but many of those will be in the mainstream. There is a degree of argument there with high-functioning autism, or Asperger's, but many of those will be in a

[LORD ADDINGTON]

mainstream classroom. You will come across them, although as opposed to three in every class you will meet one person in every three classes.

You can then go into dyscalculia and dyspraxia. I hope I get the figures the right way round; I think it is 3% and 5% according to some estimates. Then you have all the other conditions, for example those relating to speech and language. There is some debate whether there is a higher number of people suffering from speech and language problems than those with dyslexia, but there ain't much in it. It will depend on which bit of teaching you are doing—that is, which age group—as to when you will hit these things hardest when you are going through. How do you deal with these problems?

The Answer we got at PMQs saying that the Carter review is going to have a look at this and do something about it is reassuring, but Carter is not the first review into teaching. Lamb and Rose come to mind as fairly recent examples. We can have reviews and make recommendations, but unless we are prepared to implement them it means nothing. Are we prepared to implement? In the new structure suggested in the recent White Paper on teacher training, how do you get a sufficient level of awareness or specialism to catch the vast majority of students going through the system and give the correct support?

In the current environment, let us face it, we have put a great push on things such as spelling. The British Dyslexia Association's helpline had a rare experience recently: we had lots and lots of inquiries from teachers asking: "How do I get my dyslexic student through their spelling tests for SATs?". The answer was: "We cannot help you here now". Remember that these are disabilities which mean that you will always have greater difficulty—you always will. It does not matter how wonderful your phonics teaching. A dyslexic, with the language processing problems you have and the short-term memory, is always going to be worse at spelling.

If you sit them down and say simply, "Do more", do you know what you are doing? It is the equivalent of taking a weak man or a small woman and saying: "Carry sacks of coal, and if you can't do it, let's make sure you do some more" and then, when they collapse in a heap, saying, "You didn't try hard enough". You are cutting that person off from the entire learning experience. We would not do it to somebody in a wheelchair. We would not say to them: "Go and do the cross-country course". Well, we might, and the noble Baroness, Lady Grey-Thompson, would have got round, but it would not do her any good. It would not have helped anybody. Most people would have been left behind; most would have failed.

Are we going to get the expertise into the classroom with the freedom to change the way they teach, the freedom to say: "This is not appropriate"? Let us remember, for many years we have given a legal responsibility to educate these groups. They have different learning patterns; they will not be able to learn in the same way. That is recognised in law, but we are not equipping teachers to do the job. That is a ridiculous situation, one where we are frequently contradicting

ourselves in legislation. In the previous Parliament, I spent a great deal of time pointing that out on one issue.

If we are to carry on encouraging schools to go their own way, what support can they get? Will we appoint more educational psychologists—those people with six years of training? It was pointed out to me in conversation that at the moment, there is generally about one of them to between 25 and 30 schools. With the best will in the world, that is not a great resource. Each one will be dealing with at least 10,000 pupils, perhaps half that number again. How are we going to make sure that teachers in the classroom are supported, that the normal—run-of-the-mill, if you like—teacher, will be able to say to someone: "I think you have a problem here; I think it is X", and then inform the parents of that child? At the moment, as I have said before, the normal pattern is that an interested parent batters away, identifies what is going on, does some research, gets in touch with a charity and then goes to the teacher. That is ridiculous.

Then we talk about raising standards. We are going to have to prepare the classroom experience to be one where teachers can work smarter: identify, support and help appropriately. That is what is required. Unless you have an intervention structure where you can find out who is there, go to outside structures and be guaranteed that they exist, you will get a degree of failure, or at least underachievement. Surely we do not want this. Surely, this is utterly counterproductive.

I shall pull my comments and arguments together, I hope. Where will we take the necessary action to make sure the situation is better in this brave new world of independent schools? If we are giving the ultimate support responsibility to those outside, what are going to be the links? What are we going to do to make sure that people are not forever fighting over whose budget it will come out of? How are we going to progress here?

I could think of several more questions, but I think noble Lords have probably heard enough from me for today. However, I hope that we get a better idea of the rate of travel and the commitment from the Government to make sure that, with teacher training, something actually takes place, as opposed to simply having another review that sits in a big pile while people say, "That was a good idea—we'll get round to it someday". Unless we take action now, we are in real trouble—or we will continue to be in trouble.

11.55 am

Lord Warner (Non-Afl): My Lords, it is a great pleasure to be able to congratulate, and follow, the noble Lord on securing this debate on a subject that is too often out of public awareness and under the political radar. He has been a stalwart champion of people in these groups and regularly draws our attention to the shortcomings of many of the services in responding to their needs.

I shall focus my remarks on the autism spectrum and the children on that spectrum. Here I declare an interest as the grandfather of a six year-old diagnosed with Asperger's and sensory processing disorder. I should make it clear that, for the most part, the

support that he has received from the local authorities and from the school involved, which is an academy, has been excellent, so whatever I say today is going to be not about him but about the people who have not received the kinds of services that he has received. There are very many families and carers up and down the country who are struggling to interrelate with public services when their children are on the autistic spectrum.

We know that autism is a lifelong condition that affects how a person communicates with and relates to other people. If that condition is overlaid, as it often is, with other conditions, as my grandson's is, when children go to school they will not relate to that school environment in anything like the same way as the vast majority of children. Their spatial awareness may be very different, the noise and bustle of the school may be very frightening, and they may well be highly restless and unwilling to sit and obey instructions. Indeed, they may well not understand the instructions. They may interrupt and disrupt lessons because they do not understand how to behave and how to relate to their environment. I could go on with many other examples. If the school and its teachers have little or no understanding of the possible behaviour of children on the spectrum, the stage is set for conflict between the educational system and the child and his or her family. It is only a short step then to educational failure for the child, and another disadvantage to be added to those that he or she already has.

There is no objective test for autism. A diagnosis is made by observing behaviour, but that diagnosis may still not settle the full scope of the child's condition, and continuing observation of the child's behaviour may well be very important in determining how best to respond to the child's needs. School is a very important part of that observation process, and teacher awareness and responsiveness is critical to the autistic child's development. If their initial training does not cover adequately the special needs of these children with developmental problems, they are far less likely to respond with understanding and compassion when they encounter these children in their classrooms. Indeed, they are much more likely to do harm to that child, because they are unaware of what the consideration should be.

The excellent briefing from the National Autistic Society tells us that there are an estimated 120,000 school-age children on the autism spectrum. That is more than one child in 100. The vast majority, more than 70%, of these children are in mainstream education, like my grandson, who, I have to say, has so far flourished for nearly two years in a mainstream school, so it can be made to work when the staff are trained and aware and the support systems are put in place.

This means that every teacher is likely to have children with autism in their classes at some time in their career. It is therefore no surprise that teachers say that they need more training. A survey by NASUWT in 2013 found that 60% of teachers believed that they did not have enough training in autism to meet the needs of the children they teach. Without that understanding, classroom conflict is almost inevitable, because the child with autism is almost certain at some

stage to behave in some way that the teacher does not expect. I have to tell your Lordships that my grandson regularly surprises the teachers. Government figures show that children with autism are four times more likely to be given a fixed-period exclusion than pupils with no special educational needs. That is massive discrimination. The inadequacy of the coverage of autism in initial teacher training is clearly causing significant problems for children and parents, as the NASUWT briefing shows. In a survey conducted in 2015, 58% of children on the spectrum said that the single factor that would make school better for them was "if teachers understood autism". In the same survey, parents overwhelmingly rated teachers by good autism knowledge, felt that training was the most important factor in their child's school experience, and reported improvements when a teacher received training.

Clearly I welcome the announcement yesterday that the Government have encouraged Stephen Munday, who is conducting a review of initial teacher training, to include a recommendation on autism in his report on the reform of initial teacher training. However, this is only a tentative first step, so I have some questions for the Minister. First, when can we expect the report to be published and there to be an announcement by the Government of their response to Stephen Munday's recommendation? Secondly, what is the earliest date that the framework for initial teacher training could be amended and training start to be changed? Thirdly, and perhaps as significantly, what are the Government going to do in respect of teachers who are already in place and who will not be going through initial teacher training? Finally on this issue, what can the Government now say about putting funding in place to make implementation practical?

I shall now make a few remarks and observations relating to the new EHCP system and the role of local authorities. First, I draw the Minister's attention to the content of Sir Michael Wilshaw's powerful letter of 10 March to the Education Secretary about the poor performance of some academies in multi-academy trusts, the inflated salaries of their chief executives and their large cash reserves. Sir Michael makes very clear in that letter that disadvantaged children are making poor progress in English and mathematics—and here, let me say, without being accused of being a proud grandfather, that my grandson is making better than average progress academically and that I am not opposed to academies where appropriate.

However, the parents of any child with autism attending some of the academies criticised by Sir Michael would have little confidence that their child's needs could be met, so I have another question for the Minister: what is the Secretary of State going to do in response to Sir Michael's letter of 10 March?

I have another couple of points to keep the Minister interested and gainfully employed. She may have seen the results of the survey by the National Autistic Society last January on the operation of the SEN system in England. This survey, of over 1,400 parents and carers of children with autism, showed a nearly 50% dissatisfaction rate with their experience of the new system. What are DfE Ministers doing on the

[LORD WARNER]

NAS's recommendation, as a result of that survey, that the Government should conduct and publish a review of the implementation of the new system?

Finally, the noble Lord, Lord Addington, made graphic mention of the position of educational psychologists. These people are critical to making the new system work and helping both schools and parents to use it. The staff shortages of educational psychologists, with over 200 vacancies in England, is damaging the new system's operation. Given the parlous state of local government finances in many places—largely, I have to say, the result of actions by the current and previous Governments, especially, if we were being unkind, some of the actions of the Chancellor in relation to local government—what is the Education Secretary going to do to ensure that there is sufficient educational psychology capacity available? As more schools cease to be the responsibility of local authorities and it becomes her responsibility, what can we hear from the Minister about how the Government are going to tackle the serious problem of a shortage of educational psychologists, as more and more schools move to academy status and outside the remit of their local authority? I think there is enough of an exam paper there to keep the Minister interested.

12.06 pm

Baroness Sharp of Guildford (LD): My Lords, I congratulate my noble friend Lord Addington on securing the debate today, which strikes me as a very timely one for us to have. I declare an interest as the special educational needs governor at a local primary school in Guildford.

Nationally, something like 15% of pupils in schools, 1.3 million, are classed as having special educational needs. Of those, 2.8% are classed as having quite substantial special educational needs. It used to be that when they were given special treatment it was called being *statemented*, because the statement of their needs identified the support that they needed. The Children and Families Act 2014 changed the concept of *statementing* to one of producing an education, health and care plan—EHC plans, as they are now called—although in many senses the process is very similar, in the sense that once a child is identified as having quite substantial special educational needs there is an assessment that involves, among others, educational psychologists with specialisms in particular areas, and the needs of the child and the support that is needed to help them are identified. The school has to provide that support although, as before, the cost of it is met by the local education authority.

The SEN part of the Children and Families Act was very much the brainchild of a colleague of ours in the House of Commons at the time, Sarah Teather. She was concerned to ensure that the care given to those with SEN cut across the various services provided and that there was joined-up thinking on the part of the Government. Frequently it was found that it was not just a matter of educational needs; that need would often spill over into social need, not only the child's family background but also housing and similar issues. Sometimes social services were involved, and it

was necessary to have the social services input and to have the health input from the NHS. As things stood, the emphasis was very much on the provision of educational services but there was not nearly enough joined-up work across the services to provide the necessary support for the child. As I said, much of the thinking that lies behind the concept of the new education, health and care plan was that there should be co-operation, in statute, between these various services so that you can get the joined-up working that is necessary to make sure that the child gets the support they need.

The other thought behind the Act was that perhaps too many children were being *statemented*. I know that, when she was a Member, Baroness Warnock believed that many schools pushed for children with autistic tendencies, for example, to be *statemented*, partly because the schools could then get enough resources to provide the necessary support. If truth be told, the figure has been at 2.7% or 2.8% for some time now, and there is no indication so far that there will be a reduction in the number of those put forward for the new EHC plans.

However, one should bear in mind that a very large number, some 15%, of young people with special education needs of one sort or another are looked after by schools and not by special provision. A very small proportion, some 3%, receive this special provision, but 15% of young people in schools need some sort of attention. This used to be called *school action* or *school action plus*, according to how serious the need was judged to be. That assessment is now entirely up to the school. In my own school, children's needs are assessed when they come into the reception class. Although our school has links with the nursery school that feeds into it, not every child who comes to our school is from that school. We serve an area of relative deprivation so are slightly above the national average in terms of the number of children with special education needs as a whole, and we are very much on the national average as regards those who need special plans. The current arrangements emphasise the role of and provision made by the school as well as the point that my noble friend Lord Addington made—that the ordinary classroom teacher needs to be trained to cope with special educational needs. As I say, in the school where I am a governor we have a special educational needs co-ordinator, a SENCO. She has a number of higher-level teaching assistants whom she has largely trained to cope with particular areas. One is concerned with speech and language and another with behaviour. We also have a home liaison team and a home/school link worker who works very closely with the SENCO. That provides us with much of the social care element that is often necessary as well as with a link to the home.

The school is backed up. It is an academy, but we still use the local education authority when we need special services. For example, quite a few children come into the school with behavioural problems so we look to the local education authority when there is a need for a behavioural specialist. I believe that we buy in the services of that specialist. That emphasises both the importance of the special educational needs co-ordinator—every school now has to have a trained SENCO—and the role that she plays in co-ordinating

services across the school and training the classroom teachers. In my school, there are sessions after school when she runs through the special educational needs issues. She also runs a surgery for classroom teachers between 8 and 8.30 in the morning. The school opens at 8.30 am and any teacher who has a particular problem can pop in to talk to her about it. She, together with the deputy head and the small team with whom she works, assesses the needs of every child coming into reception. The classroom teacher is obviously part of the group that makes the assessment and he or she can look to the specialists among our teaching assistants to come in if they need extra help. We also make assessments on a one-to-one basis of those with special educational needs and, if necessary, we put them forward for education, health and care plans.

I want to talk a little about the difficulties that we run into at that level. There has been the switch from statementing. Every child who had a statement has had to be reassessed, and that has created something of a backlog. It is up to the local authority specialists to conduct this reassessment and, as I said, by next year every child has to have an education, health and care assessment and plan.

In that regard, we are very dependent on being able to pull in the services of the local authority. Getting these local authority specialists to find the time to come in is very difficult, and I know that that is a problem that arises not only in relation to the school where I am a governor but to schools across the country. A child with autism coming into a reception class sometimes needs one-to-one support. In the last year we have had a couple of cases of children coming in with very real problems. They have not been able to settle into the classroom environment and have needed one-to-one support within the class. However, it has taken about a year to get statements for those children and, in consequence, the school has had to pay for a teaching assistant at a cost of about £16,000 a year. The cost of providing two one-to-one teaching assistants for a year in a relatively small primary school is substantial.

The key issue here—it has been noted by both my noble friend Lord Addington and the noble Lord, Lord Warner—is educational psychologists, and I have a question that I would like to put to the Minister. At the moment, the training period for educational psychologists is long—it takes six or seven years—and people will also be working in a classroom during that period. They get a bursary for the first year but, after that, I gather that they are employed by local authorities in an apprentice capacity, so to speak. However, they are not paid for the first year of their more specialist training. These are what are called “commissioned” places for educational psychologists.

At present, the Government provide 150 commissioned places but we desperately need more. Quite a number of vacancies across local authorities cannot be filled. There is a high turnover, partly because the young people who go into it are not particularly well paid. Even when fully qualified, they earn only just over £30,000, so it is not very well paid after six or seven years of training. They move from one job to another, and sometimes of course they move for other reasons—for

example, their husband may have changed jobs. Can the Minister tell us why the number of places cannot be increased, given that there is a very real bottleneck in a lot of schools? There is the whole question of getting an educational psychologist to find the time to help with assessments of one sort or another or, for that matter, of getting support within the school when the SENCO needs help in coping with problems that arise from time to time. Why can that not be increased? The Association of Educational Psychologists feels that we need 200 places. Could not that be done?

I am quite impressed by the degree to which, in “good” schools—our school now is recognised as a “good” school—the children are not only assessed when they come in but there is careful monitoring of how they are proceeding, whether they are exceeding their age-related expectations and how they are doing in relation to other children in the class. It is good to see the attention that is being given to this, how carefully the SENCOs work with the classroom teachers, and how the classroom teachers respond. However, it is necessary that those teachers are properly trained. Again, this point was raised by both previous speakers. It is also necessary that more time is given in initial teacher training to identifying particular special educational needs. As my noble friend Lord Addington said, quite a number of children suffer from dyslexia and it would be sensible if those training to be teachers were more knowledgeable about it.

Classroom teachers face a diverse number of young people with whom they have to cope. The outside services are often overstretched and cannot meet the deadlines required, leaving a backlog of work to be done, assessments to be completed, education, health and care statements to be negotiated and agreed, and tribunal hearings to attend. One recognises how pushed many of the local authority people are in their jobs. All this reverberates back on the school, the SENCO and his or her staff, and the classroom teachers who have to cope with running the class—and that class is often made up of a diverse group of young people with diverse needs. They need to be properly trained to cope with these demands. Increasingly in our schools we have well-trained specialists in terms of the SENCOs and their support staff. However, they in turn depend upon the classroom teachers to recognise and understand the specialist needs that emerge from the diversity that they find among the pupils in their care.

12.22 pm

The Lord Bishop of Southwark: My Lords, I am also very grateful to the noble Lord, Lord Addington, for securing this debate. Our schools prepare young people for our communities and are committed to seeing that all children are valued and respected, which serves to build a society where all know the fullness of life. Last week in this House, the right reverend Prelate the Bishop of Ely reminded us:

“Life in all its fullness means being exacting, rigorous, ambitious and having appetite for all that excellence demands”.—[*Official Report*, 19/6/16; col. 63.]

He added in another speech that,

“we cannot allow our commitment to academic rigour blind us to the fact that we are teaching people, not subject matter”.

[THE LORD BISHOP OF SOUTHWARK]

This is core to the Christian idea of education as a matter of mutual flourishing, of which academic achievement is only a part, albeit an important part.

Schools should not accept underperformance, but reaching one's potential does not look the same for all children. Our schools must be supported in the important work of ensuring that children with special educational needs and disabilities reach their potential. It is not enough for them merely to fit into the system. Moreover, a child with special educational needs is a positive gift to a school, bringing a different sensibility and outlook that can both challenge and enrich the whole school community.

Jean Vanier, who founded the L'Arche communities and has done so much to transform the way that people with learning disabilities are understood and valued, says, in *Becoming Human*:

"Weakness, recognized, accepted, and offered, is at the heart of belonging, so it is at the heart of communion with another".

The weakness of which he speaks is something that we all share, not just those of us with learning disabilities. But it is perhaps a distinctive ability of a child with special educational needs to offer this transforming gift of weakness to a school community with greater frankness. Such children are an opportunity, not a problem.

As well as recognising what they have to offer, it is also, of course, vital to provide for their particular needs. How we do this is part of a much larger picture of community health and disadvantage. For example, Traveller of Irish Heritage and Gypsy or Roma pupils are overrepresented among many categories of special educational needs, including moderate and severe learning difficulties, and behavioural, emotional and social difficulties. Good SEN provision is part of building communities where we are all welcome and provided for.

The White Paper's suggestion that,

"a pupil's mainstream school will retain accountability", for the educational outcomes of excluded children when they have not,

"subsequently enrolled at a different mainstream school", is a good example of the Government attempting to ensure that,

"the needs of vulnerable pupils are met".

We must show that we consider children with special educational needs and disabilities to be integral to the community. Their success, whatever that may look like, is vital to the health of the whole school.

A particular example of how this is being done well is the Northumberland Church of England Academy. This school provides for those with moderate learning needs up to 19 years old and has a centre for those with more severe needs or profound, multiple learning difficulties. The centre offers each learner an individualised curriculum drawn from the national curriculum, and an essential curriculum that covers all aspects of personal and social education. There is recognition that all children deserve a high-quality education but that this looks different for each child.

Turning to the bigger picture, my concern is in part one of capacity. With the shrinking of the role of local authorities, some academies may lack outside monitoring

and support. As we move further away from local authority oversight, schools must be confident that they will be supported in having effective provision for children with special educational needs and disabilities. They cannot be held accountable if they are not also given the capacity to do this. Capacity includes having effective training for staff so that they are confident in what they do and can identify areas for improvement—a point that has already been made.

Special educational needs and disabilities are often associated with shame, humiliation and a lack of self-worth. Good SEND provision must also include tackling the bullying and other diminishment that children with these needs can encounter. Again, central to success is to help pupils, staff and the whole school to recognise the distinctive and valuable contribution that SEND children can make to the life of the school and the development of their peers. As I said before, a SEND child is not a burden but a gift. While the White Paper signals a desire to support vulnerable pupils, noble Lords need to insist on clarity about what will be the impact of academisation and what will happen to funding for special needs pupils, especially those excluded from schools. This is key.

Church of England schools are keen to play their part in SEND provision, but the lack of clarity in this area creates a barrier to those planning to open a SEND free school. It must be addressed as quickly as possible to ensure that the best provision is available. Many diocesan boards of education own small school sites which might be highly suitable for special school provision and would be willing and enthusiastic to expand into SEND schools if the funding risk can be allayed. It is a matter of deep regret that one of the Church of England's most outstanding special schools, St Francis School, in Hooke, west Dorset, was closed some years ago because of the high cost of different services to fit the curriculum and restrictions on local authority funding. So there are lessons to be learned from recent history about managing the funding risk appropriately.

Schools are not the only SEND providers facing uncertainty around their capacity to continue providing high-quality education and an environment of mutual flourishing. Hereward College is a college for young people with disabilities and additional needs based in Coventry. It offers inclusive provision and specialist facilities for day and residential learners with complex disabilities and learning difficulties. Its principal has said that the college wants its learners "to make the most of their skills and abilities, have increased choices and make more of their own decisions about work, education, health and living".

Again, there is a concern about funding here. Funding for high-needs provision has been cut significantly and many specialist colleges could go out of business. The choice for disabled students has been severely restricted and in some cases they do not have access to suitable provision. This needs to change if we want them to live full lives and be inspiring and contributing members of our community, and if we want the whole community to flourish by embracing the distinctive sensibilities of every member.

To conclude, improved school capacity to deal with commonly occurring special educational needs and disabilities is not a small part of our school system but a crucial signifier of our vision for education and what it means. Education is not just for those who perform well and easily in a system that suits them. It is for everyone, and those with special educational needs and disabilities have gifts to offer without which the entire community is poorer. Our SEND capacity is one indicator of how much we believe that and reveal it in the daily lives of our schools.

12.31 pm

Lord Storey (LD): My Lords, I start by thanking my noble friend Lord Addington for securing this debate. His tenacity and perspicacity in this area knows no bounds. I also want to thank those organisations which have sent us briefings; they are very important. I have listened to and been moved by all the previous speakers and I agree with what they have said. I guess that this is a debate in which we may all say the same things, but sometimes I have to say that I am a little disappointed. If this was a debate on international affairs, military affairs or even, dare I say, Europe, the Benches would be packed, but when talking about our children with special needs, there is a handful of people here. However, I hope that they can read the debate in *Hansard* and that our wise words will have a profound effect on them.

When I started my teaching career in the 1970s, there was no such thing as special educational needs—there were slow learners. Those slow learners might have been put in what was called a remedial class, or as the cleaner at my first school referred to them, the “ready meals”. Teachers had absolutely no training at all. Again at my first school, a Church of England primary school, the enlightened head teacher decided that these slow learners would go into a separate small classroom, a remedial room, and that they would do all their learning with one teacher in there. As I say, the teacher was not qualified. The effect on those children was not what he hoped for. Imagine children with a whole host of learning difficulties being kept together in a mixed age group in one classroom. That is not the way to deal with special educational needs. But, of course, he did not know that. Teacher training did not equip teachers for this responsibility and area of concern.

When we move the tape forward we can see that successive Governments came to realise, to their credit, how important this issue is. Schools have co-ordinators—SENCOs—with particular responsibility for special educational needs. The whole landscape over that period since I started teaching has changed dramatically.

I particularly want to note the work of the coalition Government—I would say this, wouldn't I?—on the Children and Families Bill, because for the first time, SENCOs had to have the correct qualifications. It was a bit daft to have someone responsible for educational needs who had no official training or qualifications. We introduced the all-important code of practice, which has been a milestone in this area and, of course, we brought in the education health and care plans. I remember that a number of us at the time raised

concerns. Before the health and social care plans there were statements, and pupils with special educational needs had a formal statement. What was written on the statement had to be carried out but the new care plans were a more joined-up approach.

We were promised that there would be a review of how the care plans mechanism was working, particularly the appeal system. There is concern about how the appeal system is working in respect of parents. However, there is still much to be done. I said that SENCOs in schools are qualified, but only newly appointed SENCOs have a qualification; the existing ones do not need it, but they can decide to get one. We should be saying bravely and boldly that every SENCO—past, present and future—should have a qualification.

The 2014 Mencap survey of 1,000 parents found that 66% who have a child with a learning disability are not confident that teachers at their child's mainstream school understand how to teach pupils with special educational needs. That was presumably of concern to the Government. The *Carter Review of Initial Teacher Training*, published in 2015, which we have heard about from a number of Members, identified special educational needs as a significant gap in many teacher training courses and recommended that it should be included in a framework of initial teacher training content. I would go further and say that all teachers, whatever route they go through to be a qualified teacher—Teach First, for example—should and must have a special educational element in their teacher training. Further, teachers should be provided with regular and continuing professional development opportunities.

We know that under the Special Educational Needs and Disability Act 2001, SEN children have a right to be educated at their mainstream school if they wish. Many mainstream schools are simply not viable options for SEN children as a majority of teachers there do not have the vital base level of educational needs understanding. I very much support the other recommendation in the Carter review: that trainee teachers should have opportunities to undertake placements in special schools or in mainstream schools that have a specialist provision. But why just trainee teachers? Why not the leadership team of a school, or indeed why not a rolling programme of all teachers? I would be grateful if the Minister told us where we are up to on some of the important recommendations of that review.

Local authorities are responsible for the funding of children with special educational needs and are tasked with ensuring that all students, including special needs students, have a place. As the noble Lord, Lord Warner, rightly pointed out, as the number of free schools and academies grows, there is a danger that there will be a disconnect between the responsibility of local authorities to support children with special needs and the level of control that local authorities have over schools in their area. It is likely that more funding will go directly to academies and free schools, meaning that the LAs will have fewer funds at their disposal to meet their responsibilities. How does the Minister see LAs carrying out that responsibility in an ever-changing schools landscape, with fewer and fewer resources for them?

[LORD STOREY]

I turn to funding, which is complicated. At times I struggle to understand how we make the funding work. I will give two examples. We know that the high-needs funding block is the money given to local authorities to manage and develop local SEN provision. It provides top-up funding for education settings to help them support pupils with high-level needs that they cannot reasonably expect to meet themselves. A friend of mine has a daughter who has mild cerebral palsy. She is also on the autistic spectrum and dyspraxic. That family, along with the local authority, has struggled to get the support she needs. The authority is pressurised because of its budget constraints, so it looks at every application very closely. The family had two formal interviews. That seems to me the wrong way to do it. The pressure put on that family did not seem right.

Yesterday, I went to visit Tower Hamlets FE College. It has a very successful special needs department, but it has also built a special needs unit in the basement of the FE college. I visited that unit and was amazed by the love and care of the staff there. What I did not realise was that the pupils in that unit come from a local special school. Why? It is because we have to make provision up to the age of 24, but a special school gets funding only when the pupil is 18, even though the mainstream special school might have capacity. The special school has had an arrangement with Tower Hamlets College whereby it can send its post-18 students and its teachers to Tower Hamlets because the college can access the post-18 funding, whereas the school cannot. That seems a strange way to deal with funding. If a mainstream school has the capacity to continue supporting special needs students, that should be how it operates.

At the beginning I mentioned the importance of teacher training in special educational needs. The other issue is early identification. If a teacher is trained they can identify where problems occur. As a head teacher, for me, one of the most important resources was the school psychological service. It was the gem for giving support. A bit like with funding, I gradually saw the educational psychological service resource decline, not in quality, but in the amount of time I could have with it. To take the example of a young boy, the ed psychs, as we called them, would come in, help to identify problems and put together an action plan or a statement—now, it would be an education healthcare plan. But there was always a long gap between visits because their time had to be given out sparingly. Mine was a 600-place primary school; we ended up seeing the ed psych maybe twice a month if we were lucky.

A boy with adoptive parents who had been battered as a baby showed all sorts of emotional and behavioural problems at school. He would come into school and just want to escape. When he was settled, suddenly, there were problems again. His parents were so supportive. We tried everything to work out the issues. Of course, the ed psych identified them—and the solution—but that process seemed to take for ever and a day. If we are genuine about dealing with this issue, we must make sure that that resource is supported. As both the noble Lord, Lord Warner, and my noble friend Lady Sharp said, we should not drip out ed psychs' time but make sure they are there as often as needed. How do

the Government intend to deal with the shortage of EP support in schools? What plans do they have to recruit more educational psychologists? How can we ensure a more seamless service?

The noble Lord, Lord Warner, talked a lot about autism. Last year, I was privileged to visit Treetops School, which is ambitious about autism. Again, I was stunned by the quality of the provision there, and how caring and supportive they were. That made me think: why cannot that provision be available for all autistic children? On Tuesday, I met a boy called Alex. He was a pupil with special educational needs who struggled with mainstream schooling. He left school and applied to the Salvation Army's step-up programme. There, he was given specialist support. I was shown some examples of that support, focusing on what is important to Alex, what those who know Alex say and how Alex can best be supported. He was given the specialist support he needed, completed the course and now has a job as a barista. The course gave him the interpersonal skills needed for the world of work.

We have made great strides in the provision of special educational needs, as I said at the beginning, but there is so much more we can do, equipping all teachers with the knowledge and training they need, and ensuring that the resources, funding and regimes for special needs are provided equitably and do not become a constant struggle to access. We need to realise the importance of the educational service. The support Alex got should be available for all pupils. We should champion the importance of educational needs, which I know is something all of us in this House feel strongly about.

12.48 pm

Lord Watson of Invergowrie (Lab): My Lords, there should never be any doubt over whether there are sufficient places for children with special educational needs or a disability. Societies are surely defined by how they care for their most vulnerable members and if children are unable to access the educational support they require they will be seriously hampered—perhaps permanently—in fulfilling their potential.

On the face of it, the mere fact that the number of academies and free schools has increased exponentially should not mean that there is greater need for additional school capacity for SEND children. In fact, given that free schools are by definition additional schools, and that there are now more than 20 special free schools, logically the pressure on such places should have decreased. However, it seems that is not the case and so we are all indebted to the noble Lord, Lord Addington, for bringing this important subject to your Lordships' House for consideration.

What is not logical is the Department for Education continuing the responsibility of local authorities for ensuring adequate school places for all who require them yet denying local authorities the ability to tell academies that they must expand to meet demand. That situation surely must change because, as the title of this debate suggests, in some places the increasing number of academies and free schools has made it more difficult for SEND children to gain access to the school named in their education, health and care plan.

Other noble Lords commented on evidence that this is the case. Indeed, an article in the *Independent* in January this year quoted the chief executive of the National Children's Bureau on anecdotal evidence that had reached her to the effect that academies were often reluctant to accept children with special educational needs unless they had an EHCP already in place.

Under the *Special Educational Needs and Disability Code of Practice*, parents are asked to express a preference for a school as part of the process for agreeing an education, health and care plan for their child. Of course, academies are under the same duty to admit a child if he or she is named in an EHCP care plan as any local authority school. In practice, I suspect that only a few do not comply, even though some may initially be inclined otherwise. If an academy is determined to avoid admitting a particular child, it has the option—which maintained schools do not—to refer the admission directly to the Secretary of State: a step that rightly is very rarely taken.

But what is the situation for children with special needs who do not have an education, health and care plan? The School Admissions Code should ensure that academies operate a fair admissions policy for all SEND children. In a reply to a Written Question in another place from Cat Smith MP on 27 April, the Minister, Edward Timpson, outlined the various requirements placed on academies. He also highlighted the fact that parents had the right of recourse to the Schools Adjudicator, the First-tier Tribunal and also had the right to bring a complaint under the Equality Act. All those options are available, but why should parents who may already be facing significant challenges with a child with SEND have to go down these routes to get what is theirs by right? Quite apart from the cost and time implications, it is intolerable that this should be the result of academies dodging their legal responsibilities.

Each academy—or, at least, academy trust—will have its own distinct philosophy and operating practices. Some will be highly inclusive—some have special schools as part of the trust—and some will be less inclusive than they should be, though that may well involve more than SEND children. We know that some academy trusts have opened pupil referral units which are used to “move out” children with special educational needs, without actually excluding them. Some academies—and, probably, some maintained schools—would rather not take special needs children who may lower their academic results. Where that can be identified, it should result in decisive—indeed, punitive—action from the Regional Schools Commissioner or the Secretary of State herself, because it makes a mockery of the philosophy of all the main political parties, which is that while all children must be valued equally, even more should be done for those who have special educational needs.

Does our education system value all children equally? The charity Alliance for Inclusive Education does not believe that is yet the case. It has issued a persuasive six-point plan which, if she has not already done so, I urge the Minister to read. I will mention just two of the points. Currently, SEND children do not have an absolute right to mainstream education. I think this is what the right reverend Prelate the Bishop of Southwark meant when he talked of all children being integral to

the community. Discrimination can, and does, continue under the guise of “parental choice” and “reasonable adjustments”. Sometimes SEND children are excluded from a school because of the presumed “negative effect” their inclusion would have on able-bodied children. Equally, with an increasing premium on building space, inclusive design can often be neglected in education building projects. These are not situations which should be tolerated in the 21st century and the Government should consider what steps they can take to bring them to an end.

For children with SEN, those who exhibit challenging behaviour and those from disadvantaged backgrounds, there is some evidence that as they approach GCSEs they are removed from school or academy rolls. The *Guardian* in January this year reported concerns that league table pressures were acting as an incentive to moving students unlikely to perform well off the school roll. Some schools are thought to use “unofficial exclusions”. The number of pupils educated in both pupil referral units and special schools is on the rise and special school numbers have risen by more than 13,000 in the last five years. What drives that? We have a system which incentivises schools around the attainment of their pupils and not on their progress or the difference schools make to children's lives over time. This is non-inclusive in itself because it values higher attainment and places greater value on children who achieve higher results.

Academies and academy trusts are coming under particularly strong pressure in this regard. There is a constant message that results alone determine their success or failure. It is therefore no surprise that some schools and academies, and some academy trusts, might engage in non-inclusive practices and it is right that the issue should be acknowledged, not least by the DfE.

Many children and young people with SEND also have other forms of disadvantage. Specifically, there is a direct link with children in care. Government figures show that just 12% of looked-after children achieve five or more good GCSEs or equivalent, and two-thirds of looked-after children have SEND, compared with less than 20% of the general population. Earlier this year the Prime Minister acknowledged that,

“some people get left behind ... They haven't been equipped to make the most of the opportunities presented to them—and a chasm exists between them, and those who have been able to take advantage”.

Legislation in the Queen's Speech promises a number of changes, perhaps the most important being that the Children and Social Work Bill will introduce new “corporate parenting principles” to govern support for looked-after young people, and duties on schools, including academies, to designate a member of staff for children who have been adopted or live with a special guardian, which already exists for looked-after children. The forthcoming “education for all” Bill will include fundamental reforms to alternative provision for excluded pupils, which is overdue when it is considered that children with SEN are seven times more likely to be permanently excluded from school.

However, the White Paper published in March offered little for SEND children. For instance, in Chapter 3 on leadership, SEND does not even get a mention.

[LORD WATSON OF INVERGOWRIE]

SEND leadership is ignored in terms of advanced career development, and there is no mention of SEN co-ordinators, which every school is obliged to have. As the noble Baroness, Lady Sharp, highlighted, more training for so-called SENCOs is much needed. In many schools the SENCO is merely a volunteer—perhaps the only member of staff willing to take on the role. While they will get training as deemed appropriate, they cannot be equipped to deal with each child's individual needs. I certainly endorse the assertion by the noble Lord, Lord Storey, that each SENCO should have an appropriate qualification.

The Children and Families Act introduced significant SEND reforms which will better support children and young people with autism in the education system, including the publication of local offers of SEND services by local authorities, but the funding to support the changes is widely regarded as inadequate, despite an additional sum being announced by the Government recently, which I acknowledge. Local area SEND inspections are due to begin this month yet their scope remains unclear and it remains to be seen whether they will have the necessary bite to make a difference to education, health and social care provision.

The noble Lord, Lord Addington, outlined clearly and movingly the needs associated with children with dyslexia. His analogy with a frail person being asked to carry a bag of coal made a deep impression on me and, I am sure, other noble Lords. The noble Lord, Lord Warner, reminded us that autistic children are also in need of greater support, and while the small number of special schools specifically for children with autism that have opened recently are welcome, many more young people could be properly supported were more teachers adequately trained to provide that support.

Of course, this impacts on initial teacher training so it was encouraging, as other noble Lords have said, to hear the Chancellor outline in another place yesterday the fact that the importance of ensuring that teachers are properly trained to support young people with special educational needs, specifically autism, would be a central tenet of the review of ITT that is currently taking place. That is welcome, as is the fact that the announcement has featured prominently in today's media but, beyond autism, it is to be hoped that the way will now open up towards a significant proportion of initial teacher training content being allocated to support the full range of individual needs of children and young people.

As the noble Lord, Lord Addington, also outlined, educational psychologists play a key role, providing an essential contribution to the assessments for education, health and care plans. They also give strategic advice to head teachers, governors and SENCOs on support for all children with SEND, with or without an education, health and care plan. Ideally, there would be a weekly visible presence of educational psychologists in all schools, working with staff and children, to avoid the issues that the noble Lord, Lord Storey, referred to. But the opportunity to provide strategic advice is limited by insufficient numbers of educational psychologists. More than 60% of secondary schools have access only one or two days a month; just 1% of schools have access every day.

This links in with the question of increasing school capacity. It is about brokering multiagency support. For example, it is about increasing the number of speech and language therapists, especially in primary schools, and mental health specialists, especially in secondary schools. It is about joining up health and education to support these vulnerable children. Can the Minister say how the Government expect the recent and projected reforms to improve educational outcomes for children with SEND? How will improvements be measured and how will schools, including academies, and local authorities be held to account?

There is a clear need to support children with social, emotional and mental health needs. A Department for Education pilot project is running which paired an NHS mental health worker with a nominated mental health lead in 200 schools across the country. Initial reports from this have been very positive. Can the Minister say whether the pilot will be rolled out across the country to benefit many more children?

An issue that gets very little consideration, or at least coverage, concerns the need to protect children with special educational needs and disability from sexual exploitation and abuse. A crucial aspect of this is ensuring that there is appropriate sex and relationship education for children with SEND. We have gradually become increasingly aware as a society that all children can be at risk of child sexual exploitation. However, research by Barnardo's, the Children's Society and other organisations last year revealed that many children with learning disabilities or difficulties are not receiving adequate protection. This is often the result of false assumptions that they do not need sex and relationships education, as they are not considered "sexual beings", or because accessible information about staying safe online and in the community is not available to them.

The report emanating from that research contained this telling comment:

"We don't want to think that disabled young people have sex; we don't want to think that disabled young people can be exploited and be exploitative. Professionals find it hard to accept this happens to children with disabilities".

This surely highlights the need for accessible, relevant sex and relationships education, which is particularly important because children with learning difficulties are likely to be at a greater risk of exploitation and abuse. The report called on the Government to ensure that accessible and relevant sex and relationships education is made available to children and young people with SEND. Given that the duties outlined in the Children and Social Work Bill extend to academies as well as maintained schools, can the Minister tell noble Lords whether the Government will consider extending requirements in relation to sex and relationships education to academies as well?

Equally, if the forthcoming education for all Bill is to live up to its name, in addition to looking at academic education, the Government should consider how they can improve access to lessons on subjects such as sex and relationships for children with SEND, which are essential for keeping them safe. I urge the Minister to give an undertaking that she will consider this.

Finally, one of the central themes of the Government's new legislative agenda is improving the life chances of the most vulnerable children and young people in the UK. Education is at the heart of this, as we know that those who lack good qualifications—five A* to C grades at GCSE—will be disadvantaged in later life and will struggle to access opportunities such as apprenticeships and to make the transition into sustained employment. Children with special educational needs and disability will need additional support to achieve positive life outcomes, educational and otherwise, and a key test of the action the Government take will be whether it leads to real change for this group.

1.02 pm

Baroness Evans of Bowes Park (Con): My Lords, I thank the noble Lord, Lord Addington, for initiating this debate and echo the words of the noble Lord, Lord Storey, in admiring his tenacity in returning to this issue on a number of occasions. It is an extremely important one, so I am delighted to be responding. I thank all noble Lords who have contributed today.

This Government's vision for pupils with SEND is the same as for all pupils: we want them to achieve their full potential and make a good transition to adulthood. I assure the noble Lord, Lord Watson, and the right reverend Prelate the Bishop of Southwark that we are committed to inclusive education of pupils with SEND and to the progressive removal of barriers to learning and participation in mainstream education, where appropriate. To achieve this, we are transforming the system, improving teacher training and empowering teachers through our school reforms.

The Children and Families Act 2014 is delivering the biggest change to the SEND system in a generation, but it is only the start. We are aiming high. All children and young people should have an excellent education that equips them to have fulfilling lives. The legislation is of course only the start. We have invested heavily in practical and financial support for implementing the reforms, including an extra £80 million in 2016-17.

It will inevitably take time for the new system to bed down, but we are already seeing examples of good practice and getting positive feedback from parents of pupils with special educational needs.

We have set out clear expectations of schools in our revised SEND code of practice. Excellent differentiated classroom teaching is key. Schools should provide a graduated approach to assess, plan, deliver and review what works best for each individual pupil by way of support.

That is the theory, but how are schools supporting children in practice? As the noble Lord, Lord Watson, said, schools are now required to work with families to publish a school information report, setting out how they value and support pupils with SEND. They have risen to the challenge. The students at Ninestiles Academy in Birmingham, for instance, have put together a video showing what is on offer at their school, while St George's Beneficial primary in Portsmouth has developed an engaging report covering every aspect of the support available in the school—from what to do about initial concerns, to the curriculum, teaching, specialist services, and even how children will be included in school trips.

Providing the best possible training is at the heart of our drive to improve standards. As all noble Lords have said, classroom teachers must be equipped to identify and respond to special educational needs. To make this happen, we have made improvements to initial teacher training and CPD, and all these changes have a special needs focus.

In addition, we have funded disability groups to produce good practice material for teachers on meeting particular needs. We have awarded contracts totalling more than £2.5 million a year to a number of sector specialists, including the Autism Trust and the National Sensory Impairment Partnership, to support the implementation of the SEN reforms and to provide information and training to schools and teachers. In 2016-17, we are continuing to provide a similar sum for organisations to provide workforce support for dyslexia, autism, speech, language and communication needs and sensory impairment. We have also funded Nasen to develop a free universal offer for SEN CPD for teachers, including those working in the early years and post-16 sectors, which will meet the requirements, providing high-quality teaching as described in the code of practice.

Currently, all ITT courses must ensure that trainee teachers can meet the teachers' standards. Standard 5 specifies that teachers must,

“adapt teaching to respond to the strengths and needs of all pupils; and have a clear understanding of the needs of all pupils, including those with special educational needs”.

As several noble Lords have said, following the Carter review in 2015, we commissioned an independent expert group, chaired by Stephen Munday, to develop a framework of core ITT content. The Carter review had found variability in the quality of course content, with SEND being one area for improvement. The group has looked very closely at these issues and I understand that the noble Lord, Lord Addington, has also met Stephen Munday. I can tell the noble Lord, Lord Warner, that the group has now submitted its report to Ministers for consideration. The report will be published shortly and the Government will also be publishing a response that directly addresses its recommendations.

As the noble Lord, Lord Warner, also said, staff already in post need to be equipped to support children and young people effectively, which is why we are raising the bar for awarding qualified teacher status. In future, teacher accreditation will be based on proven practice in the classroom and assessed on the basics of the teachers' standards, including responding to the needs of pupils with special educational needs.

In addition, we will shortly be publishing a new standard for teachers' professional development, which will set out a clear description of what makes for effective professional development. We hope this will be used to challenge ineffective practice in the classroom now, and to improve quality.

Schools need to keep a close eye on the effectiveness of their support for pupils with special educational needs, and we have invested several million pounds in programmes to support schools. We are currently considering tenders for a further six contracts worth more than £3 million to support the implementation

[BARONESS EVANS OF BOWES PARK]

of the reforms. The largest of these is a contract to provide strategic support for the schools workforce on special educational needs, and to consider how it can best work in a school-led system.

The noble Lord, Lord Warner, asked about reviewing the success of implementing the 2014 Act, and we are keeping the situation under review through a number of measures. The noble Lord, Lord Watson, mentioned the independent inspection of local areas by Ofsted and the Care Quality Commission. This is an innovation and the first reviews are due this month. We are also conducting surveys of local authorities and parent and carer forums.

Several noble Lords mentioned the issue of exclusion of those with special educational needs. We believe it is right for heads to take the decision whether to exclude. Schools need to be safe places for all learners, and poor behaviour cannot be tolerated, but it is of course important also to recognise that some poor behaviour may relate to an underlying special educational need—for example, the pupil is disengaged from learning because their needs are not being met. So, we have clear statutory guidance for schools on exclusions and special educational needs, with a number of safeguards. For instance, parents can request that a SEND expert sit on the review panel for a permanent exclusion, and when a pupil has a statement of SEND or an EHC plan, permanent exclusion should very much be the last resort.

In our recent White Paper, we set out our vision to continue the rise in educational standards—a school system in which every school can adopt the benefits of academy status, which give excellent leaders and teachers the freedom to run schools as they see best and ensure that every child gets the education that they deserve. Multi-academy trusts are key to this. The noble Lord, Lord Warner, mentioned concerns expressed in a letter from Sir Michael Wilshaw. The Ofsted report to which that refers was based on seven MATs that Ofsted had specific concerns about and did not look at the excellent practice going on in many MATs around the country. For example, the Community Inclusive Trust is a multi-academy trust in Lincolnshire that has a strong focus on inclusive education and aims to develop a mixed MAT of special and primary academies. CIT consists of six academies, meeting the needs of some 800 pupils in mainstream and special school environments. Academies work together to share staff expertise and resources.

The free school model is also providing opportunities for excellent new provision. The Churchill Special Free School, for instance, is an eight-to-18 all-through school in Suffolk. Opened in 2013, it is rated outstanding by Ofsted, caters for young people with speech, language and interaction needs and is part of the Samuel Ward Academy Trust, a partnership of schools in Suffolk, Essex and Cambridgeshire.

In future, local authority duties will fall in three areas, one of which is ensuring that the needs of vulnerable pupils are met, including children with special educational needs, so the existing legal responsibilities will remain unchanged in the new system. Local authorities are already providing these functions

in an increasingly autonomous school system. For example, Blackpool is implementing the reforms effectively in partnership with its high proportion of academies. We heard first-hand experience from the noble Baroness, Lady Sharp, about the academy for which she is a governor, which continues to work closely with the local authority and uses its specialist services to support its pupils with special educational needs. Indeed across the country, local authorities are working effectively with autonomous schools; they work with SENCO forums, representing all the schools in their area. They provide support, advice and challenge to schools to help them to improve the offer for children with special educational needs. Developing and reviewing the local offer for SEND involves the full range of schools and other provision locally. There are strong working relationships with local schools forums. Local authorities also support local parent carer forums and provide information, advice and support services to parents locally.

All noble Lords mentioned the important role of educational psychologists. Local authorities will retain important functions in relation to them, and continue to provide services to support those functions, including educational psychology. In the planned changes to the funding system, we will make sure that authorities are funded so that this important work can continue. We recognise that there are pressures on these services and will continue to keep the situation under review. I shall write to the noble Baroness, Lady Sharp, about her question around commissioned places.

We want all schools to be supported with a fair allocation of funds, so we are protecting the national schools and high-needs budget and proposing a national funding formula, to bring a more equitable distribution of funding to schools and academies, and to local authorities for those with high needs. As the noble Lord, Lord Storey, rightly highlighted, local authorities have a finite budget for high needs, which they are responsible for managing and distributing, so they can meet their statutory duties and use the funding at their disposal where it has most impact. We know that some local authorities have found it difficult to manage with the level of funding that they get, which is one reason why we are planning for a better way in which to distribute that funding. We have started a process of consultation and will continue to consult further, because we realise that it is critical to get this right.

Finally, on capacity in schools, we announced in the White Paper that at least £200 million will be assigned for special places to expand existing schools and create new special schools.

The noble Lord, Lord Watson, specifically asked about sex education and academies. I am afraid I will have to write to him with a full answer.

This Government are committed to educational excellence for everyone, everywhere. Identifying and meeting pupils' special educational needs and disabilities is at the heart of that commitment. I am proud of what we are doing to deliver that, and I assure noble Lords that it remains a priority to ensure that all young children get the best chance of the best education that they deserve.

1.14 pm

Lord Addington: My Lords, I thank all noble Lords who have spoken in this debate, and I thank the Minister for what was as good an attempt as I have had at answering my questions—of late, certainly. We had a great deal more clarity about the role of the local authority. The Minister said that teachers have a duty to teach everyone, but she did not say what that duty involves in terms of training for specialist teaching. The learning process of those we are talking about is going to be different, which means that what comes out of Carter is going to be important. Unless you get that straight, accessing support becomes almost irrelevant because you are unable to identify the problem. I talked about dyslexia and the noble Lord, Lord Warner, spoke about autism. My noble friend has shown me a list of other conditions set out in two nice long columns on a piece of A4. I identified some of them as subsets of other conditions. This is complicated and difficult, and I am talking about commonly occurring conditions only. Unless you get into initial teacher training, CPD or something a good base of awareness about the types of problems so that every teacher will get it, you are going to miss large numbers and put a great deal of stress on your support structures. There is no other way around it.

Therefore, before I thank everybody, I shall say that unless we all commit to making sure that the Carter review is converted into real, solid action, we will miss a huge opportunity. I give formal notice that I will not be letting this go, and I will continue to press it. I have a Private Member's Bill on this subject. Nothing would give me greater pleasure than not to have to introduce it or not to have to bring it back next Session if I do not get enough time now, but I will unless we get something that says that we are going to address this in the near future, because we have waited too long already. Carter is merely following up the work of Lamb, Rose and dozens of other academic studies.

Motion agreed.

European Union Referendum: Young Voters

Question for Short Debate

1.17 pm

Asked by Lord Roberts of Llandudno

To ask Her Majesty's Government what plans they have to ensure that every eligible young voter is registered to vote ahead of the deadline for the European Union referendum on 7 June.

Lord Roberts of Llandudno (LD): My Lords, as honorary president of the youth democracy charity Bite The Ballot, I am delighted to have the opportunity given to me by this short debate to urge the electoral registration of the largest number of people, especially young people, so that they can vote in the European Union referendum on June 23. Young people are least likely to be registered to vote, and then least likely to

turn out. At last year's general election only 43% of those between 18 and 24 voted, compared with 78% of the over 65s.

I am told that up to 4 million young people have yet to register. Their voices must not be allowed to be silent. Not only will the future of Europe rest on these votes but, when elections take place in the United Kingdom, those who are not registered and are not able to cast a vote will be allowing themselves to go unheard. They will have no influence on our health service, our schools and colleges, our environment, the houses we need to build or the future of our steel industry: no registration, no vote, no influence.

We salute the campaign of a century ago that enabled womenfolk to vote. I also remember well, in my time, when in 1994 all people in South Africa, whatever their colour, were allowed to take their place in a queue to vote. There is a television clip that I remember clearly: people in Soweto waited for 12 hours in order to cast their vote, and the queue was a mile long. A TV interviewer spoke to one elderly lady in the queue who was just five minutes too late and had found herself unable to vote, so she would have to stay overnight and vote the following day. The interviewer asked her if she was not perplexed about this. She said, "Not really. I have waited a lifetime. What is one more night?". I read only this morning Nelson Mandela's remark on that day in April 1994:

"Today is a day like no other before it. Voting in our first free and fair election has begun ... Today marks the dawn of our freedom".

I love the phrase,

"the dawn of our freedom".

The vote that will give people the power to decide the outcome of the referendum is the most important decision of their lifetimes—especially those of young people. Within the European Union they will be able to direct the future of climate change and tackle questions of war, peace, prosperity, refugees and much else. We have only a few days before the referendum will take place. The vote will affect every one of us, but it will affect young people for even longer because they are younger. It will affect their entire lives, so the turnout of students and young people will be vital.

Of course, in a referendum every vote counts. As one of the many organisations working to register voters, Bite The Ballot hopes to register 5 million—no, sorry, that would be ambitious—500,000 new voters in the next few days, and is co-ordinating a week-long campaign to raise awareness about the EU referendum and the consequences of an in or out vote. It is trying to mobilise unrepresented youth groups to register to vote—the 4 million people who are not registered at the moment. As part of an eight-day campaign between 31 May and 7 June, certain groups of society will be targeted on certain days. There will be different themes. One day will be dedicated to faith groups, with calls to action to community faith leaders to encourage congregations to register. Another will be dedicated to students, encouraging them to register a friend or apply for a postal vote—and I am sure that social media will be much in evidence.

We have two weeks. The deadline is 7 June for people who want to register to vote, and we want to register the largest number possible. I know that the

[LORD ROBERTS OF LLANDUDNO]

Minister agrees with everything I have said and will do everything in his power to ensure that the highest number of people are enabled to vote. I will quote again for them:

“Voting in our first free and fair election has begun”.

For them, 7 June—or, you might say, 23 June—will mark the dawn of a new freedom.

1.23 pm

Lord Lexden (Con): My Lords, I must at once pay tribute to the noble Lord, Lord Roberts, for this debate on this most pressing issue, and for his tremendous, unremitting work to counter the grave underregistration of young people in our country today. Earlier this week the *Evening Standard* reported that some one in five young people in London were not registered. As president of Bite The Ballot, an organisation that is greatly admired in this House as elsewhere, the noble Lord is playing a conspicuous part in a continuing campaign of the highest importance.

With the deadline for registering for the referendum rapidly approaching, Bite The Ballot, as we have heard, is working intensively to try to get 500,000 more young people registered and to produce simple, factual and neutral information to get those who are registered to cast their votes. That will make a pleasant and a welcome change after the deluge of exaggerated and tendentious claims that have come from both sides in this campaign so far. Everywhere there is an intense desire to have serious, well-informed and balanced material to assist voters in this crucial referendum. One suspects that the appetite for such material is especially strong among the young.

The Government, for their part, are making available substantial extra resources to help tackle our country's serious problem of underregistration, and there are other initiatives, too. Last month, universities, further education colleges and sixth-form colleges received letters from Ministers, urging them to promote registration. Mr Nick Boles, Minister for Skills, wrote:

“I want all of us in the further education and sixth form community to do everything we can to encourage those eligible to register to vote”.

Words of greater eloquence more calculated to inspire the recipients of Mr Boles's letter to take action might have been better, but the message was undeniably clear.

In his reply to this debate the Minister may perhaps be able to tell the House what indication universities and the “further education and sixth-form community” have given the Government as to the results of their endeavours so far. Has interest in the referendum been boosted by debates in student unions on Britain and the European Union, which would stimulate registration to vote? Academic institutions in the tertiary sector can do so much to draw young people fully into participation in the great national decision that will be made on 23 June.

Any discussion of underregistration leads ultimately to schools. I have with some frequency drawn attention to the excellent work done in Northern Ireland by its highly respected Electoral Office under what has come to be known as the Northern Ireland schools initiative—

although budget cuts now threaten that office's future work. Regular visits to schools by its staff in recent years have helped make Northern Ireland's registration rate among 18 and 19 year-olds much higher than the Great Britain average.

The importance of the Northern Ireland schools initiative is underlined in the recent all-party report, *Getting the Missing Millions Back on The Electoral Register*, which I commended to the House earlier this month. The first of the 25 recommendations in the report calls on the Government to replicate the initiative in the rest of our country by issuing special guidance to electoral registration officers so that,

“registration may be incorporated into school life”.

As we consider the millions missing from the registers for the referendum, is not that recommendation of particular long-term importance?

1.28 pm

Baroness McDonagh (Lab): My Lords, 14,000 in Liverpool, 17,000 in Birmingham, and 6,000 in Lewisham—these are all voters lost to the register in areas where the eligible voting population has increased. Never has so much money been spent on registering so few voters. Perhaps the Minister can remind us of how much money this whole exercise has cost.

It was a good idea to do this at the time and, after all, it did not really matter. I remember the jokes in the bars and restaurants on the Estate about the types of voters that would be lost to the register and their voting preferences. I also remember the debate in this House, when we confused the matter and made out that there was criminalisation in the voter registration system when there has not been a prosecution since the Second World War. No one would take it seriously, and perhaps they would not take seriously the parallels with that situation and the exclusion of some groups of voters in the southern states of America, and say that it does not really matter. But it does matter, for the following reason.

The voters lost to the register are not a random selection. I will give noble Lords one fact. If you look like us and are an older person living in your own home in the shires, you are more than 90% likely to be registered. If you are young, from an ethnic minority, male and living in an urban area in private rented accommodation, you are less than 10% likely to be registered. This is storing up a huge amount of alienation for the future. It divides our society rather than unites it, and it is a stain on the conscience of all democracies to have this many missing millions.

Now it matters not only to us and to this country but to the Government, for this reason: the missing voters are also those who are more likely to vote “in” in the European referendum. That is why the Prime Minister has taken to Tinder and Facebook to encourage young voters to register.

However, I am not here just to criticise. I also want to make some practical suggestions about what we can do. Last year, I introduced a Bill on automatic registration, and I ask for the Minister's support in bringing forward such legislation. It would be cheaper and would register over 95% of voters. I also ask for the Minister's

support for the Greater Manchester initiative to bring through automatic registration. However, neither of those suggestions will sort out this problem for 7 June, which is the deadline for voters to register. I therefore ask him to do all he can in his power to reach out to universities with halls of residence, schools with sixth-forms and further education colleges to get young people registered. The referendum is the most important decision that our country will take in a generation. It must be wrong if those who will be most affected by it do not have a say in it.

1.32 pm

Baroness Smith of Newnham (LD): My Lords, I congratulate my noble friend Lord Roberts on securing this important and timely debate. I also congratulate Bite The Ballot on the important work that it is doing.

In Cambridge, the student members of Cambridge for Europe, of which I am a patron—the noble Lord, Lord Balfe, who is in his place today, is a member of the steering committee—have made fantastic attempts to encourage fellow students to register to vote. They have created posters and distributed fliers to all students across the university. They have also produced a video, which is aimed rather more at persuading people to remain but includes sixth-formers. It encourages people who are not enfranchised in the vote on 23 June, whether or not they have tried to register, at least to talk to granny and persuade parents and grandparents to vote to remain. I pay tribute to the energy and passion of the student members of Cambridge for Europe. They are already actively engaged in politics. My colleague Professor Catherine Barnard has also spent time actively encouraging students and young people to vote, doing so from the very objective perspective of the ESRC's flagship The UK in a Changing Europe programme.

Members on all sides of your Lordships' House spent many hours trying to ensure that the European Union Referendum Act 2015 created legislation for a referendum that was as fair as possible to both sides of the debate. As the noble Baroness, Lady McDonagh, made clear, it is unfortunate that it coincided with the move to individual electoral registration. However welcome IER might be in principle, the fact that millions of people, particularly young people, are missing from the electoral registers for this crucial poll is a cause for considerable concern. None of us should be sanguine.

However, I note that some who would have us leave the European Union seem sanguine about a low turnout—presumably because they feel that it will enhance their chances of winning a vote to leave. I also note that those who would have us leave and have spent many hours in this House trying to ensure that the Government can be held to task are not in their places today. Maybe they are out ensuring that voter registration is occurring, or maybe not.

It is vital that we re-engage citizens and enhance our democracy, exactly as those who want to leave claim they wish to do. Here the Scottish independence referendum offers some positive lessons. There were also some negative lessons, but one of the key things about the Scottish independence referendum was how it engaged and mobilised young people, including

16 and 17 year-olds, who sadly are not enfranchised in this UK referendum despite the best efforts of your Lordships. Engaging new cohorts of voters is crucial for the revitalisation of democracy in the United Kingdom regardless of the outcome of the referendum. I hope that those who would have us leave can accept this premise and support all efforts to register the young, rather than merely seeking to speak to the grey vote—voters who are more likely to be registered and who will already have been able to vote in 1975. This referendum is a chance to enhance democracy in this country, but for that to happen it is essential that registration and turnout are as high as possible to ensure that the votes can be challenged by no one and that every individual has a say over their own future.

I note in passing that the Question for Short Debate as phrased refers to the actions of Her Majesty's Government. I also note that purdah begins in less than 12 hours. Could the Minister confirm that measures are in hand by Her Majesty's Government to ensure the maximisation of voter registration are not going to infringe on any duties under purdah? That is crucial, because if they are, it will be used against us. Correctly, the European Union Referendum Act 2015 lays certain duties not on Her Majesty's Government but on the Electoral Commission, which presumably will be guarded against purdah issues. In particular, the Electoral Commission has a duty to promote public awareness about the referendum and how to vote in it—that is not who or what to vote for but how to engage in the practice of voting. Could the Minister tell the House what actions the Electoral Commission has taken in this regard and what he envisages the Electoral Commission will be doing between now and 7 June?

Finally, the chief counting officers are also required to take whatever steps the relevant officers think appropriate to encourage participation in the referendum. Are Her Majesty's Government content that satisfactory progress is being made in that regard? If not, what actions would they recommend be taken in the next two weeks to ensure that everybody who could be registered is and that we maximise turnout and enhance democracy in this country?

1.37 pm

Lord Kerr of Kinlochard (CB): Having heard what the noble Baroness has said, it pains me to have to admit that Cambridge can sometimes get things right. However, I disagree strongly with her and her party on referenda. I firmly believe that Mrs Thatcher was right: referenda are the devices of dictators and demagogues. However, we are where we are. This is a very important debate and I congratulate the noble Lord, Lord Roberts, in allowing us to have it.

I am antediluvian when it comes to IT. I belong to the quill pen and forked stick school of messaging and I am not a Facebook user. However, I know that a very large number of young people are. According to the *Financial Times*, people in their 20s,

“make up 28 per cent of the platform's UK users”.

I do not have a number, but it is enormous. I am indebted to Ms Lisa Pollack in this week's *Financial Times*, who tells me that for the general election and recent local elections, Facebook posted notifications reminding people to register to vote:

[LORD KERR OF KINLOCHARD]

“This made the network one of the largest referrers to the registration website, according to the Cabinet Office”.

But she also says that:

“There is not yet a plan to do similar for the ... EU referendum”.

I do not know whether the people at Facebook listen to our debate or whether they need to be motivated by the Electoral Commission, and I do not know whether the Electoral Commission needs to be motivated by the Minister. But given that the Minister is, like the noble Lord, Lord Roberts, young, lively and a techno-freak, he will know that all these stages could be gone through electronically within the next 10 minutes before he responds to the debate.

I really hope that an effort will be made to have done by Facebook for the referendum what was apparently done for the general and local elections, because the worst possible outcome to this referendum would be a close result either way on a very low turnout. That is what we must really try to avoid.

1.39 pm

Lord Rennard (LD): My Lords, I, too, associate myself with all those noble Lords who congratulated my noble friend Lord Roberts of Llandudno on securing this very important debate. He really is my noble friend. I spent a great deal of time in the 1990s trying to help him get elected to the other place. I think the closest we came was in 1992, when he missed by just 995 votes. I have always illustrated talks about elections with that to show how important a handful of votes can be in determining the outcome. I failed in my endeavours to get him into the other place, but this debate today highlights how important his contributions to this House can be in raising issues such as this one about the rights of citizens to participate in a democratic decision.

Early in the last Parliament, Ministers stood at the Dispatch Box opposite and spoke confidently about how the level of voter registration in this country was approximately 92%. The last Government published a White Paper on voter registration saying that the level was about 90% and that that compared favourably with levels in many comparable countries. But then the Cabinet Office commissioned some work in advance of the introduction of individual voter registration and it was shown that the real levels of voter registration in this country are in the low 80s, rather than in the low 90s.

I acknowledge that some good action was taken to try to alleviate the problem, including the promotion of online registration. However, much more could and should have been done, but it was not. We know now that two out of three polling stations in the last general election turned away people who wanted to vote—people who were almost certainly entitled to vote but who were not registered to do so and therefore could not. We know that 186,000 people who did register to vote during the course of the last general election campaign did so but did it too late to exercise their votes in that election. So there is a serious problem with perhaps 7.5 million people missing from the electoral registers, and up to 4 million of those are

thought to be young people. They will all be unable to vote in the European referendum unless they register to vote by the 7 June deadline.

The problem was made worse by the Government's sudden decision last summer to bring forward full implementation of the individual electoral registration system and exclude up to 1.9 million people from the voting registers, specifically against the advice of the independent Electoral Commission. The Government appeared to be so keen to remove entries from the electoral register that even noble Lords such as noble Lord, Lloyd-Webber, were apparently flown in from all over the world in a great endeavour to attend the House of Lords and vote specifically to prevent many people who would probably have been entitled to be on the electoral registers remaining on them until the end of this year. We still do not know how many people were really affected by that change, but if the result of the referendum is close, the Prime Minister might regret making it in order to unfairly influence the outcome of the Boundary Commission's processes in his party's favour.

Much good work is being done on this issue by the voluntary organisations Bite the Ballot and HOPE not hate. I hope the Minister will not just agree that their work is commendable but actively support all their efforts. They are organising a national voter registration drive in the week before the 7 June deadline. The Government have the capacity, for example, to try to make sure that many more people, including all public sector workers, are reminded that if they are not registered, they need to do so by 7 June if they are to be able to vote on 23 June, or earlier if they vote by post.

As this debate has shown, however, there are many problems with trying to identify and register people in the immediate run-up to any election or vote, so we need to look at solutions such as those put forward in the *Missing Millions* report, co-produced by Bite the Ballot. I hope the Minister will meet with representatives of the organisations involved in producing that report and with members of the All-Party Parliamentary Group on Democratic Participation to discuss taking forward some of their 25 different proposals to address the problem of under-representation.

It should be made easy to check online to see if you are registered to vote. All students should be registered as part of the enrolment process for their courses, as already happens in some institutions. Moreover, as the noble Lord, Lord Lexden, said, all schools in Great Britain should follow the example of schools in Northern Ireland, where students register to vote as part of citizenship education classes. Young people being notified of their national insurance number should be told at the same time that they should use this information to register to vote, and possibly also in order to assist with their credit rating. Above all, the forms for registration need to be standardised according to best practice, the penalties for non-compliance explained explicitly and the benefits of registration made clear.

We should do all that we can to ensure that everyone entitled to vote in the referendum can do so. We must also work to make sure that everyone entitled to vote is registered to do so in the future.

1.46 pm

Baroness Ludford (LD): My Lords, I join all noble Lords in warmly congratulating my noble friend Lord Roberts on introducing this very important debate. He reminded us of the fight for women's suffrage and for the vote in post-apartheid South Africa. Against that background, it is all the sadder that so many people are missing from the electoral roll and that we have such poor turnouts. As my noble friend said, only 43% of 18 to 24 year-olds voted in the general election last year, and according to Eurobarometer, apparently the UK is ranked 20th out of 20 European countries for voter turnout among those aged up to 30. That is absolutely shameful.

I, and I believe my party, believe that votes at 16 would help to solve the problem by hooking kids in while they are still at school and being wooed by politicians from the age of 14. I say gently to the noble Baroness, Lady McDonagh, that unfortunately we did not secure votes at 16 for the referendum due, I am afraid, to Labour votes missing at both ends of this building. Also, as my noble friend Lord Rennard just pointed out, unfortunately my noble friend Lord Tyler's Motion against the premature implementation of individual electoral registration was lost by only 11 votes.

We know that universities have done good work and the Bite the Ballot #TurnUp voter registration week is an excellent initiative. However, I have just been checking the pages about registering to vote on GOV.UK, and the Government need to audit those pages to ensure that they are as modern, clear and helpful as possible and that the guidance set out is aligned with the Electoral Commission and other websites. That is certainly not the case at present as regards the need for a national insurance number. A letter from the Minister, Nick Boles, to further education and sixth-form colleges in April stated that students, "will need to provide their National Insurance number",

whereas the GOV.UK website states that people "may" need their national insurance number, while the advice circulated by Bite the Ballot is that people do not need their national insurance number.

I found on the website of the organisation Crisis a helpful explanation that if you do not know your national insurance number, you may have to contact your electoral registration office, although even then the "may" is still there. Can the Government rapidly check and correct the GOV.UK website within the next two weeks to ensure that everything is crystal clear? My noble friend Lord Rennard referred to Bite the Ballot's report called *Getting the 'Missing Millions' on to the Electoral Register*, with numerous proposals on the national insurance issue and other voter registration reforms. We really need to come into the 21st century.

The guidance on students being able to register at two addresses is also slightly obscure. It is on a webpage on GOV.UK entitled "The electoral register and the 'open register'". I do not think anyone would think to click on that link to find out when you can register in more than one place. Why would you look on a webpage that was about the open register and the closed register to find that guidance? Somebody needs to be the mystery shopper to check this out very quickly indeed.

The organisation Crisis has also produced guidance on the ability to register even if someone does not have a fixed address, is in temporary accommodation or does not have a permanent address. On a quick look I did not find that guidance on either the Electoral Commission or the GOV.UK websites.

In addition, would it not be helpful if citizens could request a postal vote simultaneously with their registration to vote? They would not have to wait to go through that further process. There are a lot of things we could do to streamline and make more accessible this voter registration crisis, particularly for young people who are not in the pen and quill age—I partly straddle both, if I may say that to the noble Lord, Lord Kerr. They expect to do everything online and we have to facilitate the ease of that process.

Reference has already been made by the noble Lord, Lord Llexden, and picked up by my noble friend Lord Rennard, about how we need to extend the proactive work, which does not seem to be on the agenda of the Electoral Commission in England and Wales, on the initiatives in schools in particular. I am not the expert that my noble friend Lord Rennard, is, but the Electoral Commission in England and Wales is mainly devolved to local authorities. If we are to get that done it has to be through local authorities in England and Wales. Even if it is not in time for 7 June, although I think there is still some time, there needs to be a complete audit and check of the ease of voter registration. Suggestions include prompts when paying council tax or applying for driving licences, and a national website so that people can check their registration status and retrieve their national insurance number online. None of this is rocket science. I ask the Minister to do a rapid check on whether some of this could be implemented very quickly.

1.53 pm

Lord Kennedy of Southwark (Lab): My Lords, first, like other noble Lords, I congratulate the noble Lord, Lord Roberts of Llandudno, on securing this short debate and on his persistence in raising the issue of electoral registration. It is of great importance. When we consider how many people are still not registered to vote, particularly young people, it is an issue we must return to again and again until the Government take effective action.

As we have heard, on 23 June we have a once-in-a-lifetime decision to make about our membership of the European Union and I am firmly of the opinion that remaining in is in the best interests of everyone in the United Kingdom. Young people, in particular, have an important stake in deciding our future and making sure their voice is heard loud and clear.

I agree with the comments made by my noble friend Lady McDonagh about the problems that certain groups have to get registered. That should be of concern to us all. The noble Baroness, Lady Smith of Newnham, is right when she raises the point of removing people from the register one year early, which has caused specific problems and made the situation much worse today. The noble Lord, Lord Rennard, also made a compelling point about the number of people missing from the Electoral Register and the regrettable actions taken by the Government last year.

[LORD KENNEDY OF SOUTHWARK]

I also congratulate Bite the Ballot on its work to raise young people's awareness. The Government should do more to support this organisation, which has done more than any other to address registration among young people, in my opinion. The #TurnUp campaign is one initiative where Governments can provide real support. So will the noble Lord, Lord Bridges of Headley, set out in detail what the Government will do to support this campaign? The noble Lord, Lord Roberts, is spot on when he talks about adding messages on every government website and looking at communication tools. What discussions have the Government had with Facebook, Twitter, Google and others to do more on their platforms? What else is being done? How are we using interaction between the public sector and the citizen to engage with people on the importance of registering to vote?

I hope when the Minister responds that we will not just get a list of figures saying, "We have given £X million here and £X million there". I hope we will hear the real practical steps being taken to engage with people, the Government's plan right up to 7 June and the continuation of a registration campaign, and the acceptance that the Government are just not doing enough and that they will do more. Having millions of our citizens eligible but not registered to vote is outrageous and the Government have to step in and sort this out. We can all imagine the government spokesman expressing concern from the Dispatch Box if a similar situation was happening in another country: they would urge that Government to sort the situation out. Well, it is here in the United Kingdom. It is for this Government to sort it out and they need to do so.

We have talked about using different tools and initiatives. For example, this weekend we have the play-off finals at Wembley. There are sell-out crowds each day on Saturday, Sunday and Monday—80,000 each day. I will be there on Sunday supporting my team, Millwall. I hope they get back into the Championship. What is the engagement plan for those events and other events around the country in the next few days?

I very much hope that this country votes to stay in the European Union. We need everyone who is eligible to vote to be registered and we need the Government to provide the leadership necessary, both in the short time left to 7 June and going forward, to get people registered to vote. Elections matter and enabling people to have their say is something we should all seek to deliver, without exception and with no excuses.

I say to the noble Baroness, Lady Ludford, that if she checks *Hansard* she will see my support from this Dispatch Box and from the Division Lobby for votes at 16, with colleagues from the Labour Benches, although when it became clear that the elected House and the Government were not going to move on that, we did not support another round of ping-pong. I again thank the noble Lord, Lord Roberts, for tabling the Question and enabling us to have this short debate.

1.57 pm

The Parliamentary Secretary, Cabinet Office (Lord Bridges of Headley) (Con): My Lords, I also begin by congratulating the noble Lord, Lord Roberts, on securing this debate. I, like so many other Lords, wholeheartedly

applaud the work that he and Bite the Ballot, of which he is president, have done and are doing to encourage voter registration. I am also grateful to all of your Lordships who have taken time to attend and contribute to this important debate.

I start by taking a step back. As the noble Lord said, to vote in an election or a referendum and to express one's personal view on how you want your community or country to be run and the direction it should take is obviously a precious, priceless act. Going into a polling booth, picking up that stubby little pencil and putting a cross in the box of one's choice: thousands of people have died to win and protect that power—a power on which our democracy rests. Whatever the faults of our electoral system, people around the world still look at it with envy. As a number of noble Lords have said, our challenge is to ensure that everyone who is eligible to vote is encouraged to register to do so.

Doing this is clearly in all our interests. It should not be a matter of partisan politics. A vibrant democracy rests on an engaged electorate. That level of engagement is a measure of people's trust and faith in the political system. As we approach the referendum—a momentous day in our democracy's history—the need for that engagement is greater than ever. We want all people from all backgrounds, whatever their age, race or religion, to vote on 23 June.

But today's debate is obviously specifically about young people. The challenge we face here, as has been pointed out, is quite stark. Young people are more than five times as likely not to be registered to vote as older people. As the noble Lord, Lord Roberts, said, at the last election turnout among young people was a third less than the population as a whole. However, I am pleased to report that while we should absolutely not be complacent, there has been some progress. The introduction of online registration made it easier to register to vote and to track progress, enabling us to answer some of the questions that my noble friend Lord Lexden raised. Since the start of 2016, there have been 4.1 million applications to register to vote. Of these, 950,000 applications were made by 16-24 year-olds, with more than 85% of these applications made online. More recently, the average daily rate for May was 43,935 applications per day, with 95% made online. More than 30 people on average applied to vote each minute this month. The average daily rate in May for applications from 16-24 year-olds is 9,528.

As I said, despite all this the Government are not complacent. For example, as was pointed out there is an issue with students. A poll carried out by Universities UK revealed that just 56% of students who are only registered at their term-time address say they are likely to be at this address when the referendum takes place. We are now working with Universities UK to address this, supporting last week's student action week to ensure students were aware of the date of the referendum itself, the registration deadline and—more importantly—the need to register to vote at the address they will be at on 23 June so that they can have their say. As was said, Ministers also wrote to universities, further education and sixth-form colleges to encourage them to promote registration among their students ahead of the referendum.

The Government also support and amplify the Electoral Commission's campaign, such as making sure that its posters are more readily available throughout the public sector and government network, for example in job centres, agriculture centres and transport hubs. On top of that, while the Electoral Commission has worked with Glastonbury organisers to ensure festival-goers are aware of the options for proxy and postal voting, the Prime Minister urged the country via Facebook to register to vote before 7 June to have a say in the referendum. While the Government cannot meet the requests set out in the letter of the noble Lord, Lord Roberts, to the Prime Minister to do more between now and 7 June as this would contravene the rules of purdah which kick in tomorrow, they have been doing their bit, as has the Electoral Commission.

I will write to the noble Baroness, Lady Smith, on her questions about what more the Electoral Commission is doing between now and 7 June, and on the point that the noble Lord, Lord Kerr, made about Facebook. Both those points were well made. I applaud the points made by the noble Baroness, Lady Ludford, on national insurance numbers, which I will look into immediately I leave this Chamber. I can assure her that mystery shopping takes place across the government network but I completely take her point, which was very well made. If she looks at the satisfaction levels on GOV.UK, they appear to be high. Again, that is not to say that there is not action that needs to be taken—and soon.

On top of all this, we are looking beyond the referendum to keep up the momentum. We will enable local authorities to pilot more innovative approaches to maintaining their registers in 2016 and 2017, working with civil society organisations and others to develop new ways to reach underregistered groups. For example, we will create a registration academy so that local registration teams can understand, learn from and emulate the best results from successful projects around the country. To respond to the points made by the noble Lord, Lord Rennard, who knows so much about this issue, the Government are working with a range of organisations—the British Youth Council, UpRising and Mencap to name just some of them—to ratchet up registration among underrepresented groups and improve engagement. On meeting groups keen to increase registration, my honourable friend John Penrose, the Minister responsible for these issues, met and continues to meet regularly with such groups.

I will now address the question asked by my noble friend Lord Lexden, which he has asked a number of times before and does so with tenacity. Why do the Government not follow the successful example of the Northern Ireland school initiative and give guidance to electoral registration officers to go into schools? EROs are already free to work with local schools and colleges in their area and many already do. Local authorities are well placed to understand local differences and target their voter registration activity as they see fit. More than 140,000 16 and 17 year-olds have applied to register to vote since the start of this year. We should not assume that the initiative in Northern Ireland would work in the rest of the UK as there are differences with the electoral system and the structures in Northern Ireland. Therefore, the Government see no reason to legislate for such an initiative.

We are certainly not complacent on this matter. We are doing all we can to ensure that those who are eligible to vote, and to register to vote, do so. I hope we can all agree that we will continue to discuss how we can work together to ensure that every eligible citizen can have their say at the ballot box in years to come.

Mental Health: Ensuring Equal Access to Mental and Physical Healthcare

Motion to Take Note

2.05 pm

Moved by Baroness Brinton

That this House takes note of the recommendations of the Five Year Forward Review for Mental Health and the case for ensuring equal access to mental and physical healthcare.

Baroness Brinton (LD): My Lords, I am grateful to have this debate on the importance of mental health and look forward to hearing contributions from your Lordships.

Although attitudes are changing, some people still think that mental illness does not affect them or us, but it does. One in four of us will have a mental illness at some time in our lives. We will all have someone close to us who has experience of mental health issues—I know I have—but there is also a wider cost to society. The cost of mental illness to the economy is estimated at £105 billion a year and the employment rate of people with severe and enduring mental health problems stands at just 7%. The effect on our National Health Service is substantial, too. People with mental health illness have over three times more A&E attendances than those without, and are five times more likely to be admitted to acute service hospitals. Of particular importance is the fact that more than one-third of GP consultations are related to mental health. Nine out of every 10 people who either attempt or die by suicide already have a record of suffering from mental illness.

Between 2011 and 2014, there was a 33% rise in the number of mental health-related incidents dealt with by the police and a worrying increase in people with mental illness being held in police cells due to lack of appropriate NHS bed provision. Last November, it was reported that a 16 year-old girl was held in a secure police cell for 48 hours in Torbay because there was no acute mental health bed anywhere to be found. Imagine if that were your underage daughter, niece or granddaughter in severe distress, having committed no crime, in an alien criminal justice environment. But there was also a consequence for the acute hospital, as a nurse had to be with her the entire time, costing the hospital substantially more than the provision of an emergency bed. Sadly, this is not an isolated incident and inquest after inquest asks for action, but until there are effective weekend crisis services I fear that nothing will change.

The independent Mental Health Task Force Report, *The Five Year Forward View for Mental Health*, published this February, sets out the crisis in our mental health provision and makes many recommendations.

[BARONESS BRINTON]

The task force, chaired by Paul Farmer, also points out that this goes way beyond NHS provision. People with mental health problems need,

“to have a decent place to live, a job or good quality relationships in their local communities”,

and the wider inequalities of mental illness must also be tackled. Mental health problems affect disproportionately those living in poverty as well as black, Asian and minority ethnic people, and their involvement in the criminal justice system before they get access to health support and treatment is shocking and a shameful reflection on our society.

The report makes many recommendations but for Liberal Democrats there are some important core themes which we also had in our manifesto last year, and these remain key priorities for us. First, there needs to be comprehensive access to waiting times and standards in mental health, giving people the right to treatment in exactly the same way as for those with physical conditions. In coalition government, the Liberal Democrats introduced the first ever maximum waiting times in mental health for conditions such as depression, anxiety and psychosis. This was the first part of a vision for comprehensive waiting-time standards, championed in government by Norman Lamb MP, then Minister for mental health, who has continued his fight for these standards ever since.

Secondly, there must be 24-hour access to mental health crisis care seven days a week and this must be funded properly so that crisis resolution teams and home treatment teams can offer a real alternative to hospital admission, which is both better for the patient and, in the long run, cheaper for the NHS. The task force acknowledged the crisis care concordat joint agreement in February 2014, which describes how police, mental health services, social work services and ambulance professionals should work together to help people going through a mental health crisis.

Behind every strategy and behind the statistics there are personal tragedies. In April this year an inquest heard how 17 year-old John Partridge, a talented young musician, was allowed to discharge himself from Derriford Hospital in Plymouth because the inexperienced junior doctor had no mental health consultant to turn to for advice, and crisis mental health services for 16 to 18 year-olds were not available over the weekend. Despite his history of self-harm and attempted suicide, he was not even assessed in person. He was treated as an adult and permitted to discharge himself.

I believe that, as in physical health, there should be “never events” in mental health. In physical health the list includes operating on the wrong limb or leaving a foreign object in a patient after surgery. There is one current mental health never event, and it is important: the failure to install functional collapsible shower or curtain rails. However, the definition of mental health never events must surely be extended so that someone with a history of self-harm and attempted suicide must be seen and supported and not discharged until a senior psychiatric clinician is confident that it is the right thing to do. I hope the Minister can confirm that the “never” list will be expanded to include suicide risk immediately after leaving mental health care.

Thirdly, the practice of sending acutely ill patients long distances for treatment should be stopped as quickly as possible. In February this year it was estimated that 500 patients a month were being taken more than 30 miles, and some more than 100 miles, to the nearest available bed. Norman Lamb, my noble friends Lady Tyler and Lady Walmsley, I and many others have also made repeated requests for this practice to end. The noble Lord, Lord Crisp, who led the Commission on Acute Adult Psychiatric Care, found that there are major problems both in admission to psychiatric wards and in providing alternative care and treatment in the community. One of the commission’s key recommendations is that the practice of sending acutely ill patients long distances for non-specialist mental health treatment should be phased out by October 2017. Can the Minister confirm that the Government and the NHS will be accepting this recommendation in full and that the practice will indeed end by October next year?

I ask the Minister to update your Lordships’ House on the progress of the five-year forward view task force implementation plan. Time and funds are running out and I know that many providers are keen to hear the Government’s view. The Government’s commitment to an extra £1 billion to meet the report’s recommendations after the launch is welcome but this will not be enough to deliver the report’s recommendations. Even more worrying, it seems that the funding may come from the additional £8 billion the Government have already pledged to deliver the general five-year plan, meaning that mental health will not receive any more than it would have got on the basis of its historical and deeply inadequate share of resources—about 13% of the total NHS budget, despite accounting for around a quarter of the national burden of disease. A figure of 13% is neither parity of esteem nor parity of resource.

Worse, the report *Funding Mental Health at Local Level: Unpicking the Variation*, published by NHS Providers a week ago, raised serious concerns that the necessary investment is not reaching many local areas and services. This is despite recent funding commitments such as the £1.25 billion five-year CAMHS investment announced by the coalition Government in the March 2015 Budget. The report says that, “Only half”—just over half—

“of providers reported that they had received a real terms increase in funding of their services in 2015/16”.

In addition:

“Only a quarter ... of providers were confident that their commissioners were going to increase the value of their contracts for 2016/17”.

There is also confusion over,

“what it means to implement parity of esteem”,

including,

“confusion over what services should be covered, and how much investment should be made”.

Furthermore:

“Over 90% of providers and 60% of commissioners were not confident that the £1 billion additional investment recommended by the mental health taskforce”—

for CAMHS—

“will be sufficient to meet the challenges faced by ... services”.

At the heart of the problem is the inclusion of additional funding in the commissioner's baseline allocations. The many competing claims on the additional money given to commissioners makes it more challenging to ensure that the funds are not diverted to other priorities but are used for the intended purpose of delivering much-needed improvements to mental health services.

These findings support a previous analysis by the BBC, which found that the £143 million investment in CAMHS was not reaching front-line services. The Mental Health Network expressed suspicions that the funding was being diverted to other services. CCGs and mental health providers have expressed support for the ring-fencing of additional resources for mental health. Some mechanism is required to ensure that funding gets through. Can the Minister inform the House which financial resources will be provided for mental health services and what guarantees there are that this funding will be ring-fenced, reach front-line services and be transparent and accountable?

One in 10 children between the ages of five and 16 suffers from a diagnosable mental health condition, and there is now substantial evidence to show that three-quarters of mental health problems start before the age of 18. It is, therefore, an absolute moral and economic responsibility for us to ensure that children and young people get the help they need as soon as possible, and in the right place and at the right time.

The *Future in Mind: Promoting, Protecting and Improving our Children and Young People's Mental Health* report, launched a year ago last March, made some very clear recommendations about commissioning and improving access, about mental health support in schools and especially about ensuring that those from vulnerable and hard-to-reach backgrounds, including looked-after children, get urgent and bespoke help.

There are numerous stories about very long waiting times for referrals to CAMHS and considerable variance in different areas. The average waiting time in Gateshead is five times as long as that on Tyneside, just down the road. Some areas have referral rules that children must have "enduring suicidal ideation"—that is, they must have expressed suicidal thoughts on multiple occasions—before they are able to be seen. This is unacceptable. Children and young people need support much earlier.

In 2014, the Department for Education published statutory guidance to schools on supporting pupils with medical conditions. The guidance says:

"In addition to the educational impacts, there are social and emotional implications associated with medical conditions. Children may be self-conscious about their condition and some may be bullied or develop emotional disorders such as anxiety or depression around their medical condition".

However, schools wanting to help their pupils who may be exhibiting mental health problems have their hands tied behind their back. Despite the continuing increase in the number of pupils across the country, the number of school nurses is reducing. Many schools see their school nurse only briefly—once a week or, worse, once a fortnight—so there cannot be effective dialogue between school nurse and staff, let alone school nurse and pupils. These cuts are continuing, especially with the cuts in public health budgets.

What are the Government doing to ensure that school nurse places are being protected? What dialogue exists between the Department of Health and the Department for Education to ensure that the vital role of schools in identifying the need for early intervention can happen?

That brings us back full-circle to the start of my contribution. First and foremost, resolving the crisis in mental health is a funding issue. Do the Government understand that all the good work done by the Mental Health Taskforce and others in identifying the problems and making recommendations to solve them will come to naught without a real-terms funding increase? Shifting money around will not do the job. Secondly, we will only solve the issues by real cross-departmental working.

What plans are there for true parity of esteem and a real cash injection into mental health services in both this year and the remainder of this Parliament? What cross-departmental working is happening at the moment? Without it, we will continue to hear of personal tragedies—lives wasted or ruined because our current mental health services are completely inadequately funded.

2.21 pm

Lord Oates (LD): My Lords, I welcome the opportunity to take part in this important debate on the *Five Year Forward View for Mental Health* initiated by my noble friend Lady Brinton. As my noble friend said, mental health is a topic which touches almost everyone in this country, whether through direct personal experience or through families and friends who have suffered from mental ill-health.

For much of the time when I was growing up, it was pretty much a taboo subject. Few people talked openly about mental illness; it was too often a personal burden not to be shared, understood or tackled but to be hidden away even from those closest to one. In recent years there has been a welcome shift in our attitudes, and I pay tribute to the mental health charities and the many activists and campaigners, such as Alastair Campbell, who have helped break down taboos and get mental health on the agenda, but I also pay a real and heartfelt tribute to Norman Lamb in particular who, as a Health Minister in the previous Government, strongly supported by the then Deputy Prime Minister, Nick Clegg, did so much to push the issue of mental health right up the government agenda, placing mental health literally on the front page of the Liberal Democrat manifesto.

I am pleased that the subsequent Conservative Government have reiterated their commitment to tackling the huge inadequacies that exist in mental health care today and which are highlighted in the report we are discussing, but I hope that they will commit themselves to willing the means as well as the ends. Warm words will not be enough when mental health provision remains severely under-resourced and where we need real will to ensure that the services and support that can help prevent mental illness are there and joined up.

Mental ill-health is something I have experience of both personally and through supporting people whom I care for very much who themselves suffered with

[LORD OATES]

mental health problems. In my teenage years and my early 20s, I suffered severely with depression and suicidal thoughts. For much of that time, I would go to sleep praying that I would not wake up in the morning, so I would not have to bear any more of the paralysing burden of despair that I felt. It is difficult to describe quite how terrifying it is to be caught in a spiral of depression, how it impacts on your physical health, how it drains all the energy from you. Back then, in the 1980s, you did not generally discuss such things: you bottled it up inside and tried to show a cheerful face to the world. I was lucky because, although I never articulated my despair directly to anyone, I had a supportive and loving family and some of the most amazing friends whose support at the bleakest moment for me saved my life and made living a better prospect than dying. Tragically, as the review sets out, that was not the case for thousands of people last year. Suicide is now the leading cause of death for men aged 15 to 49. What a terrible and tragic waste.

As we know, a wide variety of factors can lead people into mental ill-health. Adolescence in itself is a pretty confusing and difficult experience for most people. For me, it was compounded by trying to come to terms with issues about my sexuality—something I was desperately trying to hide from myself, let alone from anyone else. It was not a great time to be an adolescent coming to terms with being gay because, throughout the 1980s, the drumbeat of homophobia was beating steadily louder, culminating, just as I turned 18, in the passage of the infamous Section 28 of the Local Government Act 1988—the Government of my own country legislating in prejudice against people like me.

Almost a quarter of a century later, I was fortunate to be working in the coalition Government when, at the instigation of my noble friend Lady Featherstone, the coalition legislated for full equality via the equal marriage Act. Nick Clegg reported at the time a conversation that he had with a wonderful mutual friend who, on passing Moss Bros and seeing two grooms in the window, told Nick, “I literally felt myself walk a little taller”.

I make that diversion into that area because I think that we should all recognise that the actions of government, churches and other institutions can have profound impacts on the self-worth and mental health of individuals. I hope that organisations of all faiths, particularly the Anglican Church, of which I am a member, think about that a lot more and show the sort of leadership that it once showed in the days of Archbishop Ramsey.

I was lucky enough to come through my struggle with mental illness with the love and support of friends and family, but many people do not have the support networks that I was lucky enough to have. Too often, as the review sets out, the services that people need are not available. Just half of community mental health teams offer 24/7 crisis care. Only a minority of A&E units have 24/7 cover from mental health liaison teams. As my noble friend Lady Brinton pointed out, too many black and ethnic minority citizens access mental health care first through direct contact with the police. Care for people with eating disorders remains haphazard

and often entirely inadequate, and services for young people are unco-ordinated and do not provide anything like what is required.

Over recent years, I have seen the inadequacies of service provision at close hand, in two areas—first, in the services available to those suffering from serious eating disorders, where provision can vary massively across the country and, in many cases, is so inadequate. In the experience I was aware of, there was adequate provision only because the family had the money to buy private provision. The second area is provision for adolescents suffering acute mental health problems. Many areas seem unable to have a properly joined-up approach between schools and mental teams. Children are often no longer in school because of their mental health problems. At the most basic level, there is a lack of provision for those children to continue their education, and if they fall out of education at that point, it can cause more serious problems and compound existing mental health problems.

The provision of services to help young people—in particular, talking therapies—is utterly inadequate, which can have tragic consequences. It is hard to convey the distress and anguish of parents and other family members when they are unable to gain access to services for young people struggling with terrible mental health problems. The adequate provision of mental health services requires much more effective joining up of services, but it also requires extra resources, as the review states. Yesterday, in the debate on the Queen’s Speech, the Minister, the noble Lord, Lord O’Neill, said that the Government are building our economy on low taxes. I am all for lower taxes, particularly for those on the lowest incomes—I was proud of the work of the Liberal Democrats in government in raising the personal allowance—but the taxes we raise and the taxes we levy must be sufficient to provide the services that we require in a civilised society. We have to decide what those services are and then work out how we pay for them, not the other way round. I hope that in his reply the Minister will confirm that the Government will provide the extra resources that the report identified as being required and that, as my noble friend Lady Brinton said, they are additional resources, not an accounting fix.

I hope the Minister will also commit the Government to making a reality of the commitment to provide equality of treatment for mental and physical health. To do that will mean the Government putting a huge amount of energy into this issue. It is so complex and there are so many issues to resolve that they have to champion and drive it the way that our friend Norman Lamb did in the previous Government. If the Government fail to do so, their failure will not just be about never getting round to deciding where an airport will be, or something like that; it will be much more material because it will be measured in millions of lives that are further blighted by the terrible suffering that mental illness can bring.

2.34 pm

Lord Crisp (CB): My Lords, I congratulate the noble Baroness, Lady Brinton, on her very impressive speech in which she laid out the issues extremely well.

I also congratulate the noble Lord, Lord Oates, on his personal and moving speech which reminded us of what this is all about and that this affects individuals. We sometimes talk quite blandly about policies and forget that this is all about individuals.

I will start with a third congratulation, to the Government and all the political parties on having pushed this agenda so hard that we are moving towards parity of esteem between mental and physical health. I do not know whether this is the first country in the world to do that, but this is an enormous commitment with enormous implications; it is not just about access to healthcare, which the Motion in front of us is about, but about access to outcomes and a whole range of other aspects of the health system, including access to research funding and so on.

I will take a moment just to comment on the global implications. The UK has a leadership role here. Some 25% of disability globally is connected with mental illness, yet globally only 1% of health funding is spent on it. That is completely disproportionate, even more so than the figures for the UK mentioned earlier by the noble Baroness, Lady Brinton. Some changes are happening globally: there is a new World Health Organization action plan, and the sustainable development goals recognise that health needs to be thought of as a bio-psycho-social concept and not just thought of in terms of the biological health aspects. However, DfID does no better than other donors in promoting mental health, and its spend on mental health is very low. I have a question, not for the Minister but for the Government: will DfID adopt the same policy of parity of esteem between mental and physical health in its work locally?

On the UK and the five-year plan, as the noble Baroness, Lady Brinton, has already said, there is still uncertainty about what is meant in practice. I know that it is early days but there are all sorts of questions about implementation. One gets the impression from talking to people involved in mental health in England that people take very different views about what this means. As has already been said, only just over 50% of providers this year reported a real-terms increase in funding, and there is low confidence among providers that the £1 billion will find its way to mental health. I would like to hear the Minister's comments on these points in his response to the noble Baroness, Lady Brinton.

As the Minister knows, I chaired a commission on acute care that coincided pretty much with this five-year working party and which was referred to in the five-year plan. Three issues arise from that, which I will ask about specifically. The first is that out-of-area treatments—the practice of sending people long distances across the country for admission, not for specialist care but for general acute emergencies—is a significant problem for patients, carers and the system. The latest figures suggest that this may be getting worse. In our commission we believed that this could be dealt with quite quickly, and we suggested that it could be eliminated by September 2017. We also said that in many cases it would save money to do so, because people are kept at very significant expense, often a long way away, where they get stuck because it is difficult for social workers

or health workers to visit them. We therefore believed—and we saw evidence from a number of trusts around the country—that it was possible to do this quite quickly and that in many cases it was a cost-neutral option. I understand that the Government propose to set a target for achieving this by 2020, not by October 2017, as we suggested. I suspect that putting it off will mean that people will not start even thinking about this until 2018 or 2019, and it is a great pity that this is a missed opportunity to do something that is probably very symbolic as well as important as regards showing that we are serious about improving mental health.

I also predict that, in the meantime, complaints about this will grow. This will become a bigger issue and will happen more and more, and I suspect that we will have this sort of debate in your Lordships' House more often. My first question to the Minister is: will he and the Government reconsider that timetable and move the timetable for eliminating out-of-area treatments forward? We suggested September 2017, but certainly 2020 is far too far away.

Turning from a four-year wait to a four-hour wait, our commission suggested that written into the NHS constitution—not purely as a target—should be the constitutional right for people with mental health problems to be admitted to hospital or be received by a crisis resolution and home treatment team within four hours of being assessed. At the moment that happens in some cases, but in very many cases people are kept hanging around, often in police stations and all kinds of other locations, waiting to be admitted. We believe that this is very important. We do not yet have a baseline figure for the average time that people wait for admission once it has been decided that they should be admitted. We think that work needs to be done to measure this and that there should be a commitment to deal with this waiting time. Will the Minister let us know what progress is being made on that recommendation?

My third and final question concerns a matter to which I know the Minister is very committed—ethnicity and race. For a long time there has been a problem with both real and perceived racism within mental health services. We certainly came across a large number of people from black and minority-ethnic communities who felt that they were disadvantaged or discriminated against in some way within the services. We found it very difficult to decide how to deal with this, because mental health services by themselves cannot deal with what are often societal problems. Incidentally, we also found that there was a large amount of discrimination against gay people in a number of institutions around the country.

We concluded that the way to deal with this was to introduce a race equality standard for patients and carers—such a standard is applied for staff across the whole of the NHS—as a means of measuring the differences between the treatments that people from different communities receive. We believe that that could be done relatively quickly. There are only 50 or so trusts in the country, and it would be very easy to pilot it with five or 10 of them over the next few years. I know that this is something that the department is considering and I would be very interested to hear

[LORD CRISP]

from the Minister what is happening in this regard. We believe that showing that this issue is taken very seriously within mental health will not only be a very significant gesture but provide the sort of information that trusts need to identify the problems and plan how to deal with them.

Finally, I turn to something that was not directly mentioned in the five-year review, although there was reference to people not being given a full understanding of the side-effects of medicine. I refer to dependence on prescribed drugs. My noble friend Lord Sandwich has been a pioneer in raising the profile of this hidden and often invisible problem affecting many thousands of people, causing pain and grief, and wasting millions of pounds within the health system.

I draw particular attention to the rising levels of pharmaceutical treatments for mental health conditions. Data published in April show that anti-depressant prescription numbers rose by 7% last year to 61 million prescriptions—enough for more than one for each of us in the country, and five times the number that there were 25 years ago. There has also been a significant increase in the number of prescriptions for drugs used for psychosis, as well as for ADHD, which are usually given to children. While of course these drugs can be helpful in the short term—and that is why they are given—there is worrying evidence of an increase in long-term use of anti-depressants, as well as reports of many individuals suffering from disabling withdrawal symptoms, which can last for several years. There are also concerns that long-term use can be harmful and lead to disability.

I should therefore like to draw the attention of the House to the work of the All-Party Parliamentary Group for Prescribed Drug Dependence. Among other things, it is campaigning for a national helpline to help patients who are having problems with these drugs to come off their medication. Currently they are unable to access appropriate support. I therefore ask the Minister for his comments on the request for support for a national helpline.

2.44 pm

Baroness Tyler of Enfield (LD): My Lords, in my contribution to the debate on the gracious Speech last week, I said that mental health had become one of the defining challenges of our age. I am delighted that today's debate, secured by my noble friend Lady Brinton, provides an opportunity to expand on this. We have already heard today that one in four people experiences a mental health problem in any one year, so it really is an issue that touches each and every one of us at some point in our lives. The moral arguments are overwhelming, too. As Michael Marmot so powerfully reminded us in his recent book, *The Health Gap: The Challenge of an Unequal World*, people with mental ill health have a life expectancy between 10 and 20 years shorter than people with no mental illness. Doing something about this is a first-order issue for social justice.

Let us look at the big picture. Demand for mental health services is rising relentlessly and will continue to do so. It has been estimated that by 2030 there will be approximately 2 million more adults in the UK

with mental health problems than there are today. Mental health services must be equipped to respond to increasing and changing demand and be able to tackle unmet need—that is a huge challenge. It is undeniable that mental health is getting much more attention from politicians and policymakers, and that is a good thing. But what actual difference is that making to those one in four people? That is what I want to focus my remarks on today, as well as offering a few concrete suggestions on how we start turning all these fine words into reality.

So, what is the overall strategy for addressing this issue? In a recent exchange in your Lordships' House at Question Time, the noble Lord, Lord Prior, was asked when the Government would be producing their strategy on mental health. The Minister replied by saying that the Mental Health Taskforce report, along with the *Future in Mind* report and the report from the noble Lord, Lord Crisp, on acute psychiatric care, were the strategy. Although I am quite a fan of strategy documents myself, I thought that that was quite a good answer, and so reviewed them to see if they did add up to a comprehensive strategy.

First, *Future in Mind*, published just before the election, was a much-needed blueprint for modernising and improving children and young people's mental health and well-being, backed up by £1.25 billion in funding. It highlighted the fact that 75% of mental health problems start before the age of 18 but that less than 25% of young people with a diagnosable condition were accessing support and treatment. Its almost 50 recommendations for transforming services for children and young people looked right across—from preventive work and early intervention through to crisis care. It was, in my view, a very good report.

Secondly, the excellent report by the noble Lord, Lord Crisp, *Old Problems, New Solutions*, on improving acute psychiatric care for adults, makes a compelling case for patients with mental health problems having the same rapid access to high-quality care as patients with physical health problems. As we have heard, the report recommended a new waiting time pledge for admissions to acute psychiatric wards and the phasing out by 2017 of the practice of sending acutely ill patients far from home for non-specialist treatment. I would like to add my voice to the other voices this afternoon saying that we should not have to wait until 2020 for that to happen, not least given the expert opinion that this practice is associated with an increased risk of suicide—as we have heard so powerfully and personally this afternoon from my noble friend Lord Oates.

Finally the Mental Health Taskforce report provided a comprehensive insight into the current state of mental health care. Its verdict was striking. It says that,

“too many people have received no help at all, leading to hundreds of thousands of lives put on hold or ruined, and thousands of tragic and unnecessary deaths”.

Those are strong words indeed. With 75% of people affected by mental health issues receiving no support at all, the report makes it clear that the current mental health care system is simply not coping as a result of years of chronic neglect and underfunding. The report also made more than 50 recommendations. Priority

actions were: access to mental health care 24/7 as part of a seven-day NHS, new waiting time and access standards, and expanding access to psychological therapies to help more than 600,000 people. The report also had a lot to say on a more integrated approach to mental and physical health, recognising how interconnected the two are for many people.

In my assessment, these reports taken together do give us the overarching framework needed for transforming mental health care, so I am with the Minister on that point. So, “Job done?”, noble Lords may ask. Clearly not, because after all of this very good work and three excellent reports, we are simply at the starting line. The task of turning the rhetoric and good words into reality is Herculean, and all our attention should be focused on it. Central to this will be political will and sustained financial investment, along with far better data and much sharper accountability mechanisms.

I previously welcomed the government commitment to spend an extra £1 billion on mental health in 2020-21. I noted, however, that that extra money will come through only in 2020-21 and that in the years preceding, significantly less money will be available. Indeed, mental health services will be expected to make significant savings alongside the rest of the NHS. So when summing up, will the Minister spell out precisely how much money will be available in each of the financial years between now and then? We have already heard about the recent survey showing that most providers and commissioners do not feel confident that £1 billion will be sufficient to meet the challenges already outlined, given the historic underfunding of mental health services and the deficits that so many NHS trusts face. Of particular concern is whether this funding will be adequate to roll out the services needed to meet the first ever waiting standards for depression and anxiety and for early intervention in psychosis, introduced by the coalition Government, as my noble friend Lady Brinton told us. What reassurances can the Minister give me on that point?

The task force’s very welcome commitment to introduce comprehensive waiting time standards is critical to bringing mental health in line with physical health and to fundamentally changing the culture. To turn the tanker around, these standards need to be accorded the same status as four-hour A&E targets, cancer waiting times and the 18-hour referral-to-treatment targets. However, the chief executive of NHS England, Simon Stevens, recently confirmed that the £1 billion by 2020 will not be sufficient to deliver comprehensive waiting time standards. Indeed, that assessment was backed up by a recent NAO report which found that achieving the standards would be “a very significant challenge”. In summing up, will the Minister please confirm whether the Government are still committed to fully funding these standards, which are at the very heart of parity of esteem?

Turning to funding for children and young people’s mental health, the additional and very welcome £1.25 billion secured in the April 2015 Budget to back up the *Future in Mind* report should amount to £250 million in each year of this Parliament. But as we have already heard, in reality, only £143 million was

spent in the last financial year, with only £75 million of that going directly to CCGs to improve local services. That raises the question of why there was a delay in getting resources through to the front line of children’s mental health services. I know that capacity issues have been cited by the Government, so will the Minister please say what progress has been made on the workforce recommendations contained in *Future in Mind*, and when the roughly £100 million funding shortfall in 2015-16 will be forthcoming?

Along with adequate funding, we need far greater transparency about how money allocated at national level reaches the front line of mental health services and which mental health services are being prioritised. Frankly, it is worrying that it took a freedom of information request last year to find out that some 50 out of 130 CCGs were planning to reduce spending on mental health. The recent updated planning guidance from NHS England tells CCGs to increase in real terms their spending on mental health by at least as much as their overall allocation increases, and that is of course welcome. However, it is vital that proper tracking mechanisms are in place to ensure that CCGs are held to account on how much they spend and the impact that is having on their communities. In turn, that calls for far better data collection at local level on spending, including how much is being spent on different types of services and treatments. At present, we have what the Minister himself in this House has called a data black box. That is really holding back progress on the much-needed transparency and accountability.

One of the main ways of holding CCGs to account is the improvement assessment framework, which measures CCGs against specific targets. It was therefore very disappointing that the newly published framework does not include a specific assessment of how much CCGs spend on mental health provision in their areas. That was a real missed opportunity. I fully understand the severity of the overall pressures on CCGs, but they were exemplified most starkly in a rare move recently when the Mental Health Commissioners Network wrote to the Department of Health asking that money for young people’s mental health care be ring-fenced so that it is not siphoned off to pay for other services. I have to say that that is something I personally would support. I understand that the department has replied, saying that it does not have the legal powers to do that, so I turn to the legal position for a moment.

In the debate on the Speech I said that equal access to mental health care should be enshrined in legislation. At present, apart from a general reference to parity of esteem between mental and physical health in the Health and Social Care Act 2012, the only specific pieces of mental health legislation of which I am aware are the Mental Health Acts 1983 and 2007 and the Mental Capacity Act 2005, and they deal with completely different issues. So while I do not generally support the use of legislation to send policy signals, my sense, backed up by everything I have heard in the debate today, is that legislation in some form or legislative underpinning is needed to achieve the fundamental culture change we need.

[BARONESS TYLER OF ENFIELD]

One way of achieving this, in my view, would be for waiting times and access standards to be included in the NHS constitution and the handbook to it which the Secretary of State and all NHS bodies are required to take account of. Then people would know that it is an entitlement, not an aspiration or a discretionary matter subject to funding and other priorities. At present, waiting times and access standards are contained only in the NHS mandate, which does not have the same status.

I want to end on a slightly more upbeat note and acknowledge that critically important as money, data and accountability are, they are not the whole answer. There is a mindset issue and an issue about working collaboratively. I have the privilege of chairing the Values Based Children and Adolescent Mental Health System Commission, as declared in the register. The commission started its work earlier in the year and will report in September. In short, it is looking at how we can improve the commissioning and delivery of the children and young people's mental health system to take better account of what really matters to all involved, most particularly the children and young people themselves. What sort of services, delivered in which way and where, would they like to see? We have received wide-ranging evidence from witnesses across the UK and I am particularly encouraged by some of the examples we have heard in different localities where services have been transformed by CAMHS, schools, local authorities and the voluntary sector coming together, collaborating and pooling budgets. The result is that some places have been completely redesigned around the needs of children and young people and their families. This redesign is generally based on a system-wide approach comprising early intervention and preventative services, often based in schools, with schools acting as hubs, working in tandem with target specialist and crisis services, the latter available on a 24/7 basis. Interesting features include a single point of access, no wrong door, open access and far fewer thresholds. Far more young people in these areas are getting the help they need and the money is being spent far more effectively. I look forward to bringing the findings of the commission to your Lordships' House.

I am conscious that I have asked rather a lot of questions and I am quite happy for the Minister to reply to me in writing on some of them.

2.58 pm

Lord Tunnicliffe (Lab): My Lords, I thank the noble Baroness, Lady Brinton, for bringing this debate to the House, and I congratulate her on such a comprehensive introduction. I will not bore the House by repeating much of the same stuff, because she presented it in such an effective way. I also thank the noble Lord, Lord Oates, for his personal statements about mental illness. We now come into contact with mental illness more readily than we did before, because we are beginning to see the extent to which it is present in society, but we still have a problem in talking about mental illness. It is possibly the last great taboo. Along with these reports, we must give some thought to how we can change that.

The one thing that I have learned in my own life is that the word "normal" actually means average. In fact, there is enormous diversity in human beings, in how they feel, and how they cope with pressure and the depression that sometimes comes from pressure. I have worked in extremely highly pressured situations and I have certainly had days when I have felt that not getting up would be a better idea. I have sometimes wondered whether I was mentally ill. It is getting better, but the taboos of the past meant that if I had sought any help I would have seriously jeopardised my career. It was very much the tradition of my generation that when coming under such pressure one coped with it oneself. One coped with it, frankly, without an education. Perhaps education about mental health would help us to understand it, cope with it better, and help our fellow citizens more.

I believe that we can look to areas of some hope that that would work. Also in my generation the word cancer was almost impossible to express. It was a taboo subject; we did not talk about somebody having cancer. When you knew somebody who had cancer they were almost a non-person. Now, thank goodness, that has virtually disappeared, and as a result there is much more information and people talk to each other about it in a way that is supportive to people who have cancer, which makes early diagnosis and treatment possible.

We have a similar situation with gender issues, which the noble Lord, Lord Oates, spoke about—the culmination, I think, of the new liberal world and gay marriage. The noble Lord, Lord Oates, touched on the issue of talking therapies. I seek assurance from the Minister that the provision of training for talking therapies is not hindered. I understand that it is provided under the auspices of the IAPT. Talking therapies are much more cost-effective in the sense that average workers who are already in the area can be trained to be high value-adding therapists. I hope that there are no inhibitions in the development of these therapies, because, as I understand it, that is one of the limiting factors in spreading them more widely.

I thank the noble Lord, Lord Crisp, for his wider view. I think his most worrying statement was that 50% of providers have little confidence that these additional resources are actually arriving. The noble Baroness, Lady Tyler, reminded us that one in four of the population will have contact in any one year with mental health issues themselves. Once again, I look back curiously at myself and wonder whether I was one of those one in four. She said that the reports taken together suggest a set of documents, thoughts and recommendations, but she put the point to the Minister, which I share: will the resources be there in reality?

The final report on the Mental Health Taskforce, commissioned by NHS England, was published earlier this year. It provides a frank assessment of the state of mental health care and describes a system that is ruining some people's lives. The report offers several recommendations that could have a significant and progressive impact on the delivery of service to mental health patients. It brings out, as did the noble Baroness, Lady Brinton, that the estimated economic cost of

mental ill health is £105 billion in England annually, which is equal to the entire NHS budget in England and accounts for 23% of the disease burden in the NHS. Despite all this, only 9% of the overall NHS budget is spent on mental health.

Since 2014, the Government have announced an extra £600 million for mental health services, £1.25 billion from 2015 to 2020 for children and young people's mental health, and another £1 billion in the taskforce report. We are concerned that, despite these pledges, the scale of the problem of achieving parity of esteem is extensive. For example, the five-year investment in child and adolescent mental health services equates to barely £1 million per clinical commissioning group each year. This is inadequate when looking at data released in a recent NSPCC report, which stated that out of 186,000 cases referred by doctors from 35 mental health trusts, nearly 40,000 children received no help at all. Does the Minister believe this sufficient not only to tackle the chronic bed shortage and the distribution of such beds across the country but to develop comprehensive prevention and early-intervention programmes?

Before this debate I read the report—not from cover to cover, I have to admit, but parts of it. As the noble Baroness, Lady Brinton, mentioned, the position it describes is pretty terrifying. When I used to run a railway we used to have a suicide attempt a week. About half were successful, so suicides were close to my daily knowledge, as one knew about every event. One would end up giving bravery certificates to staff who had crawled under trains to help people who were not dead. In that sense, suicide has been close to my personal experience. There were 4,882 suicides in 2014. As has been said, that is the leading cause of death in 15 to 49 year-old men. You cannot have a clearer example that something is wrong when people commit suicide. Parity of esteem and the whole issue of equal access are so important.

The challenges of the report have been put to the Minister. I hope that he answers them. I am not too optimistic. That is not a comment on the Minister. We all know that he does his best. But when one looks at the similar debate in the House of Commons, when asked for a response to the report, the Minister for Community and Social Care, Alistair Burt, in the middle of a very long answer, said this:

“I spoke to the taskforce after the issuing of the report. I do not particularly want just to produce a response to the taskforce report; I said that I would prefer a series of rolling responses, as it were, so that when we have responded to a recommendation and when we are moving on and delivering on it, I would say so. That will come in a variety of different forms, but will be related to what the taskforce has done. That may well involve announcements to Parliament, whether by written ministerial statements or other means. I did not want one big bang of a response”.—[*Official Report*, Commons, 23/2/16; col. 155.]

I think we do want a big bang of a response. We want a comprehensive response to the reports and we want to know what the Government are doing. We want the figures to be much clearer. We want to know that the resources are going into mental health to make parity of esteem a reality.

3.09 pm

The Parliamentary Under-Secretary of State, Department of Health (Lord Prior of Brampton) (Con): My Lords, I thank the noble Baroness, Lady Brinton, for tabling the debate. It is a pity that it is right at the fag end of this sitting because it is a hugely important issue. Whether it is once or twice a year, we ought to be held to account. It is so important. At a time when the health service is going through very difficult financial times, it will be easy to fudge some of the numbers. It is important that we are held to account for what we say will do. I thank the noble Baroness for bringing the debate here today.

The noble Baroness said that this was a funding issue and of course it is—up to a point. We have won a big argument over the last few years that preceded the funding issue. We should not underestimate how far we have come in this debate about mental health. It was very moving to hear the personal story of the noble Lord, Lord Oates. Society has come a heck of a long way since Section 28 of the Local Government Act, or whichever Act he referred to. The gender issues are largely behind us—but not fully so. The noble Lord, Lord Crisp, said that there was still prejudice around not just race but also homophobic issues. We should not be complacent about this but society has moved a heck of a long way over the last 20 or 30 years. We are slowly winning the argument that mental health care should be treated truly with parity with physical health care. Although I subscribe to the old saying that fine words butter no parsnips, fine words made a difference in this area of healthcare.

All speakers have shown just how important mental health is. As the noble Baroness, Lady Brinton, said, nearly all of us have someone very close to us—it may be as close as ourselves, as in the case of the noble Lord, Lord Oates, but it might be members of our families, children or friends—who have suffered the devastating consequences of poor mental health. The story of the 16 year-old girl kept in a police cell for 48 hours having committed no crime except that she was mentally ill is just one indication of that. But this is in part no longer a taboo subject because of the bravery of people such as Alastair Campbell and Stephen Fry. Some noble Lords will have read the obituaries of Sally Brampton in the papers last week; she took her own life after a lifetime of struggle with depression. I was particularly struck to read in one obituary that she had said that when you are depressed you do not know if it is your nature or your biology. That goes to the fundamental essence of depression. You do not know whether you are a bad person. Of course, it is often a question of biology and genetics, and of the environment you are in. The noble Lord, Lord Oates, talked about the strength of his family and friends that got him through a really difficult time.

I was struck by the comments of the noble Baroness, Lady Tyler, about health inequalities. She referred to Michael Marmot. Frankly, many of these issues go way beyond the NHS. We spend all our time talking about the NHS and so many of our health inequalities stem from poor housing, a lack of family support, unemployment, poverty and so on. It is interesting

[LORD PRIOR OF BRAMPTON]

how much time we spend talking about the NHS when so much of what needs to be done in healthcare lies well outside the health system.

The noble Lord, Lord Crisp, made the fascinating point that globally mental health attracts 1% of funding but causes 25% of disability. He asked whether DfID could look at parity of esteem as well. That is a very interesting point and we should look at that. He made three other points, including on out-of-area treatment. That point was also mentioned by other noble Lords. When you have ill people being transferred not just for very specialist treatment but for general acute treatment—as he put it—that is a highly unsatisfactory situation. First, people may be admitted into an incredibly busy A&E department of an acute hospital. Often the situation in the A&E department is chaotic and people do not get the kind of one-on-one special support that they need. They then get put on a ward, where there is general chaos as well. They are just not kitted out to deal with people going through a psychotic interlude. The staff desperately ring round for beds in the county the patient happens to be in but they cannot find any. Then they find a bed somewhere else and by the time the patient gets there, that is taken and they end up in a bed somewhere else.

Meanwhile the patient's family is at home, wherever that is, while the patient is transferred from one place to another. When he or she finally gets a bed, sometimes they are not assessed for days. Sometimes people can buy their way out of this. One noble Lord talked about CAMHS. Someone with money who has an eating disorder, for example, can sometimes buy their way out of reliance on state provision, but, of course, that is not available to many people. One of your children or friends may be being treated many miles away from where they live—that is, if they get a bed in an eating disorder unit.

The foreword of Paul Farmer's report states:

“For far too long, people of all ages with mental health problems have been stigmatised and marginalised, all too often experiencing an NHS that treats their minds and bodies separately. Mental health services have been underfunded for decades, and too many people have received no help at all, leading to hundreds of thousands of lives put on hold or ruined, and thousands of tragic and unnecessary deaths”.

That is the background to this issue. We have to recognise and be realistic about how long it will take us to get from where we are to where we need to be. It will not happen in a couple of years but over a longer period than this Parliament, I suspect.

I was very moved by the words of a patient, as cited by the noble Lord, Lord Crisp. So often it is the patient's story that makes the argument. I also cite the words of a patient, as follows, “I returned to hospital from leave but there were no beds available so I had to sleep in a common room. There was little privacy, no lock on the door, no frosted glass. People often just wandered in, thinking it was a public room and I had to create my own makeshift curtains. The room stank of cigarettes. The floor was dirty and the only storage place I had was a small bedside table. Despite constant complaints from me regarding the room, I was expected to put up and shut up. I would have had better treatment in jail”. That is just one person's experience of the mental health system.

So we are a long way away from parity of esteem, if we are honest, and it will take us a long time to get there. But that is no excuse for not trying as hard as we can and no excuse for not holding this Government to account for the promises they make. Before I come to the commitments that we have made, I will refer to the eight principles that Paul Farmer thought should underpin reform. Decisions must be locally led. Care must be based on the best available evidence. Services must be designed in partnership with people who have mental health problems and with carers. Inequalities must be reduced to ensure that all needs are met across all ages. Care must be integrated, spanning people's physical, mental and social needs. Prevention and early intervention must be prioritised. Care must be safe, effective and personal and delivered in the least restrictive setting, and the right data must be collected and used to drive and evaluate progress.

Getting the data was referred to by the noble Baroness, Lady Tyler. She has made that point before. It is a black hole because without the data you do not know where you are. One thing that has absolutely come home to me over the past year is that if we are going to address the unwarranted variation that exists across the country, which is as true for physical health as it is for mental health, we have to have the data. If we are going to have waiting times enshrined in the constitution or legislation or anywhere else, we have to have the data—and, frankly, we do not have the data at the moment. So getting the data has to be an absolute priority.

Turning to the commitments we have made in support of parity of esteem, the 2015-16 planning guidance made it absolutely clear that CCG allocations must increase by at least the amount of the overall allocation, which was 3.74%. Half way through the year it looked as though that was growing by about 5.4%. The planning guidance for 2016-17 is that commissioners must continue to increase investment in mental health services each year at a level which at least matches their overall expenditure increase. Your Lordships must hold us to account for that. That is what we have said we are going to do in 2016-17. If the money is not getting through to providers, as the noble Lords, Lord Crisp and Lord Tunnicliffe, said, then it should be getting through to providers and we have an obligation to make sure that it does.

I will write to noble Lords about the tangible commitments we have made. The noble Baroness, Lady Tyler, said before the debate that she would prefer me to write, and I do not think there is any point in me giving the figures now. I have got the annual figures but rather than read them I will write to everyone who has contributed to this debate, setting out the figures on a year-by-year basis. In summary, we are committed to spending £1.4 billion on children and young people's mental health and eating disorders over five years. Of that £1.4 billion, £150 million is earmarked for eating disorders. In January this year the Prime Minister made a commitment to spend £1 billion over the period to improve perinatal mental health, mental health liaison services and 24/7 crisis care. In the *Five-Year Forward View for Mental Health*, Paul Farmer's recommendations totalled £1 billion by the end of the period. I will write to noble Lords setting out clearly what those figures are. What they

will show is that at the end of the period, we should be spending more than an additional £1 billion and another £300 million a year, I think, on children's mental health.

In conclusion, we are absolutely committed to delivering better mental health care over the next five years, but your Lordships will have to have some patience with us: it will not happen overnight.

3.23 pm

Baroness Brinton: My Lords, I thank everyone who has contributed to the debate, particularly to my noble friend Lord Oates for his personal story, which reminded us that strategies and data all come down to individuals. I am particularly grateful for his comments about children out of school, which is an interest that I have as well.

I am grateful to the noble Lord, Lord Crisp, for making sure that we remember that mental health issues are global, not just local, and I support his plea that DfID, too, should look at parity of esteem. I hope that the Minister will pass that on to DfID. I am grateful, too, to my noble friend Lady Tyler for her proposals for ring-fencing. I hope that the Minister will be able to address that in the reply to my noble friend. Despite the reassurances that the Minister has just given us, there is clearly real concern among providers, and even among some CCGs, that funding is not getting to front-line services. We need to be reassured that that will happen.

I am very grateful to the noble Lord, Lord Tunnicliffe, for talking about changing taboos, which is absolutely vital. We move at glacial speed on some things, and although progress is being made, if you talk to young people in particular, some major taboos are still there. Education and PHSE play an important role in helping our young people to understand how they might upset other people and in helping those young people who face difficulties to put their own experience in front of their friends and to be able to talk about it. The noble Lord, Lord Tunnicliffe, quoted Alistair Burt about rolling responses rather than one big response. I share his concern on that.

I am very grateful for the comments of the noble Lord, Lord Prior. Everybody who has taken part in this debate would completely understand that the noble Lord is certainly sympathetic to the issues about mental health, as I think is the Department of Health. But the funding issues remain, and I think we all look forward to receiving the details. Following his offer to hold the Government to account for delivering them, I also hope that he will be able to go back to the Treasury with the comments made in this debate to argue for further and specific resources. On that basis, I beg to move.

Motion agreed.

House adjourned at 3.25 pm.

CONTENTS

Thursday 26 May 2016

Retirement of a Member: Baroness Perry of Southwark	
<i>Announcement</i>	503
Questions	
NHS: Diabetes	503
Anti-corruption: Beneficial Ownership Registration	506
Obesity	508
Severe Anaphylactic Shock	511
Rehabilitation of Offenders (Amendment) Bill [HL]	
<i>First Reading</i>	513
Divorce (Financial Provision) Bill [HL]	
<i>First Reading</i>	513
House of Lords Reform Bill [HL]	
<i>First Reading</i>	513
Student Support (Non-Interest-Bearing Finance) Bill [HL]	
<i>First Reading</i>	513
Regulation of Health and Social Care Professions Etc. Bill [HL]	
<i>First Reading</i>	514
Commissioner for Standards	
<i>Motion to Approve</i>	514
Schools: Special Educational Needs and Disabilities	
<i>Motion to Take Note</i>	515
European Union Referendum: Young Voters	
<i>Question for Short Debate</i>	539
Mental Health: Ensuring Equal Access to Mental and Physical Healthcare	
<i>Motion to Take Note</i>	552
