Vol. 773
No. 18

Wednesday
29 June 2016

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Questions
HMRC: Call Waiting Times 1555
Care Leavers: Life Chances 1557
Poverty 1559
EU Nationals in the UK 1562
Haberdashers' Aske's Charity Bill [HL]
Third Reading 1564
Joint Committee on Statutory Instruments
Membership Motion 1564
European Council
Statement 1564
Hate Crime
Statement 1579
Bus Services Bill [HL]
Committee (1st Day) 1591
Zero-hours Contracts
Question for Short Debate 1624
Bus Services Bill [HL]
Committee (1st Day) (Continued) 1640

Grand Committee
Children and Social Work Bill [HL]
Committee (1st Day) .... GC 25

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/2016-06-29

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

Wednesday 29 June 2016

3 pm

Prayers—read by the Lord Bishop of Chelmsford.

HMRC: Call Waiting Times

Question

3.07 pm

Asked by ***Lord Beecham***

To ask Her Majesty's Government what steps they are taking to improve HM Revenue and Customs call waiting times.

Lord Ashton of Hyde (Con): My Lords, Her Majesty's Revenue and Customs has improved its call waiting times. Over the last six months, it has consistently answered calls in an average of six minutes—a significant improvement from earlier in 2015. It is introducing a number of service improvements, including digital tax accounts, webchat and moving to a seven-day-a-week service, as well as ensuring that online guidance meets customer needs.

Lord Beecham (Lab): My Lords, the National Audit Office reported in May that the original cut by one third in staff numbers dealing with personal taxpayers led to a 50% increase in costs to taxpayers, costing them four times as much as HMRC saved. While matters have now improved somewhat, there are still around 3 million cases of discrepancies in personal tax records requiring investigation. Do the Government recognise that it is self-defeating, with £120 billion of uncollected tax, to offer such a poor service to taxpayers and that the situation is being made worse by closing offices, substantially cutting staff and relying increasingly on digital services to which many people do not have access? If so, what do they propose to do about it?

Lord Ashton of Hyde: The noble Lord is right to draw attention to the National Audit Office report, which drew attention to things that HMRC had already taken into account. It made five recommendations: one was already superseded because it had been attended to, one was recommended by HMRC itself and three were accepted and are in progress. HMRC has increased the number of its customer services staff. It has undertaken its biggest ever training programme. Call waiting times are coming down significantly and it has a two-minute target. Of course, raising revenue is what HMRC is about, and last year it raised a record amount of revenue, the largest ever in its history.

Lord Spicer (Con): Why cannot we be told where we are in the telephone queue?

Lord Ashton of Hyde: I am not aware of the precise details of how the telephone queuing system works. All I know is that, in May, the wait in the queue was down to three minutes and that it is getting better. We are aiming to reach two minutes, but I am not aware of the technical reasons why you cannot tell where you are in the queue.

Lord Quirk (CB): My Lords, does the Minister recall the Answer that I was given to an identical Question a year ago, on 9 July 2015, when the noble Lord, Lord O'Neill of Gatley, told the House that several promising steps were going to be taken, including the deployment of £45 million and the recruitment of 3,000 further staff to help this situation at his department? Does today's Answer really show progress over what we had last year, given that the two-minute promise is very far from being implemented?

Lord Ashton of Hyde: That is a fair question. In April 2016, customers waited six minutes on average. Last year, it was 18 minutes. In May 2016, it was five minutes, compared with 19 minutes in May 2015. It has now gone down to two minutes 53 seconds, which is progress.

Baroness Kramer (LD): My Lords, the NAO report also identified that HMRC is planning swingeing cost reductions in this area in upcoming years, relying on a shift to digital and online to pick up almost all the questions and requests that it gets in this category. Given the failure to deliver projects like that on time and in a way that works for customers, what is plan B? Is it something other than taking all the back office staff from PAYE and knocking that operation into disarray, which is what happened last time?

Lord Ashton of Hyde: The introduction of online services was one of the problems that caused the waiting times. That is now working well. We have the largest number of online self-assessment forms ever, at January this year, and the largest number of on-time assessments. Progress is being made. As far as the estate is concerned, the noble Baroness is absolutely right: HMRC intends to make savings in the order of £100 million per year by reducing the estate down to about 17 offices—I cannot quite remember how many there are now. That is well in progress and will provide a better opportunity for the staff, who will have more opportunities within one large area. Some of the offices before, it must be remembered, had only 10 staff in them.

Lord Davies of Oldham (Lab): My Lords, the Minister has done his best to put a gloss on an appalling situation. The National Audit Office made quite clear the deficiencies of the Inland Revenue over recent years. The Minister says that things are now improving. How is it, therefore, that in the most recent poll of 600 people who spoke to an adviser, 63% of them waited for more than half an hour? Have the Government set out to reduce the number of civil servants operating in this department, and are they doing it all to fulfil their dogma of the smaller state, transferring the costs from the Treasury to the individual citizen?

Lord Ashton of Hyde: My Lords, the noble Lord might like to know that the number of staff increased by 4% last year.

Lord Brooke of Alverthorpe (Lab): Is the noble Lord aware that many older people are having increasing difficulties in dealing with HMRC, notwithstanding what he has just reported? If more offices close, that means more difficulties for them in the future. Is he aware that a special service needs to be provided for such people, and that there is in fact a charity, Tax Help for Older People, with 600 to 700 people working in it, including ex-Revenue people and ex-accountants? I declare an interest as a patron. Given that more offices are to close and that more difficulties are looming for older people, is the Minister prepared to reveal the possibility of giving financial assistance to that charity?

Lord Ashton of Hyde: My Lords, HMRC does realise that different people have different needs. The whole point of the online service is that those who are able and willing to use it can do so, which enables HMRC to deal with people in the more old-fashioned way—face-to face and on the telephone. It will be able to do that more easily, and the figures show that it is improving.

Care Leavers: Life Chances
Question

3.16 pm

*Asked by **Lord Polak***

To ask Her Majesty's Government how the introduction of the first corporate parenting principles will ensure that care leavers have the best life chances possible.

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, good parenting is essential to ensure that young people can thrive in childhood and as adults. Our Bill brings together for the first time what it means to be a corporate parent. The principles set a high bar for how local authorities should discharge this incredibly important duty when supporting the most vulnerable young people. In addition, by signing the care leaver covenant, private and public organisations will commit to giving care leavers the start in life they deserve.

Lord Polak (Con): I thank my noble friend for his helpful Answer. The introduction of this Bill should be welcomed by all sides of this House. For far too long, vulnerable children and care leavers have been left behind. Does the Minister agree that the outcomes for these children should be a matter for the whole of society? Can he explain how these important principles will be adopted by other organisations so that the burden does not fall solely on overstretched local authorities?

Lord Nash: I am grateful for my noble friend's support. I agree entirely that we want the principles to be embraced by a wide group of organisations—charities, the private sector, businesses and public sector agencies—and that is what the care leaver covenant is all about. It will be a promise from the nation to care leavers that anyone who leaves care will be treated fairly and given the support they need to make the best of their opportunity to make a successful transition to adulthood. It will be a commitment to support care leavers through the way in which we deliver services, the opportunities provided, promoting the covenant and getting others to sign up.

Baroness Howarth of Breckland (CB): My Lords—

Baroness Kennedy of The Shaws (Lab): My Lords—

Noble Lords: This side!

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): My Lords, we have only just started, so we are not at a point where anyone can shout, "This side". The House seemed to be indicating to the noble Baroness on the Cross Benches.

Baroness Howarth of Breckland: I apologise; I did not see the noble Baroness. The Minister will know that the children who do worst at school and in life are those on child protection plans, rather than those coming into care. How will the Government ensure that such children have good parenting, either by being maintained in their own homes or being in permanent placements that will give them that life chance?

Lord Nash: The noble Baroness is quite right and she knows that the Minister, Mr Timpson, is very focused on this. We will shortly bring forward more proposals.

Baroness Kennedy of The Shaws: My Lords, my question is simple. How did we get to the place where we talk about "corporate parenting"? I ask this House to think about that notion. The idea that some children might not be able to stay with their own parents is one thing, but the idea that we talk about corporate parenting in a world like this—what does that mean?

Lord Nash: I apologise if the noble Baroness does not like the expression but the intention is to give these children someone who is in loco parentis and can fight their corner. It is about changing and spreading good practice, and making sure that the local authorities' task in loco parentis does not burden them with a tick-box approach and extra duties.

Lord Storey (LD): My Lords, the Minister will know how important personal advisers are for care leavers. How do we ensure that they are of the highest quality? Does he believe that there should be minimum qualifications and requirements? Is he hopeful that this might be agreed in the Bill?

Lord Nash: The noble Lord is quite right that personal advisers are very important, as is their consistency—one hears from care leavers that they get a lot of changes—and quality. We are conducting a review of personal advisers which will inform our thoughts on this further.

Lord Roberts of Llandudno (LD): My Lords, how do the Government reconcile the treatment of those from this country who have been corporately cared for with that of young unaccompanied asylum seekers who, when they reach the age of 18, can be deported

with no care at all? How can we help those 18 year-olds by changing legislation or putting in new hope for them?

Lord Nash: The noble Lord will know that we have just debated this at length. We have had extensive discussions with the Home Office designed to make sure that we place the interests of those children first until they leave the country.

Baroness Hollis of Heigham (Lab): My Lords, in the light of the Laming report, the Howard League report and the Standing Committee for Youth Justice report, which all draw attention to our inappropriate criminalisation of children in care compared to the rest of the world, what steps are the Government, whether the DfE or the MoJ, going to take to address this issue?

Lord Nash: Sir Martin Narey is conducting a report in relation to children's homes, and I think he will address that. Charlie Taylor is also conducting a report. I think we need to wait for them.

Baroness Deech (CB): The Minister will know that children leaving care are much less likely to go into higher education than other children. Are there provisions to ensure supportive parenting of some sort to see them right through to the age of 21 or so if they go into higher education, to ensure that more of them go and that they do not drop out?

Lord Nash: Yes. As the noble Baroness will know, there is further financial support for schoolchildren in care through the pupil premium, and if they go to university there is extra money available.

Baroness Hussein-Ece (LD): My Lords, local authorities that have responsibility for these children are usually the largest employers in their area. Like all parents, they should take more responsibility in ensuring that these children and young people have access to apprenticeships and jobs and have a future. Many do not do this, although there are examples of good practice. Will the Minister say how this will be rolled out?

Lord Nash: The noble Baroness is absolutely right. Part of the local offer will make sure that local authorities set out well in advance of when children leave care what the opportunities for them are. Then we can spread good practice in this area.

Poverty

Question

3.23 pm

*Asked by **Lord Bird***

To ask Her Majesty's Government what long-term plans they have, and what action they intend to take in this Parliament, to prevent the underlying causes of poverty in the United Kingdom.

The Minister of State, Department for Work and Pensions (Lord Freud) (Con): The Government have set out a new life chances approach which will include a set of indicators to measure progress in tackling the root causes of poverty, such as worklessness, educational attainment and family stability.

Lord Bird (CB): My Lords, I think I may go down in history as the person who asked only one question of this House—how do we begin the process of dismantling poverty? When we have a situation where 34% of all the money received by the Chancellor of the Exchequer is spent on and around poverty; when we spend 12% of our budget on education and yet we fail 30% of our children in school, who then become 70% of the prison population, who then become 50% of the people who use A&E as a drop-in place, when will the Government and the House get behind the idea that we need a different form of intervention in poverty in order to begin to dismantle it? We are pussyfooting around. We are not dismantling poverty in the way that it should be done. Let us be honest and accept that keeping people in poverty is incredibly expensive.

Lord Freud: We are trying to move away from the income transfer approaches that we have seen for some time, to try to handle the fundamental causes of poverty. I agree with the noble Lord that that is where the effort has got to go. It is difficult, but that is the only real way to tackle this problem.

Lord Morris of Handsworth (Lab): My Lords, does the Minister agree that one measure of national poverty is the number of people using food banks? Can he therefore provide a report to this House saying whether that number has gone up or down since the general election?

Lord Freud: We do not collect those figures. There have been figures: I believe that the Trussell Trust put out some not so long ago, which showed those figures, from its perspective, flattening out. There has also been quite a lot of research on food banks, and the APPG did a very good piece of work, which showed that what drives people to this emergency support provided by the community—which one welcomes—is a very complex matter.

Baroness Manzoor (LD): My Lords, no one chooses to be poor, but of course there are many people in the UK who experience poverty. We are moving into a global era when there is greater emphasis on technology, automation and robotics, and we need to upskill our workforce. What is the Government's strategy to ensure that those who are trapped in poverty are given the skills needed to be able to contribute in that area? As we move forward, the gap between those who have and those who have not will get greater.

Lord Freud: There is a huge amount of work being done on the educational side, which is where this has to start—but clearly there is an element of remediation and later support beyond the school years. That is where, for instance, the apprenticeship programme, which is growing quite steeply, is really important.

Lord Shinkwin (Con): My Lords, as someone who welcomes the Prime Minister's commitment to social justice and improving life chances, and believes that he

[Lord Shinkwin]
will leave a significant legacy to his successor, may I ask my noble friend what plans the Government have to help the most needy and vulnerable benefit recipients in future?

Lord Freud: One of the most valuable things I got from this House was during the passage of the Welfare Reform Act 2012, when we debated what to do for the most vulnerable in the context of UC. That led to the creation of universal support, whereby we join up with local authorities to try to provide services that join together. We have done that now for two of the barriers people face, in budgeting and in digital competence, and we are now exploring how to expand that approach, which shares information, data and support in relation to other barriers. We have some trials going on at the moment, one in Croydon and one in the London Bridge area, on how to do that most effectively.

Lord Sutherland of Houndwood (CB): My Lords, one of the Government's more successful innovations in dealing with the long-term implications of poverty has been the introduction of the pupil premium. I have to tell the Minister, from conversations I have had with headmasters in some of the most benefited schools in this area, that they are concerned that changes in the rules about how entitlement to benefit is calculated in future will affect very directly the input into schools through this rather good innovation. Any reassurances that can be given, now or in writing, would be appreciated.

Lord Freud: That is one of the topics that I and the Schools Minister are talking about. We now have, as a potential option for future use, far more specific measures of real levels of poverty in universal credit which we can use to record poverty, rather than the much cruder measures that we used in the legacy system.

Baroness Sherlock (Lab): My Lords, if the Minister wants to measure poverty he could perhaps look at the official figures that came out this week. They show that while average household incomes are finally back to their pre-crash levels, child poverty has actually gone up by 200,000. It is the first rise for a decade, the largest single rise in one year since 1996, and even more of those poor kids are in working families. Ministers were warned by people around this House that this would be a consequence of government policy but the Minister kept telling us that we were crying wolf. I have rarely been sorrier to be wrong. But now that the warning signs are clear, what will the Government do about it? We have not yet had the effect of the cut in universal credit help or benefits for large families. Will he please urge his new Secretary of State, if he genuinely wants a one-nation country, to go back and reverse that catastrophic decision to cut help for working families on universal credit?

Lord Freud: Regrettably, the cry of wolf is wrong in this case. As the noble Baroness knows perfectly well, these statistics are fairly odd on a year-by-year basis. We have had quite a substantial rise in the median income, so the relative figure has gone down—although, I am told, it is genuinely not statistically significant. At the same time, there has been a decline in the number of children living in absolute poverty, with 100,000 fewer. These figures can be pretty odd, and this is another good example of it.

EU Nationals in the UK
Question

3.31 pm

Asked by ***Lord Lucas***

To ask Her Majesty's Government whether they plan to take steps to reassure European Union nationals currently resident in the United Kingdom that their future in this country will not be affected as a result of the European Union referendum result.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, as the Prime Minister has said, there will be no immediate changes in the circumstances of European nationals currently residing in the United Kingdom. European Union nationals do not need to apply at present for a resident's card or a permanent resident's card to enjoy their free movement rights and responsibilities.

Lord Lucas (Con): I thank my noble friend for that Answer. However, does he not agree that unless we make it clear to European Union nationals, who we have welcomed here to work and make their careers, that in the event of Brexit they will have an unconditional right to remain and to continue in those careers, we will find it impossible to recruit such people for our businesses, particularly in the City, and will do ourselves a great deal of damage?

Lord Keen of Elie: Any criteria set which enable EU citizens to remain in the United Kingdom following exit from the European Union will depend on the outcome of the negotiations and the scope of any reciprocal agreements concerning British citizens who live in other member states.

Baroness Smith of Newnham (LD): My Lords, would it not be up to Her Majesty's Government to open the way for EU nationals to reside in this country after we leave the European Union?

Lord Keen of Elie: It will, as I say, be a feature of any future negotiation to determine the status of EU citizens within the United Kingdom and of British citizens within the EU.

Baroness McIntosh of Hudnall (Lab): My Lords, will the Minister tell the House with whom the Government would negotiate to secure the position of European citizens who live and work in this country now? Surely there can be no reason why the decision to allow those people to stay should not be taken by this Government alone.

Lord Keen of Elie: As noble Lords are aware, nothing will change overnight as a result of the decision to leave the European Union, and no determination will be made at this time with regard to citizens within the United Kingdom.

Lord Elystan-Morgan (CB): My Lords, is the Minister aware of the social abuse that foreigners have suffered over the last few days since the referendum, and will he kindly look at the offence of threatening, abusive and insulting words and behaviour under the Public Order Act 1936, as well as the offence of acts intended or likely to stir up racial or religious hatred under the 2001 Act? If he comes to the conclusion that they have been very narrowly drafted, for all that they have achieved, will the Government be prepared to legislate on this matter?

Lord Keen of Elie: My Lords, recent behaviour towards EU citizens in this country is to be deprecated. We consider that we have sufficient laws in place to deal with these matters without further review at this time.

Lord Forsyth of Drumlean (Con): My Lords, does my noble friend recall that the Prime Minister made it clear that EU citizens who are living in this country, with employment in this country, will be able to remain so? Does he recognise that people are sick and fed up that this fearmongering campaign is continuing after we have made a clear decision? It is important that EU nationals who are resident in this country are reassured of their position. Will he please do so?

Lord Keen of Elie: My Lords, those EU nationals who are resident in the country at the present time can be reassured that there will be no change, as our membership of the EU continues over the next number of years. Nevertheless, as the Prime Minister has made clear, it is for the next Prime Minister and Government to decide when to trigger Article 50 and to carry on the relevant negotiations.

Lord Pearson of Rannoch (UKIP): My Lords—

Lord Anderson of Swansea (Lab): My Lords—

Baroness Manzoor (LD): My Lords—

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): My Lords, the House was calling for the noble Lord, Lord Pearson, before that stronger intervention and then I think it is the turn of the Labour Benches.

Lord Pearson of Rannoch: My Lords, I am most grateful. Do the Government accept that there are about 3 million EU nationals living at present in the United Kingdom, but there are also 1.2 million British people living in the European Union? When present tensions have calmed down, why would either Brussels or London want to do anything to upset this mutually beneficial situation? Do the Government agree however, that if the EU were to get difficult with our nationals living there, it is we who hold the stronger hand if we retaliate, because so many more of them are living here?

Lord Keen of Elie: My Lords, the mutual benefits of having UK citizens living in Europe and European Union citizens living in the United Kingdom are obvious and apparent; no doubt that will be reflected in the negotiations that are to be carried on after Article 50.

Baroness Liddell of Coatdyke (Lab): My Lords—

Lord Anderson of Swansea: My Lords—

Haberdashers' Aske's Charity Bill [HL]

Third Reading

3.37 pm

Bill passed and sent to the Commons.

Joint Committee on Statutory Instruments

Membership Motion

3.38 pm

Moved by ***The Chairman of Committees***

That Lord Morris of Handsworth be appointed a member of the Joint Committee in place of Lord Davies of Stamford.

Motion agreed.

European Council

Statement

3.39 pm

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): My Lords, with the leave of the House, I will now repeat a Statement made by my right honourable friend the Prime Minister in another place. Before I do, because this is the first opportunity the Government have had in this House to condemn the horrific terrorist attack in Istanbul yesterday, I am sure that all noble Lords will join me in offering our thoughts and prayers to those who have been affected. Details are still emerging, but in response to such attacks we stand as one.

The Statement is as follows:

"With permission, Mr Speaker, I would like to make a Statement on yesterday's European Council. This was the first Council since Britain decided to leave the European Union. The decision was accepted and we began constructive discussions about how to ensure a strong relationship between Britain and the countries of the European Union.

But before the discussion on Britain, there were a number of other items on the agenda, and I shall touch on them briefly. On migration, the Council noted the very significant reductions in illegal crossings from Turkey to Greece as a result of the agreement made with Turkey in March, but it expressed continued concern over the central Mediterranean route and a determination to do all we can to combat people smuggling via Libya.

Britain continues to play a leading role in Operation Sophia with HMS "Enterprise". I can tell the House today that Royal Fleet Auxiliary "Mounts Bay" will also be deployed to stop the flow of weapons to terrorists, particularly Daesh, in Libya.

[Baroness Stowell of Beeston]

On NATO, Secretary-General Stoltenberg gave a presentation ahead of the Warsaw summit, and the Council agreed the need for NATO and the EU to work together in a complementary way to strengthen our security.

On completing the single market, there were important commitments on the digital single market, including that EU residents will be able to travel with the digital content they have purchased or subscribed to at home.

On the economic situation, the president of the European Central Bank gave a presentation in the light of the outcome of our referendum. Private sector forecasts discussed at the Council included estimates of a reduction in eurozone growth of potentially between 0.3% and 0.5% over the next three years. One of the main explanations for this is the predicted slowdown in the UK economy, given our trade with the euro area. President Draghi reassured the Council that the ECB has worked with the Bank of England for many months to prepare for uncertainty, and in the face of continued volatility our institutions will continue to monitor markets and act as necessary.

Returning to the main discussions around Britain leaving the EU, the tone of the meeting was one of sadness and regret, but there was agreement that the decision of the British people should be respected. We had positive discussions about the relationship we want to see between Britain and our European partners and about the next steps on leaving the EU, including some of the issues that need to be worked through and the timing for triggering Article 50. Let me say a word about each.

First, we were clear that, while Britain is leaving the European Union, we are not turning our back on Europe, and it is not turning its back on us. Many of my counterparts talked warmly about the history and the values that our countries share and the huge contribution that Britain has made to peace and progress in Europe. For example, the Estonian Prime Minister described how the Royal Navy helped to secure the independence of his country a century ago. The Czech Prime Minister paid tribute to Britain as a home for Czechs fleeing persecution. Many of the countries of eastern and central Europe expressed the debt they feel to Britain for standing by them when they were suffering under communism and for supporting them as they joined the European Union. And President Hollande talked movingly about the visit that he and I will be making later this week to the battlefields of the Somme, where British and French soldiers fought and died together for the freedom of our continent and for the defence of the democracy and the values that we share.

So the Council was clear that, as we take forward this agenda of Britain leaving the European Union, we should, rightly, want to have the closest possible relationship that we can in the future. In my view, this should include the strongest possible relationship in terms of trade, co-operation and, of course, security—something that only becomes more important in the light of the appalling terrorist attack in Turkey last night.

As I said on Monday, as we work to implement the will of the British people, we also have a fundamental responsibility to bring our country together. We will not tolerate hate crime or any kinds of attacks against people in our country because of their ethnic origin. I reassured European leaders who were concerned about what they had heard was happening in Britain. We are a proud, multi-faith, multi-ethnic society—and we will stay that way.

I turn to the next steps on leaving the EU. First, there was a lot of reassurance that, until Britain leaves, we are a full member. That means that we are entitled to all the benefits of membership and full participation until the point at which we leave. Secondly, we discussed some of the issues which will need to be worked through. I explained that, in Britain, there was great concern about the movement of people and the challenges of controlling immigration, as well as concerns about the issue of sovereignty. Indeed, I explained how these had come together. In turn, many of our European partners were clear that it is impossible to have all the benefits of membership without some of the costs—something that the next Prime Minister and their Cabinet are going to have to work through very carefully.

Thirdly, on the timing of Article 50, contrary to some expectations, there was not a great clamour for Britain to trigger this straightaway. While there were one or two voices calling for this, the overwhelming view of my fellow leaders was that we need to take some time to get this right. Of course, everyone wants to see a clear blueprint in terms of what Britain thinks is right for its future relationship with the EU. As I explained in my Statement on Monday, we are starting this work straightaway with a new unit in Whitehall, led by a new Permanent Secretary, Oliver Robbins. This unit will examine all the options and possibilities in a neutral way, setting out costs and benefits, so that the next Prime Minister and their Cabinet have all the information they need with which to determine exactly the right approach to take and the right outcome to try to negotiate. But the decisions that follow from this—including the triggering of Article 50—are rightly for the next Prime Minister. The Council clearly understood and, I believe, respected that.

I do not think it is a secret that I have, at times, found discussions in Brussels frustrating. Despite that, I believe we can be proud of what we have achieved: whether it is putting a greater focus on jobs and growth, cutting the EU budget in real terms for the first time and reducing the burden of red tape on business, or building common positions on issues of national security, such as sanctions to stop Iran getting a nuclear weapon, standing up to Russian aggression in Ukraine and galvanising other European countries to help with the lead that Britain was taking in dealing with Ebola in Sierra Leone. In all these ways, and more, we have shown how much we have in common with our European partners, as neighbours and allies who share fundamental values, history and culture.

It is a poignant reminder that, while we will be leaving the European Union, we must continue to work together for the security and prosperity of our people for generations to come. I commend this Statement to the House”.

My Lords, that concludes the Statement.

3.48 pm

Baroness Smith of Basildon (Lab): My Lords, I thank the noble Baroness for repeating that Statement, although I think it poses more questions than it answers. In the light of the comments made by the noble and learned Lord, Lord Keen of Elie—I see he has now left the Chamber—even more questions have been raised.

First, I want to express our horror at the appalling, evil attack on Istanbul airport last night. Yet again, we are shocked by the hatred that leads to such vicious, indiscriminate violence and murder. Our thoughts are with all those who have been affected, because such horror will never leave them.

Turning to the detail of the Statement, although it includes other issues, clearly, the one that affects us most is that of our leaving the EU. Nevertheless, I noted the comments on the agreement made with Turkey in March. I hope that the Prime Minister, in discussing that agreement, raised the issue of the shocking conditions in the camps in which refugees are being held in Turkey. Did he raise that issue, and if so what response did he receive?

What this Statement reinforces is the massive uncertainty that our country faces. It is clear that the first enemy of our stability and security as a nation is that uncertainty, which has many different forms. There is economic uncertainty for businesses large and small and for consumers. There is uncertainty about who will be the next Prime Minister and whether another general election is looming. There is uncertainty about the Brexit negotiations. At the same time there is uncertainty, now increased, for many local communities where those who do not look or sound British enough are now feeling very vulnerable.

I was going to say that at no point should we forget the uncertainty of British citizens living across Europe, but from the comments just made in Questions by the noble and learned Lord, Lord Keen, it appears that they are to be some kind of negotiating tool in discussions on whether EU citizens living and working in this country are to be allowed to remain. The degree of uncertainty that that will cause in those communities across the country is shocking. Given that negotiations could go on for years, we will have people living or working in this country who do not know what their future holds. We need an explanation or clarification from the Government as a matter of urgency.

The Prime Minister referred in the Statement to estimates of a slowdown in eurozone economic growth of between 0.3% and 0.5%, caused largely by a predicted slowdown in the UK economy because of our trade with the EU. If that is the predicted slowdown for the eurozone, what is the predicted slowdown for the UK economy? If the EU is able to predict such a slowdown across the whole eurozone, I am sure the Government have considered it and made predictions. Can the noble Baroness comment on the report in the business section of today's *Daily Telegraph*—not my normal reading material, I confess—that Vodafone and easyJet are now considering moving their headquarters out of the UK, with thousands of jobs leaving these shores, and that Visa could also relocate hundreds of jobs to EU countries? The noble Lord, Lord Glentoran, laughs and suggests that I read the *Daily Mirror*. I can tell him that I do read the *Daily Mirror* and I commend to him an article from last Friday by the historian Dan Snow about our historic links with Europe and the dangers now presented to this country by this Prime Minister. On the question of jobs, rather than waiting for a new Prime Minister, can the noble Baroness tell me what action the Government are taking today to protect jobs here in the UK?

I welcome the section in the Statement about our relationship with our European partners and its importance over so many years; it is part of our history and part of their history. We should never forget the tremendous contribution of our European allies in the Second World War, particularly in the Battle of Britain, when the role of both Polish and Czechoslovakian aircrew was critical. Perhaps I may tell the noble Baroness about men such as Tony Liskutin. He was a true hero. He first fought with the Czech air force and then with the French. He then joined the RAF to fight on D-day—subsequently teaching our own noble Lord, Lord Tunnicliffe, to fly. However, today, their descendants and families are facing despicable attacks here in the UK. The Prime Minister said in his Statement:

> "We are a proud, multi-faith, multi-ethnic society",

and predicted that,

> "we will stay that way".

I say to the noble Baroness and to the Government that just saying something does not make it happen. You have to do more than that. So, again, rather than just waiting for a new Prime Minister, what practical steps are the Government taking today, and have Ministers discussed this wave of increased attacks?

In the section of the Statement headed "Next Steps", the Prime Minister said:

> "First, there was a … reassurance that until Britain leaves, we are a full member. That means that we are entitled to all the benefits of membership and full participation until the point at which we leave".

I have to tell the noble Baroness that it does not feel like that. If that is the case, why was the Prime Minister not allowed to attend the most crucial session for the UK in which issues relating to the Brexit vote were discussed? Is the noble Baroness now able to answer two questions that she was unable to answer on Monday? Now that the noble Lord, Lord Hill, has resigned as the EU Commissioner for financial stability and services, when will he be replaced and can she provide an assurance that a new British commissioner will be appointed? Furthermore, if we are still entitled to full membership—as the Prime Minister was assured—is she confident that the UK will still hold next year's EU presidency? Can she update us on that situation since Monday?

As a nation, we have been able to hold our heads high. We had a European and international outlook on our role in the world and the influence we could bring to bear for the greater good. However, today, not only do we face profound economic change but our long-held cultural and social cohesion faces enormous challenges and risks. We all have friends and neighbours who today feel more vulnerable. The only way we can deal with this is to unite around that common purpose of decency and tolerance. As I said on Monday, at times like this we have to rise to the challenge to ensure

[BARONESS SMITH OF BASILDON]
that what unites us is bigger, better and stronger than what divides us. That is the only way we can face and tackle these challenges.

The noble Baroness will understand that these risks and challenges can only be increased by uncertainty. I deeply regret that the noble and learned Lord, Lord Keen, in his answers today, has increased that uncertainty. I therefore hope that the noble Baroness will today be able to address these questions and tell us when the Government will clarify the comments made by the noble and learned Lord.

Lord Wallace of Tankerness (LD): My Lords, I, too, thank the Leader of the House for repeating the Prime Minister's Statement. I share the outrage expressed about the terrorist atrocity perpetrated in Istanbul yesterday. On behalf of these Benches, I offer condolences to the bereaved and say that our thoughts are very much with those suffering injury.

I do not intend to rehearse the sentiments I expressed on behalf of these Benches on Monday—people know the position of my party on the referendum and its result, which we respect—but the Prime Minister, I am sure, had a very difficult task at the Council yesterday. The result of the referendum was not what he had campaigned for and I am sure he would not be human if he did not feel some tinge of discomfort when he walked out the door, knowing that people were going to talk about him as soon as the door was closed. However, I suspect that whatever difficulties he had will pale into insignificance compared with the difficulty our next Prime Minister, whoever that may be, will have when he attends meetings to discuss Brexit.

Noble Lords: Or she.

Lord Wallace of Tankerness: Or she. The difficulty will be knowing what they are negotiating about, because the leave that Mr Nigel Farage campaigned for is not the leave that the honourable Member for Uxbridge and South Ruislip, Mr Johnson, campaigned for. Can the noble Baroness tell the House whether the new Whitehall unit she referred to will be preparing dossiers on all the varied positions, whether 57 varieties or more? Will it be putting those forward to the incoming Administration, setting out what the implications are for each of the leave varieties and addressing some of their fundamental contradictions?

I am also concerned that, as we go forward, there will be growing dissatisfaction and frustration as people realise that much of what they have been promised will not be possible. That must pose a threat to liberal democracy in this country, indeed, to parliamentary democracy, which is based on attention to evidence, reasoned debate, willingness to compromise and tolerance. I note that the Statement emphasised that we are not turning our back on Europe and that the European Union is not turning its back on us. This is important as we move forward, so we can demonstrate that there can be constructive discussions on the future.

We know that following this Statement there will be a Statement from the Home Office on hate crime. I share the deep concerns that have been expressed in your Lordships' House about the surge of resentment, intimidation and blatant racism that we have seen in this country since last Thursday. This is not our Britain. We want a Britain which is a country of tolerance and acceptance. Words are not enough, we want some reassurances of increased police awareness and activity, not just in London but throughout the country.

I have some specific questions about our immediate relationship with the European Union, picking up on what the noble Baroness, Lady Smith of Basildon, said. The Prime Minister confirmed in the other place on Monday that he will appoint a new Commissioner to fill the vacancy. Can the Minister give us an indication of when the position will be filled and what the process will be for appointing a new Commissioner? Following questions on Monday, I wrote to her yesterday querying not when but how Article 50 might be triggered. What are the United Kingdom's own constitutional requirements in terms of paragraph 1 of Article 50? If she cannot answer today, will she indicate that she will be in a position to do so when we debate these matters next Tuesday? Again, noting what the noble Baroness, Lady Smith, said about the presidency of the Council of the European Union, which we are due to take up a year this week, can the Minister give us an indication of the Government's position on that? Indeed, does she think it wise for us to go down that road and, if so, what in the world would we be putting on the agenda? We need a real indication of the Government's assessment and analysis of that situation.

Finally, it is clear that many people in English regions and in Wales felt let down and left behind, not just by Europe but by politicians and decision-makers at home. People in the north-east and south-west of England voted against London, I believe, as much as against the European Union. But the sad reality is that the alternatives offered by the leave campaign will do nothing much to help those in England's poorer regions. Those who promised that we can spend the money we get back from Europe on the NHS and wider public services are also people who believe in shrinking the state. There seems to be a fundamental contradiction here. Will the Leader look again at disproportionate cuts in local authority budgets and public investment in places such as Cornwall, the north-east and the north-west? Will the Government address with more urgency investment in training, further education and skills? Will she say how we might be able to secure the hopes and aspirations of younger people, who voted in such numbers to remain in the European Union?

These are domestic issues. They do not have to await negotiation with 27 other EU countries, nor do we need negotiation with 27 other EU countries to determine whether European Union citizens currently living and working in the United Kingdom can stay here post-Brexit. This is something we can do ourselves and surely the Government must start addressing these issues now.

Baroness Stowell of Beeston: My Lords, it is clear that there are very strong views and feelings right now following the referendum result last week. I understand that. A very important event has taken place and a very important decision has been made. While I feel it is absolutely right that we follow this clear instruction that has come from the British people to leave the European Union, it is important, as the Prime Minister

stressed in his Statement, that we are not turning our back on Europe or our European partners, and we must work together with Europe to ensure that we continue our shared security and that we do so in a way that promotes and protects the prosperity of the United Kingdom and all the people living in all parts of the United Kingdom.

As the Prime Minister has been at pains to say, the precise relationship between the United Kingdom and Europe in the future will be one for his successor to decide and is not one that he, in his remaining few weeks as Prime Minister, will be taking the lead on. It is very important that this Government make a big contribution to maintaining the stability of this country in a very uncertain time. I do not dispute that it is a very uncertain time for people, and that is reflected in different ways.

Picking up on the first point raised by the noble Baroness and the noble and learned Lord about the status of British people living in Europe and of European citizens living and working in this country, the first and most important thing to say is, whether you are a Brit living and working abroad or whether you are a European citizen living and working in this country, you are making a valuable contribution. Certainly, the EU citizens living and working in this country are making a vital contribution to our country. The Prime Minister has been at pains to stress that right now nothing is affected by the result of the referendum last week. I very much heard and understand the House's anxiety about free movement between this country and other European Union member states. We are not trying to negotiate about people's individual status in the way that some noble Lords are trying to interpret what was said previously. We are saying that although at this moment nothing has changed—all rights are protected—we are going to have to work through a period of deciding the impact of the referendum result. Some of the impacts will come from our negotiations and discussions with Europe in the future and some may sit outside these. Over the next weeks and months, it will be uncertain. We have got to work together to try to provide what reassurance we can that people's rights are not changed at this time. That is very important.

The noble Baroness also referred to uncertainty around the impact of the result of the referendum on the economy and jobs. To repeat what I have said, and I say this as someone who campaigned for us to remain in the European Union, it is vital for us in getting as soon as we can to that point of greater stability that we focus our energies on our negotiations for the future of this country in terms of its relationship with Europe. We cannot ignore the fact that there is a significant effect from that referendum decision that will lead ultimately to us leaving the European Union. The Government were of course leading the remain camp. We did forecast that there would be potential economic difficulties as a result of any decision to leave. However, in the light of this decision we must now ensure that we mitigate any immediate volatility arising. Over the weekend we have seen from the steps that were taken by the Bank of England and its work in co-operation with other institutions that its contingency planning has had a good impact on the markets in terms of providing some reassurance.

In the weeks that follow we clearly need to prepare for the new Prime Minister being in place and outlining what kind of relationship we want in the future with Europe and how that relationship will work, particularly in respect of the single market and whether we are going to be in it. Between now and then, the Prime Minister, the Secretary of State for Business, Innovation and Skills, the Chancellor and others will continue to have meetings with business leaders. The fact that we have a strong economy and are able to withstand this period of uncertainty is also helping stability. The unit that the Prime Minister has set up in Whitehall is there to make sure that at the point at which the new Prime Minister is in place they have at their disposal as much factual information as possible so that when they have got a clear vision of what kind of relationship the UK will have with Europe in the future they can move swiftly to the point of triggering Article 50.

The noble Baroness raised questions about the increase in hate crimes or demonstrations of racism against people. As I said on Monday, these are wholly and utterly abhorrent. Together we must make it clear to anybody who is trying to use the referendum result to promote racism that we reject that—we in the United Kingdom have not given up on our values. The fact that a majority of people in this country has decided not to be a member of the European Union any more does not mean that we should stop promoting the important values of this country. My noble friend Lord Ahmad will say more in the Statement that follows.

The noble Lord, Lord Campbell-Savours, is pointing to the clock. The *Companion* makes it clear that, if necessary, I can go beyond 20 minutes in order to respond to some of the points that have been raised. I will respond to them, but that will not in any way reduce the time allocated for Back-Benchers.

The noble Baroness and the noble and learned Lord asked some specific questions about the UK Commissioner in the European Union. The Prime Minister has made it absolutely clear that we are a fully paid-up member of the European Union until we stop being a fully paid-up member of the European Union and therefore have some entitlements, which include a Commissioner. He has raised this with the President of the Commission and we hope very soon to come forward with a nominee for that post. As for questions about next year's EU presidency, I understand clearly that we need to get that resolved soon. I expect it will be done in short order, but I do not have any further information to offer at this time.

The noble and learned Lord asked about Article 50. Article 50 is the legal route we will follow in order to exit from the European Union, and I think we have all become familiar with the idea that triggering Article 50 will start that process formally. The Prime Minister has made it clear that he will not be triggering it and that it will be a matter for his successor. But in his view it is important that they are clear, at the point at which they trigger Article 50, about the kind of relationship the United Kingdom should have with the European Union. That will assist in the negotiations.

As for Parliament's role in that process, as noble Lords heard me say on Monday, I am very keen to ensure that this House plays an important part between

[Baroness Stowell of Beeston]
now and the start of any Article 50 process. Neither I nor the current Prime Minister can prescribe what role there might be for Parliament in deciding what the next Prime Minister will come forward with to take to Brussels in terms of the specifics of that process, but as I said on Monday, this House in particular has a wealth of knowledge, experience, expertise and wisdom, and I want to ensure that we use that as best we can. However, I want us to use it and channel it to secure a long-term successful future for the United Kingdom, while recognising that the people of this country have decided that our future will not be as a full member of the European Union.

4.13 pm

Lord Tomlinson (Lab): My Lords, I will raise the question that was raised very clearly by both the Front Benches—by the noble Baroness, Lady Smith, and the noble and learned Lord, Lord Wallace of Tankerness. The noble Baroness, Lady Smith, quoted directly from the Statement on the "next steps" before leaving:

"First, there was a lot of reassurance that until Britain leaves, we are a full member".

Can the Leader of the House explain two things to us? First, what was the PM's rationale for almost creating a precedent for his successor by not attending yesterday's meeting? Secondly, if we are going to appoint a new Commissioner, what was the rationale for our present Commissioner so quickly deciding to resign? Those two issues show to me that we have already given up on part of the fight.

Baroness Stowell of Beeston: In response to the noble Lord's first point, it is worth me clarifying what the arrangements are in terms of what the European Council can and cannot do in light of the United Kingdom's decision. Until Article 50 is triggered, the European Council cannot meet without all of its member states. The meeting held today was not a meeting of the European Council; it was a meeting that they decided to hold in order to have informal discussions about the United Kingdom's decision to exit from the European Union. That is a matter for them.

As far as the appointment of a new Commissioner is concerned, my noble friend Lord Hill has been an excellent Commissioner, and I am glad the noble Lord concurs with that point. As I said the other day, my noble friend made clear on Saturday his reasons for resigning from that post, and he obviously speaks for himself on that. However, as the Prime Minister has said, we are entitled to a European Commissioner and that is something he hopes to take forward.

Lord Howell of Guildford (Con): Would my noble friend agree that there are two gleams of light in this rather churlish account of what has occurred in Brussels? The first is that there are reports that the principle of freedom of movement is in fact being re-examined right across Europe; it was said to be immutable, but it seems that, in the real, practical world that we now live in, it will have to be changed and that might be extremely useful for us. Secondly, the central and east European countries—their Governments and, indeed, their peoples—seem to be urging that the present Commission should be removed and that the new Commission formed, and indeed the President of the Commission, should be rather more constructive and friendly towards the United Kingdom and our ambitions.

Baroness Stowell of Beeston: I would say something else in response to my noble friend and his comment about churlishness or any kind of negativity, and that is to point noble Lords to the comments made by my right honourable friend the Prime Minister. The talks that took place yesterday in Europe were constructive; the tone was warm. We have not reached a point where we are doing anything other than proceeding in a way that is both responsible and constructive and that will lead to, as far as we are concerned, a continuing relationship—albeit a very different one in the future—because we think that is important and in everybody's interest.

As to my noble friend's comment about freedom of movement and the prospect of that being changed in some way, I am not sure that the read-out that the Prime Minister has given me, or the comments that he made to the other place, would be quite as encouraging as my noble friend has suggested. On the contrary, the leaders of the other members of the European Union do feel very strongly about freedom of movement—and that being not just goods, services and capital but also people—and what the Prime Minister explained in his discussions with them last night was that a willingness to consider that differently might have made a difference. I think it is also worth noting that this new future arrangement with the European Union, whatever it may be, will not lead to the deal that the Prime Minister did strike some months ago. I do not think we should underestimate him, and perhaps now we can see just how much he did achieve in getting them to agree to those changes to the welfare arrangements as a response to this particular issue.

Lord Hannay of Chiswick (CB): My Lords, would the noble Baroness the Leader of the House recognise that what the Prime Minister said about the treatment of European Union citizens in this country is that he will graciously apply the law of the land—no more, no less? Does she not think it a little odd that the Prime Minister and the Government should have to say that they will obey the law of this country? That is what that adds up to—nothing more. Could the noble Baroness tell us what figures for growth of the British economy underpins the figures she quoted from the European Central Bank regarding the effect on the eurozone economy? Those figures must exist; otherwise, they could not could not have been produced.

Baroness Stowell of Beeston: I am not able to provide right now the data that the noble Lord has asked for on the economy. If I can, I will write to the noble Lord with that information. I would say to him again, and to the House as a whole, that we have a strong economy in this country, and it is because of that strong economy that we are in a good position to withstand whatever period of uncertainty we are about to endure.

Baroness Falkner of Margravine (LD): My Lords, the noble Baroness tells the House that the empty chair today is not because of any legal issues but because it is an informal meeting. She will know that

Nicola Sturgeon is meeting the Commission chairman, Mr Juncker, as well as the President of the European Parliament today. Is that an informal meeting as well? Is foreign affairs still a reserved matter, or will they have discussions with the Scottish Government over amending the Scotland Act and consultations about Brexit?

Baroness Stowell of Beeston: I can certainly confirm that foreign affairs is a reserved matter and that the UK's relationship with the European Union is just that—the UK's relationship with the European Union. The decision to leave was one taken by the United Kingdom as a whole. Future negotiations on our future relationship will be United Kingdom led. That said, the Prime Minister has been at pains to stress that, in this period—and, he hopes, that of his successor—the United Kingdom Government will consult the devolved Assemblies. We want to ensure the best result for all parts of the United Kingdom and this Government very much believe that that will be achieved if we consult them.

As for the noble Baroness's points about empty-chairing discussions on this, that and the other, I point out to noble Lords that, in addition to attending the European Council yesterday, the Prime Minister held bilateral meetings with other members of the European Union, the President of the Commission and so on. He has said today that, while formal negotiations on the UK's exit from the EU will be triggered by Article 50, which can be triggered only by the United Kingdom—and members of the European Union have made clear that, from their perspective, that is the point at which formal negotiations will start—that will not prevent discussions taking place bilaterally. That is something which he very much hopes his successor will continue.

Lord Wigley (PC): My Lords, on that very point, I have a strictly technical question, for which there must be a very clear answer. If indeed, as far as Brussels is concerned, negotiations can start only after Article 50 has been moved—those negotiations may be satisfactory or unsatisfactory as far as the UK is concerned—at the end of that process, does the UK have the right to withdraw its application under Article 50?

Baroness Stowell of Beeston: I am sure that we will find over the next couple of years that there will be lots of debates about many of these things, but what is very clear to me is that, once Article 50 is triggered, that is the formal start of the exit process. Unless an agreement is reached between the United Kingdom and the other member states in advance of the end of the two-year period—or at the end, if there is unanimous agreement among those member states with the United Kingdom that it should be extended—once that process starts, it will be completed at the end of two years.

Lord Hain (Lab): Does the noble Baroness agree that yesterday the Prime Minister was the first in Britain's history to attend a European Council without a clue as to what the British agenda was? Given that his possible, perhaps likely, successor Boris Johnson wrote a newspaper article on Monday saying that we needed to stay in the single market, only for his aide to say yesterday that he was too tired when he wrote it and did not really mean that, and given that on the doorstep in south Wales, as I can testify, people voted leave because immigration was going to be reduced—a promise also reneged on by the leave leaders—is there not now an irrefutable case for this House to consider a referendum at some point in future after the deal has been agreed, because it is very evident that people voted last Thursday without any idea what was actually going to happen to them?

Baroness Stowell of Beeston: We are in a situation where, clearly, this Government campaigned for our recommendation to the British people, which was to remain in the European Union, but a majority of the British people rejected that position and decided that we should exit. This Prime Minister is working hard, between now and the point at which he is replaced, to provide as much as he can by way of factual information so that the next Prime Minister is in a strong position, as soon as possible, to outline the kind of relationship that the United Kingdom should have with the European Union. I have explained that the Article 50 process will be the formal trigger process between the United Kingdom and the European Union. As for the point at which other events will occur, once there is that clarity on the type of relationship that the next Prime Minister wishes the United Kingdom to have with the European Union—when that is presented and other contributions, whether from Parliament or anyone else, are made—I cannot say at the moment, as that will be something that the next Prime Minister has to decide.

Lord Forsyth of Drumlean (Con): My Lords, could my noble friend confirm that the Prime Minister is first among equals and that we do not have a presidential system of government in this country? Could she say, on behalf of the Government, for whom she speaks in this House, that any European citizen living in Britain has a right to remain here and that right will not be in any way affected by Brexit, and that the position is not negotiable? She must be aware that many people are concerned about their position and their future and surely it is the responsibility of the leadership of this Government to make it absolutely clear that there is no question mark over that.

Baroness Stowell of Beeston: I will say what I have said already—which I believe is very clear, although I understand that my noble friend is seeking from me something which goes beyond what I am able to do at this time—which is that, as things stand, nothing has changed. However, I understand and very much appreciate why he and others are raising these questions. These are things which we will have to return to, and I recognise that we will have to return to them as quickly as we can.

Lord Richard (Lab): My Lords—

Lord Kerr of Kinlochard (CB): My Lords—

The Earl of Courtown (Con): My Lords, it is time for the Cross Benches, and then we will come to the noble Lord, Lord Richard.

Lord Kerr of Kinlochard: Does the noble Baroness understand that the point made by the noble Lord, Lord Forsyth of Drumlean, has enormous force and is understood all around this House? This morning, I heard the French ambassador tell of French citizens in the streets of London—detected as French because they were speaking their language—being told by the crowd to go home. We cannot have this; the Government have to speak up.

Baroness Stowell of Beeston: I hope the noble Lord, Lord Kerr, has heard me say already today that anybody who is at this time telling anybody that they should go home is completely and utterly wrong, and that is not something which this Government are in any doubt about whatever. What I cannot say to the noble Lord or to the House, I fear, is—at the point at which we exit the European Union—what our relationship will be with France, in order to determine what kind of citizenship rights we want to offer.

Lord Richard: The noble Baroness said earlier that we should all now concentrate our energies on the negotiations, if I understood what she said. Can she help me a little bit? How can I concentrate my energies on negotiations when, first, I do not know when they will be negotiating; secondly, I do not know who is going to be doing the negotiating; thirdly, I do not know precisely what they are going to negotiate about; and fourthly, I do not know what our negotiators are trying to achieve?

Baroness Stowell of Beeston: I am not sure that there was a question in there, my Lords.

Lord Richard: Could the noble Baroness explain to me how I can do all that?

Baroness Stowell of Beeston: As the noble Lord knows and the House understands—we all understand—the people of the United Kingdom were offered an opportunity to decide whether we should remain in the European Union or not. They have made their decision; we are now in a period of having to transition between that decision having been made and the next steps being taken. At the moment, what the Prime Minister is doing, and what I am doing, is setting out the information that we have—recognising of course that there is much more that needs to be established. That is something that the next Prime Minister will have to take forward but, in the meantime, the Government are doing quite a bit in order to prepare for that stage.

Baroness Smith of Newnham (LD): My Lords, I am almost minded to ask—given that Vote Leave promised us that we could "take control"—whether anybody is in control at the moment. However, I want to point to Chancellor Angela Merkel's comments in the Bundestag yesterday when she said that she was concerned about German citizens living in this country who are concerned about their future. We have not even triggered Article 50 yet. The noble Baroness suggested that nothing changes until we leave, but, actually, things have changed already. People are aware that we have taken that vote and that decision. We need some leadership from the Government and we need to know that the rights of EU nationals resident in this country will be secured. That is for the Government to do, not for negotiations.

Baroness Stowell of Beeston: I am afraid that I can only say what I have already said, which is that the rights of all people from the European Union living in this country are unchanged at this time. As frustrating as it may be for the noble Baroness to hear me say it again, their rights are completely unchanged. It is of course something that we will need to clarify, but it is not something that I am able to do today.

Lord Hayward (Con): My noble friend made reference to the growth figures and the projected growth of not only Britain but the European Community. Pending the referendum, a large number of decisions seem to have been deferred. To boost economic growth, I ask that some of them are now taken and implemented. I cite two examples, one slightly less contentious than the other: there is a planning application pending in relation to City Airport, which would be a good indicator of future economic growth; and there have been requests from all sides of this Chamber that a decision on runway capacity in the south-east is announced before the Summer Recess. I hope that that is stuck to.

Baroness Stowell of Beeston: Clearly there is a range of different decisions that we will have to continue to reflect on. I am not in a position to give my noble friend any new information about the timings of those decisions.

Baroness Quin (Lab): My Lords—

The Earl of Courtown: I apologise to the noble Baroness. We have had 20 minutes of Back-Bench debate on this and we will now move on to the next Statement.

Lord Foulkes of Cumnock (Lab): Extend the time.

Baroness Stowell of Beeston: Order, order. I am so sorry, my Lords. As noble Lords know, we do not have points of order in this House.

Lord Foulkes of Cumnock: Why?

Baroness Stowell of Beeston: We are now moving on to the next Statement. The noble Lord asks about the time allocated to Back-Bench questions. As he knows—I think that he was here in the House on Monday—I was very happy to extend the time on Monday for Back-Bench questions. I have repeated this Statement today. We have scheduled time on Tuesday next week for a full day's debate for noble Lords to debate Europe and we will have a series of debates on Thursday. I know that there is much that noble Lords want to debate and question, and there will be lots of opportunities, but I am afraid that we have to continue with our other business. My noble friend Lord Ahmad is about to make a very important Statement which covers some of the topics that noble Lords have been raising. I am sorry, but we are going to move on. I just want to explain to the House what it is that we are doing right now. My noble friend is now going to move on.

Lord Stoddart of Swindon (Ind Lab): My Lords—

Lord Foulkes of Cumnock: My Lords—

Noble Lords: Order!

Lord Foulkes of Cumnock: My Lords—

The Earl of Courtown: Order, order.

Lord Foulkes of Cumnock: My Lords—

The Earl of Courtown: My Lords, will the noble Lord give way? The whole House is perfectly aware of his thoughts on this matter but, in this instance, we are moving on to the other Statement now.

Hate Crime
Statement

4.35 pm

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

"Mr Speaker, hate crime of any kind, directed against any community, race or religion has absolutely no place in our society.

As the Prime Minister has told the House today, we are utterly committed to tackling hate crime, and we will provide extra funding in order to do so. We will also take steps to boost the reporting of hate crime, support victims, issue new CPS guidance to prosecutors on racially aggravated crime, provide a new fund for protective security measures at potentially vulnerable institutions and offer additional funding to community organisations so they can tackle hate crime.

The scenes and behaviour we have seen in recent days, including offensive graffiti and abuse hurled at people because they are members of ethnic minorities or because of their nationality, are despicable and shameful. We must stand together against such hate crime and ensure that it is stamped out.

Over the last week, there has been a 57% increase in reporting to the police online reporting portal, True Vision, compared to this time last month, with 85 reports made between Thursday 23 June and Sunday 26 June, compared to 54 reports in the corresponding four days four weeks ago. However, I would urge caution in drawing conclusions from these figures, as they are a small snapshot of reports as a guide to the trend, rather than definitive statistics.

Much of the reporting of these incidents has been through social media, including reports of the xenophobic abuse of eastern Europeans in the UK, as well as attacks against members of the Muslim community. However, we have seen messages of support and friendship on social media, and I am sure the whole House will want to join me in commending those who we have seen stand up for what is right, and uphold the shared values that bring us together as a country, such as those who opposed the racist and hateful speech shown in the recent video taken on a tram in Manchester.

These recent events are shocking, but sadly this is not a new phenomenon. Statistics from the Tell MAMA report, published today, show that in 2015 there was a 326% increase from 2014 in street-based anti-Muslim incidents reported directly to Tell MAMA, such as verbal abuse in the street and women's veils being pulled away—with 437 incidents reported to Tell MAMA. Worryingly, the report also finds that 45% of online hate crime perpetrators are supportive of the far right. In recent days we have seen far-right groups engaged in organised marches and demonstrations, sowing division and fear in our communities. We have also seen far-right groups broadcasting extreme racist and anti-Semitic ideology online, along with despicable hate speech posted online following the shocking death of our colleague Jo Cox.

Her appalling death just under two weeks ago shocked and sickened people not only in communities up and down this country but in many other countries around the world. As we heard in the many moving tributes paid in this House, her loss will be keenly felt, and we will always remember that a husband is now without his loving wife and two young children will now grow up without a mother.

The investigation of hate crimes is of course an operational matter for the police. But I would urge anyone who has experienced hate crime to report it, whether directly to the police at a police station, by phoning the 101 hotline, or online through the True Vision website.

In this country we have some of the strongest legislation in the world to protect communities from hostility, violence and bigotry. This includes specific offences for racially and religiously aggravated activity and offences of stirring up hatred on the grounds of race, religion and sexual orientation. It is imperative that those laws are rigorously enforced. The national police lead for hate crime, Assistant Chief Constable Mark Hamilton, has issued a statement confirming that police forces are working closely with their communities to maintain unity and prevent any hate crime or abuse. Police forces will respond robustly to any incidents, and victims can be reassured that their concerns about hate crime will be taken seriously by the police and courts. Any decisions regarding the resourcing of front-line policing are a matter for chief constables in conjunction with their police and crime commissioner.

Since coming into office, the Government have worked with the police to improve our collective response to hate crime. The Home Secretary has asked the police to ensure that the recording of religious-based hate crime now includes the faith of the victim, a measure that came into effect this April. We have also established joint training between the police and Crown Prosecution Service staff to improve the way the police identify and investigate hate crime. Alongside this training, the College of Policing, as the professional body for policing, has published a national strategy and operational guidance in this area to ensure that policing deals with hate crime effectively.

[LORD AHMAD OF WIMBLEDON]

But we need to do more to understand the hate crime that we are seeing and to tackle it. That is why we will be publishing a new hate crime action plan, covering all forms of hate crime, including xenophobic attacks. We have developed the plan in partnership with communities and departments across government. It will include measures to increase the reporting of hate incidents and crimes, including working with communities and police to develop third-party reporting centres. It will work to prevent hate crimes on transport and to tackle attacks against Muslim women, which we recognise is an area of great concern to the community. The action plan will also provide stronger support for victims, helping to put a stop to this pernicious behaviour.

We also appreciate that places of worship are feeling particularly vulnerable at this time, and that is why we have established funding for the security of places of worship, as announced by the Prime Minister last October. This will enable places of worship to bid for money to fund additional security measures, such as CCTV cameras or fencing. We have also been working with communities to encourage them to come forward to report such crimes and to give them the confidence that these crimes will be taken seriously by the police and courts. The noble Lord, Lord Ahmad, and the noble Baroness, Lady Williams, have today visited the Polish cultural centre in Hammersmith, which was the victim of disgusting graffiti, to express their support. We are working closely with organisations such as Tell MAMA and the Community Security Trust to monitor hate crime incidents, as well as working with the national community tensions team within the police to keep community tensions under review.

The Government are clear that hate crime of any kind must be taken very seriously indeed. Our country is thriving, liberal and modern precisely because of the rich co-existence of people of different backgrounds, faiths and ethnicities, and that rich co-existence is something that we must treasure and strive to protect. We must work together to protect that diversity, defeat hate crime and uphold the values that underpin the British way of life, and we must ensure that all those who seek to spread hatred and division in our communities are dealt with robustly by the police and the courts".

4.43 pm

Lord Rosser (Lab): My Lords, I thank the Minister for repeating the Statement made earlier in the House of Commons and for the words about Jo Cox MP. Will he assure us that the reason this important Statement, on a matter of real concern, was not made by the Home Secretary in the Commons was definitely due to unavoidable reasons unrelated to internal politics within the Conservative Party?

Since last Thursday's referendum, there are reports of a fivefold increase in race hate comments on social media channels and a more than 50% increase in hate crimes reported to the police online hate crime reporting channel. That increase is on top of an already rising tide of hate crimes in England and Wales. Last year the police recorded over 52,000 hate crimes—an increase of 18% on the year before—and more than four-fifths of these were racially motivated.

There are also reports, in the aftermath of the referendum campaign and result, of attacks on individuals and incidents of racial hatred against specific communities: a Muslim schoolgirl cornered by a group of people who told her, "Get out, we voted leave", a Polish community centre daubed with racist graffiti, a halal butcher's shop petrol-bombed, and a US Army veteran and university lecturer told to "get back to Africa" by three youths on a tram. There are even cases of people who were born in this country, have lived in this country all their lives, and are as British as I am, being told to go back to their own country.

All this was unleashed by the campaigning during, and outcome of, a referendum that was called not in the national interest but because of splits in the Conservative Party. There would have been no referendum if the Conservative Party had not been so divided on the issue of Europe. The result of the referendum has emboldened those with feelings of such hatred, because in the light of the tenor of much of the campaign and its concentration on migration, such people now feel that the result has been an indication of support for their abhorrent views, and has given those abhorrent views a level of respectability that they did not have before.

It is a small minority of people who seek to use a time like this to peddle hatred and violence—but if you are on the receiving end of such hatred and violence, it does not feel like a small minority. I do not know what is happening in our country—or to our country—today. We seem to be becoming an increasingly intolerant society. The question now is: how do we get the evil genie back in the bottle? That will not be easy, particularly in the new world of social media. If the Government take the view that we just have to ride out the next few weeks and months and everything will rectify itself, that will be complacency in the extreme—and a damaging and dangerous complacency at that. It all depends what the measures referred to in today's Statement mean in practice, as opposed to in words. We all have a responsibility to respect the decision that has been made by the people in the referendum, to work to heal the divisions that it has magnified and to take on directly, and defeat, those filled with feelings of hatred and violence towards others.

The Government have announced an action plan to tackle hate crime, and said that it will be published shortly. This will not be the first plan this Government have had. What is needed are results—positive results. Perhaps the Minister can say when the plan will be published, and why he thinks it is going to deliver. Can he tell us whether it will have specific objectives that can be measured, and what will be included in those objectives which can be measured? Since the Government have said that the action plan is to tackle hate crime, presumably one aspect will be apprehending those engaged in such crime. What more resources, financial and human, will be provided to our police forces, which have been cut and cut again since 2010? From which budget will the extra funding referred to in the Statement be taken, and how much will it amount to?

Hate crime of any kind is abhorrent and has no place in society. It is in itself, and by its very nature, a rejection of the British values that have always bound

us together. Non-British nationals living in Britain will today feel worried about their safety and that of their children and families, and will be in need of reassurance. I hope the Minister and the Government will be able to provide it. People need reassurance that action will be taken now. Can the Minister tell us what extra steps are being taken to monitor reports of hate crime, and what immediate advice the Home Office is giving to the police on tackling such incidents? Will decisions on the extra resources that should now be used from police budgets to address rising hate crime and violence be for police and crime commissioners or for chief constables?

Confidence to report such hate crimes will increase if people believe that reports will be followed up. What specific action will be taken to address this point? To provide further reassurance at this difficult time, can the Government say more to provide reassurance to EU nationals in this country about their future status in this country? Frankly, the response by the Government in Oral Questions today about the position of EU nationals who live in this country will not have helped the situation. The referendum is over but its scars remain. We now need to work to make sure that our country remains the open and welcoming place we know and love.

Lord Paddick (LD): My Lords, I too thank the Minister for repeating the Statement. We on these Benches condemn all hate crime, whatever the target, and deplore the appalling murder of Jo Cox MP—our thoughts are with her family. We need to stand together to have a united, strong, liberal voice against those who try to stir up hatred in our communities. We as Liberal Democrats are prepared to do that. We beg both of the other major parties in this House to stand together to try to fight this issue.

It is difficult to judge what the longer-term impact of the EU referendum will be on hate crime, but far more worrying to us on these Benches is the impact the immigration debate and increasing xenophobia had on the EU referendum rather than the other way round. In addition to the increase in Islamophobia mentioned in the Statement, and as the noble Lord, Lord Rosser, just said, in 2014-15 there was an 18% increase in reported hate crime compared with the year before, and anecdotally, those who have rarely experienced hate crime in the past now report becoming victims, including members of minority groups on these Benches.

To what extent does the Minister share my concern that these developments are a worrying reflection of a change in the culture of this country—a shift, of whatever magnitude, away from being an open and tolerant society that welcomes diversity? What will the Government do about it? It is not just about reporting investigations into hate crimes, treating the symptoms, but about treating the causes. What will they do to try to address this shift in culture towards xenophobia and racism? As the noble Lord, Lord Rosser, and other noble Lords, have asked this afternoon, what does the Minister think the impact on xenophobia will be of the Government's apparent position—that the status of 2 million EU citizens currently resident in the UK will be the subject of negotiation with the EU? Surely the Minister realises that this will increase hate crime, not decrease it. What will the Government do about it?

Lord Ahmad of Wimbledon: My Lords, first, I thank both noble Lords for their contributions. Various questions have been asked; I will take some of them head-on.

Questions were raised, particularly by the noble Lord, Lord Rosser, with regard to recent events. As the Statement alluded to today, my noble friend Lady Williams and I went to the cultural centre in Hammersmith to reassure people there, and we were accompanied by the Polish ambassador. The positive element we heard from both the Polish community and the ambassador about reporting such hate crimes since the vote last week was that, while they have been reported, they are pockets and certainly not an emerging trend. That said, we cannot show any degree of complacency. I talked about the True Vision online police reporting stats, and there are two elements to that. It is of course concerning that if you look at some of the statistics, from Thursday to Saturday there was about a 27% increase compared to the same period in the previous month, but if you include Sunday's figures, it went up to a 57% increase in reported crimes. This is just a snapshot but, nevertheless, it is indicative of how certain mindsets, and indeed criminals, will use opportunities such as the vote last week to demonstrate their criminal intent against minority communities.

Let me assure the noble Lord, Lord Rosser, that during the coming weeks and months—both in my personal work and in my work as a government Minister—I shall leave no stone unturned in ensuring that we eradicate all levels of hate crime. But in doing so, we must work in partnership with all communities. We must also emphasise—coming back to a point noble Lords made about how we tackle embedded culture issues—that part of this is down to education. We must ensure a level of integration in which, not only can someone from any culture, community or faith feel that their identity is protected, but they are also protected through mutual respect of one another's right to belong to whichever faith or community they choose.

The noble Lord, Lord Paddick, asked how the Government are addressing the levels of intolerance in society, as did the noble Lord, Lord Rosser, who also asked about the national action plan. We have consulted very extensively on this and we are in the process of getting cross-government sign-off for it. The noble Lord also asked about certain measures that will be in place. We need to ensure we can measure hate crime effectively in all its ugly guises.

In terms of specific measures, asked about by the noble Lord, Lord Paddick, we have taken serious steps to address various issues, as I am sure he is aware. Previously, only anti-Semitism was recorded as a specific religious hate crime but, from 1 April this year, any hate crime against any religious community—including anti-Muslim hatred—is now specifically recorded by the police.

We have also seen a much higher take-up in the reporting of hate crime, particularly within the Muslim community, and that is a positive development. People know that they can report hate crime; the fear of

[LORD AHMAD OF WIMBLEDON]
reporting it is often forgotten. People increasingly have the confidence to come forward at a local level to report hate crime, but more needs to be done.

The noble Lord, Lord Paddick, talked about the general immigration debate. There were certain elements of the referendum campaign—there is no better example than when a particular poster was revealed—that all of us across this Chamber felt were best described as vile. They played on fears, division and the history and legacy of a path that we all not only deplore but do not wish to see arising again in our country. Anyone who supports such campaigning needs to reflect very deeply on their own intent, as to what kind of atmosphere and environment they are creating.

The Government have further recently announced that we are in the midst of finalising the governance of how funding will work. As noble Lords will be aware, we work very closely with the Community Security Trust to protect of places of worship—synagogues—and schools within the Jewish community. The Government have now announced funding to protect other places of worship that are coming under attack or are being targeted by extreme right-wing groups, particularly mosques. We have seen instances of gurdwaras being attacked, sometimes due to the sheer ignorance of attackers thinking they are mosques. As I have previously commented to Members of your Lordships' House, we have to overcome the kind of prejudices whereby, for example, if the noble Lord, Lord Singh, and I were walking down the street, he may be perceived, because of his attire, by an ignorant person as a Muslim while I may not. Those are the kind of ignorant attitudes we must address. They are partly driven by fear, but also partly by hate. We must address these attitudes full-on.

I would be happy to talk to noble Lords across the Chamber to see how we tackle all forms of hate crime. Any form of hate, be it based on religion, culture, community, sexual orientation, race or gender is, frankly, unacceptable.

4.59 pm

Lord Blair of Boughton (CB): My Lords, I am very interested in the Minister saying that he will leave no stone unturned. There will be a stone immediately before the House in the next few weeks—the Policing and Crime Bill. There is no point in the police arresting people for these crimes and the Crown Prosecution Service then putting them in front of the courts unless the courts do something about it. I am not a natural hanger and flogger but a clause in the Policing and Crime Bill saying that the starting position for hate crime is a custodial sentence would send a message. We did exactly that regarding the possession of knives during the knife-crime epidemic. We said that the starting point was a custodial sentence, and I firmly suggest that the Government bring forward an amendment to that effect in Committee.

Lord Ahmad of Wimbledon: The noble Lord speaks from great experience in that respect. At this juncture, it would be best if I took back what he said and followed it up at the Home Office.

Lord Cormack (Con): My Lords, I am sure everybody in your Lordships' House is reassured by the fact that my noble friend is dealing with this subject. He brings great sensitivity to it, as well as great experience. Perhaps I may return to a matter that was raised several times during both the previous Statement and this one. I am sure that the remarks made by our noble and learned friend Lord Keen of Elie were not ill intentioned but they were extremely clumsily phrased, and they have sent out a message which must cause great anxiety among the EU citizens resident in this country. They are not, and must never be, a bargaining counter in any negotiations. Will my noble friend undertake at the very least to have an early conversation with my noble and learned friend Lord Keen and with the Leader of the House so that we can have clarification of those unfortunate statements before the House rises at the end of this week?

Lord Ahmad of Wimbledon: I thank my noble friend for his remarks. I see it as a huge privilege and an honour to serve your Lordships' House. When it comes to issues such as tackling hate crime—in particular, we have seen a rise in the levels of anti-Semitism and Islamophobia—we have the strength and experience in this House to face the challenges from all types of extremists who seek to disrupt what we have. Those challenges require a unified response, and I shall remain open in the discussions as we tackle some of the more serious issues.

On the specific points that he raised, I am the first to admit that we are going through unprecedented times in terms of how we go forward as a country. However, I am an eternal optimist. I believe in the positive nature of our country and in our resilience. It is important to reassure every citizen who chooses to make the UK their home, including those from the European Union, that their rights, safety and security will be safeguarded, and this is perhaps the most appropriate time to re-emphasise that. Unfortunately, I was not in the House when my noble and learned friend spoke but I will certainly reflect on his comments. However, I was here when my noble friend the Leader of the House spoke, and I think she provided clarity on some of the comments and questions that were raised.

Lord Dubs (Lab): My Lords, I welcome what the Minister has said today, and I very much welcome what my noble friend Lord Rosser said in his response. I think back to the wonderful days of the Olympics, when we were a multicultural country. We were delighted to have people here from all over the world and this was a country that showed tolerance. Since then, we have become small, inward-looking and mean-minded. I would like to put two things to the Minister.

First, if ever the country needed leadership to tackle hate crime and to condemn those awful people in our society who take advantage of minorities in this country, it is now. I am dismayed that somebody who wants to be Prime Minister of this country peddled racial hatred and opposition to migration by saying that millions of Turks were going to come to this country. After the referendum, he said, "Oh, it wasn't about immigration at all". Anybody who knocked on doors knows that there was one issue that won the referendum for the

leave campaign and that was immigration. There were some worthy, decent people in the leave campaign but the fact is that it was the immigration argument that did it and the hate crime is a result of that immigration argument.

Lord Ahmad of Wimbledon: My Lords, the noble Lord makes some powerful points. First, let me assure him that, when it comes to dealing with the issue of hate crime, there is no void in leadership—and not just within the Government. Of course, the Government facilitate and demonstrate their intent. My right honourable friend the Home Secretary has been instrumental in some of the initiatives that I have already talked about. I am sure noble Lords will agree that she is not someone who shies away from difficult and tough calls. She has protected certain police budgets, but at the same time she has been at the forefront of providing the kind of protection and policies that we are seeing coming to the fore. I also pay tribute to my right honourable friend the Prime Minister. When we took up the mantle of new government, I spoke to him about tackling hate crime, particularly within certain religious communities, and ensuring that the fund for the protection of places of worship is instrumental and reflects this.

The noble Lord talked about those who play on the fear of immigration. I have already made my views clear on that. Anyone who plays on these fears to divide society needs to take a long, hard look at themselves.

Baroness Deech (CB): My Lords, first, I express my appreciation to the Minister for his long-standing, staunch attacks on prejudice. He has been excellent in this regard. Secondly, I agree with the noble Lord, Lord Paddick, that one should take a broader view of this. It would be wrong, and we would be burying our heads in the sand, if we thought it was simply the EU and immigration unleashing racism in this country. Sadly, as many of us know, there have been a growing number of attacks for decades on Muslims, for which Tell MAMA can provide the statistics, and on Jews. The Community Security Trust too, of which I am a patron, has statistics. Unfortunately, they spike when there is an incident such as Gaza, but I do not want to go there now. We must ask ourselves: whence comes this racism, which has gone on for so very long? It is not a new phenomenon from last week, although obviously one appreciates the vigour of the condemnation from the noble Lord, Lord Rosser, now that it has happened and been brought to our attention in a wider way.

I simply ask the Minister not to forget the forthcoming report of the Chakrabarti inquiry looking into anti-Semitism in the Labour Party, and the as yet unpublished report from the noble Baroness, Lady Royall—on incidents in the Oxford University Labour Club, I am ashamed to say. All these incidents must be taken on board; it is not a narrow phenomenon of the EU and immigration. I do not know whether the Minister will agree with me, but I suggest that one possible theory is segregated education and that university authorities have not been cracking down in the way they should have on the continuation of some of the prejudices, which I fear have been nurtured in segregated education. I do not mean just in regular schooling but unfortunately after school as well.

Lord Ashton of Hyde (Con): My Lords, Back-Bench questions are meant to be brief, so will the noble Baroness please ask a question?

Lord Ahmad of Wimbledon: My Lords, first, I thank the noble Baroness for the work that she does for the CST. Indeed, I commend the work of organisations such as the CST for the Jewish community and of Tell MAMA in the reporting that it provides within the Muslim community. Our faith communities are central and pivotal in helping us to find and determine some of the solutions for the kind of integration that we want to see.

The noble Baroness makes a point about schools. There are many good examples of schools that are operating according to a particular faith ethos. We need to take those examples and ensure that they are translated across the board. Let me assure the noble Baroness that the Government are not complacent. The challenges that we are facing in certain sectors of society showing fragmentation and isolation need to be tackled full on, and the Government are seeking to do that through various policies, including tackling some of the challenges of radicalisation, both from the far right and from those usurping and hijacking faith, through our counterextremism strategy.

The Lord Bishop of Chelmsford: My Lords, perhaps I may ask the Minister two specific questions about religious literacy and religious education. First, I welcome the Statement and the responses from the other Front Benches, and of course express my own great dismay at the incidents that we have experienced in recent days. As I said in the House on Monday, the diocese where I serve includes some of the most multicultural parts of this country. I have heard many disturbing stories, and even more of them here today.

My first question relates to religious education. We have discovered in recent days something that is already there within us and that has been stirred up and legitimised by some of the debate, yet religious education has less of a place in the national curriculum than it used to. I wonder whether this is another opportunity for the Government to look again at the place of religious education in schools.

My second question is about religious literacy. I serve on this House's Select Committee on Communications. We have recently completed a report on the renewal of the BBC charter. Religious broadcasting has almost disappeared from public service broadcasting, and the BBC no longer has a commissioning editor for religious broadcasting. Surely this is a time when we need to do more about this. It is a very practical matter that the Government could address.

Lord Ahmad of Wimbledon: I thank the right reverend Prelate, whose question relates to the central issues of literacy and education. It is important that school curricula reflect the diversity of faiths and of communities that demonstrates what modern Britain is. He made a very valid point, too, about religious literacy and spoke of how we might look towards our broadcasters

[Lord Ahmad of Wimbledon]
to see how religion can be debated and discussed, because it is relevant to so many people's lives in our country.

Baroness Hussein-Ece (LD): My Lords, I am very grateful to the Minister and echo the sentiments expressed by the noble Lord, Lord Cormack. I know personally of his dedication and commitment to eradicating the hatred that has reared its head in our society. As somebody said to me the other day, few of us believe that the 52% of the electorate who voted for Brexit are racist. However, the minority in this society who clearly are, and perhaps always have been, seem to think that the 52% suddenly agree with them and that the outpouring of hatred that we have seen has become legitimised. We all have to work together to tackle this, and there must be strong leadership.

Just last week, I was filled with dismay at the sight of the posters, referred to by the noble Lord, Lord Dubs, on Turkey and on a "breaking point". All of them fed into people's fears. As we know, 41 people have died so far as a result of three suicide bombers attacking ordinary civilians at Ataturk Airport in Istanbul last night. I have family and friends who have been greatly affected by it, and I still feel shaken by what has happened—I was grateful for the comments and tributes paid earlier. However, those very Turks who faced terrorism last night were vilified in posters around this country. It was said that 78 million were coming here from a country that was full of criminals and terrorists to threaten our way of life. I have not heard the people who led in that campaign—namely, Boris Johnson, Michael Gove and various others who repeated the claims and legitimised those posters—distance themselves from them or say that they were not appropriate. I feel very sad that that is the case.

I want to ask two questions of the Minister. Hate crime is taking place in schools and workplaces. Children are being told to go home. Is the Secretary of State in touch with schools, notifying head teachers and giving support to make sure that such behaviour is not tolerated and that children should not be attacked in this way? Also, I have heard reports of people in their workplaces being told to go home, to get back to their country, and of employers turning a blind eye. These are very serious things. A lot of this stuff is not being reported, and we must send out very strong signals that these people will be supported and that employers have a responsibility to support their employees when others are breaking the law.

Finally, what are we going to do to prevent hate crime?

Lord Ahmad of Wimbledon: First, I join the noble Baroness, as I am sure do all noble Lords, in that we have all been stunned. Turkey has suffered greatly from acts of terrorisms, as we have seen, and we stand with Turkey at this time after a terrorist attack on Istanbul airport resulting in the loss of many innocent lives.

On the issue that she raised about what people said during the campaign, we are all accountable for what we say, and it is very much for people to look at themselves to see where they stand and the kind of Britain that they want to create.

I for one take heart, with all the negative reporting, from one report that reached my desk. There was a mother having a conversation with her son on a bus in another language. The lady concerned had a veil on. A person on the bus turned round to the lady and said, "This is Britain, don't you know? You should speak English". At which point another, more elderly lady on the bus responded, "Actually, we are in Wales and that mother is talking Welsh to her son". I think that reflects the kind of attributes we find. It does not matter who you are, what you are or what you wear; we are proud of our identities, by faith, by community, by culture and by nationality. Yes, we are proud to be British, but I am heartened by the fact that there are others, who may not be of the same faith or the same community, who will be the first to defend someone's rights to be who and what they are.

Lord Elystan-Morgan (CB): My Lords, I return to the question of the fragile position of new nationals who have made their residence here. It is a matter of supreme importance. I believe, with very great respect, that the Leader of the House failed to touch on the reality of the situation, which is that this is not a matter for the European Union at all. The basic premise, which we seem to have avoided up to now, is that it is a domestic matter, a matter of domestic municipal law. These people have invested their trust and that of their families in us. When they came to Britain they made themselves subject to our law and they are entitled to the protection of that law. To say that we will negotiate with anybody in relation to that is utterly wrong. We owe them that as a matter of trust.

Lord Ahmad of Wimbledon: Let me reassure the noble Lord. I have already commented on this, but I have put on record the fact that there are EU nationals, along with citizens of other countries, who have made Britain their home. We celebrate and value their contributions to our economic growth. They have provided jobs, and the noble Lord is quite right to point out that there is a responsibility on the Government of the day to ensure that all citizens, no matter where they come from, are provided with safety, security and a sense that, yes, they belong. I am sure that comments that have been made today will be reflected on.

Lord Black of Brentwood (Con): My Lords, does my noble friend agree that in such a dangerous atmosphere all minorities are at risk, including Britain's LGBT community? I refer him to a report in *Pink News* yesterday of a mob going down Drury Lane singing, "Rule, Britannia, Britannia rules the waves. First we'll get the Poles out. Then the gays". Will he reassure Britain's LGBT community that the Government will continue to do all they can to crack down on homophobic abuse and bullying?

Lord Ahmad of Wimbledon: I assure my noble friend that we support the sentiments that he has expressed about ensuring that people from the LGBT community are fully protected. Sometimes you get passing racism; I have experienced the question, "Where are you from?", myself. I assure them that I am from Wimbledon. On a more positive note, we need to demonstrate what we are as a country. I was heartened

by the fact that we had Gay Pride week last week and at the front of the Gay Pride parade was the London Mayor. Yes, he is the son of a bus driver, as is often said, but he is of Pakistani heritage and of Muslim faith.

Baroness Tonge (Ind LD): My Lords, it is well recognised—indeed, the Minister has told us this afternoon—that incitement to racial hatred went on during the referendum campaign. Some disgraceful things were done over the nine weeks of the campaign. Do the Government have any plans to prosecute anyone for the crimes that were committed? At the very least, could they not have a government inquiry into what went on, which was instigated by the campaign managers?

Lord Ahmad of Wimbledon: I assure the noble Baroness that if a specific crime has been reported to the police, they work hand in glove with our criminal justice system. For those who commit a crime, there is a simple message: you will be brought to justice. I look forward to working together to ensure that the kinds of issues that have been raised today across the board on hate crime are addressed and that we collectively protect, sustain and strengthen the kind of country that we are.

Bus Services Bill [HL]

Committee (1st Day)

5.20 pm

Relevant document: 1st Report from the Delegated Powers Committee

Clause 1: Advanced quality partnership schemes

Amendment 1

Moved by ***Baroness Randerson***

1: Clause 1, page 2, line 11, leave out "are likely to achieve one or more of" and insert "will achieve"

Baroness Randerson (LD): My Lords, the Bill is a welcome recognition of the need for reform in the provision of bus services. The geographical divide that has existed and grown over the past 30 years has shown a pattern of decline outside London, while London buses have flourished—as, of course, have their passengers. That sharp contrast has been made all the sharper by the recent round of cuts to rural services but it is worth remembering that this situation has already defied two previous attempts to reform it. I said at Second Reading that without additional funding to local authorities it would be very difficult for them to make a difference, and I very much regret that since last Thursday it is likely that local authorities will have even less money because there was a significant amount of EU money in the transport budget.The Department for Transport is bound to recast its plans, and I fear that bus services could face reduced allocations.

Improving bus services is about more than improving their frequency or the number of routes. We have to persuade people to use the buses. We believe that the Bill needs to seize the opportunity to improve facilities for disabled people, to make the use of smart ticketing the norm, to reduce emissions, to encourage young people on to the buses and to put passengers at the heart of the service. The Bill makes a start on some of this, and I welcome that, but in our view it does not go nearly far enough in making the consideration of these issues the norm. Our amendments in this group are largely targeted at these issues.

The Bill is a skeleton. It leaves many crucial issues—the things that will decide whether it works or fails—to regulations to be made by the Secretary of State. Our amendments also seek to probe more of the detail. I draw noble Lords' attention to the report of the Delegated Powers and Regulatory Reform Committee, which is critical of the skeletal nature of the Bill and the lack of a rationale in the Explanatory Notes for some of the powers to be conferred on the Secretary of State by regulation.

I also want to raise the impact assessments. When I picked up the document from the Printed Paper Office this morning, it was literally hot off the press. The Minister will know that I have been inquiring about the impact assessments, as have my noble friends, for some days. It is undermining the serious work of this House to produce impact assessments at this late stage when in practice it is impossible for people who are preparing for the debate this afternoon to take a full look at them. It undermines the purpose of the impact assessments as well.

This Bill has been a long time coming. We have waited over a year since it was first announced in the Queen's Speech. It seems strangely rushed and uneven in the way in which it has been executed. It reads as if it were drafted by three different people taking on each of the three parallel systems—franchises, advanced quality partnerships and enhanced partnerships—and that those people never quite had the time to get together to make sure that the three parts were consistent. There is inconsistent use of phrases, including references to environmental factors in one part but not another; bus users are specified in one place but referred to everywhere else as "other people"; and in one place bus operators are allowed simply to make an objection to a scheme and in another place they cannot make an unreasonable objection. The purpose behind many of our amendments is therefore to find out more details as to why there are differences from one part to another. As the Delegated Powers and Regulatory Reform Committee points out, the Bill confers powers on the Secretary of State by way of regulations in one case,

"because the policy has not been finalised in time for introduction".

These are the words of the committee, not my words.

Of the amendments in the first group that refer to advanced quality partnerships, Amendment 1 is symbolic of a number of amendments trying to sharpen up a Bill which generally reads as a rather a vague proposition. By proposing this we are certainly not seeking to dictate solutions to local authorities. It is simply that we believe that they need to consider certain key factors—not that they may consider them, but that they really have to consider them. It does not dictate the solution. There must be a determination to improve and to consider a broad range of aspects that make up a good bus service. In Amendment 3 we specify advance ticketing. That is a good example, because advanced ticketing is not just convenient for passengers, thereby

[BARONESS RANDERSON]

attracting new users, but it also speeds up bus services. Greener Journeys has done research that shows that it speeds up bus journeys by about 10%, a significant improvement. If you are speeding up journeys and buses are not hanging around at bus stops, there is less congestion, which is good for air quality.

Amendment 4 inserts noise pollution as an additional factor of which local authorities should take account. The Bill is very light on noise pollution, which is a serious factor for people who live near main roads in particular. Amendment 2 specifically provides for a duty to consider rural areas. It is essential that this Bill provides mechanisms to address the rural crisis in bus services because there is a real danger that this will become an urban Bill if we are not careful. My noble friend Lord Bradshaw will address this in his remarks.

If the Bill is to achieve its aims, it has to tackle the core issues mentioned in Amendment 5A and to put them at the heart of these partnerships or franchise requirements. As it stands, the aims of the advanced quality partnerships are going to be pretty modest. The outcomes referred to in lines 19 and 20 on page two of the Bill could mean that they simply reduce the rate of decline. That is a very disappointing line to find in a Bill that asserts that it is about improving bus services.

5.30 pm

If we are going to take a rigorous approach to expanding usage, we have to improve accessibility for new groups of users. We are now well into the 21st century and it is unacceptable for access for those who are older or who have disabilities not to be at the heart of the objects of the Bill. We realise that the Supreme Court is considering its decision on a key judgment, but that cannot be used as a reason not to accept the general principles that would be introduced by this amendment. My noble friend Lady Scott will address this issue in her remarks.

To sum up, this is a detailed list of amendments to start with, but the general principle is clear. We want a range of issues to be taken into account regularly by local authorities, whether they are seeking partnerships—of either sort—or franchising, because we believe that that package of issues is essential to improving bus services and attracting new users.

Lord Bradley (Lab): My Lords, I will speak very briefly to my Amendment 5 and to others in the group. I preface my remarks in Committee by reminding the Minister what I said at Second Reading: it is essential that the Bill reaches the statute book to comply with the devolution deal for Greater Manchester and for the elected mayor. I live in Manchester and am obviously grateful to Transport for Greater Manchester for its support for the Bill. Does the Minister envisage any circumstances where this legislation will not reach the statute book and yet fulfil the requirements of the devolution deal?

The purpose of Amendment 5 is, very simply, to add another condition and extend the criteria for an advanced quality partnership scheme, so that a scheme can be introduced to protect the current quality of services for passengers. A transport authority may wish to introduce an advanced quality partnership scheme in order to lock in the quality of services already being provided rather than to prevent decline or increase patronage. This could be used to deter attempts to reduce the current standard of service, for example through an operator using lower-quality vehicles than are currently provided or through it taking other measures that would reduce service quality. This amendment would lock that provision in, and I hope the Government will support this addition.

Baroness Scott of Needham Market (LD): My Lords, I wish to speak to my Amendment 5A, which is in this group. When I reread the Second Reading debate and reflected on the amendments which have been tabled, it struck me very forcefully that a huge number of them relate in some way or other to the question of accessibility, whether that is accessibility of ticketing and information or in terms of proper provision for people with disabilities, in rural areas or of different age groups. That led me further to think that perhaps the fact that so many amendments are being tabled about accessibility suggests that there is something fundamentally missing in the ambition of the Bill. I have tabled this amendment because it is important sometimes to have aspiration and to say right up-front that this is not just about stopping the decline, as my noble friend said earlier, but about something more than that and about actually improving the standards of services. That is why I have tabled this amendment. Otherwise, there is a danger that it becomes primarily a sort of regulatory and financial Bill that is not underpinned with aspiration.

I am particularly concerned about rural bus provision—coming from a rural area, I guess that that is inevitable. As I said at Second Reading, I can understand why tiny villages like mine no longer have bus services, but we are now in the position where quite sizeable communities no longer have bus services after, say, 6 pm, or at all on Sundays. Some quite large villages now have no bus services at all. The community transport network has, to a large extent, stepped in to meet that provision, but in Suffolk and other local authorities that is under threat, too. I am disappointed not to have received a written response from the Minister's department to the points I raised at Second Reading, specifically to one which has emerged in Suffolk, where the retendering of community transport in the Mid Suffolk area, where I live, has resulted in passengers no longer being able to use their concessionary bus passes. The noble Lord is an imaginative man, and I am sure he can understand how much distress this has caused people locally. I would like to review this issue in the regulations which say that a nine-seater vehicle cannot be eligible for the use of bus passes. I did raise this, and I would like him to respond—not today probably, but in writing.

My understanding was that we would also have something about rural proofing in time for this stage, and we have not received that either, unless it is in the impact assessment, which I have not had time to read in detail. I have had a look through and have not spotted very much—my noble friend is now indicating there is very little. I think that means there may be

some rural issues that we will have to return to on Report, as we clearly cannot deal with them now.

This franchising approach can really deliver for rural areas if we get it right, so I am very positive about the general provision. I have been in contact with people in Jersey, where they brought in a franchising system. They have 80 buses serving a population of 100,000; yet, in that very small pool, they have had an increase of 32% in passenger numbers in the last three years, and, significantly, they have saved £1 million in public subsidies. This shows that this is not just about scale—you can have a win-win situation of saving money and improving accessibility. I do think that, if we get this Bill right, we can deliver that for our rural areas.

I asked the Minister at Second Reading about links with home-to-school transport, which is again significant in rural areas. It is not just about access to education—although, goodness knows, that is the most important reason for the provision of transport to young people—because there is a close relationship between the provision of education bus services and the normal services. However, it goes deeper than that, because local authorities spend a significant amount of money on public transport for pupils, particularly those with special education needs. Young people and children with special educational needs are encouraged to use public transport as a way of preparing them for leading full lives later. Indeed, the Children and Families Act 2014 specifically encourages the giving of bus passes to young people with SEND. Yet in rural areas there are increasingly no buses on which to use the bus passes. For example, Surrey currently spends £25.5 million a year on SEND transport. If we can find a way of bringing some of this together, we can get much better value and improve the services. But there is a fear among community transport and smaller operators that the Bill as drafted is just there for larger companies, and will not help them.

Finally, there is one way I think this might be dealt with. It came to me rather late, and I apologise for that—otherwise, I might have tabled a separate amendment. We do have the Public Services (Social Value) Act 2012, which includes transport services. I wonder whether the Minister could undertake to include reference to this in the guidance to remind local authorities that, using the social value Act, they can take a broader view of the services they provide in terms of placing a value on social as well as financial outcomes.

Earl Attlee (Con): My Lords, the noble Lord, Lord Bradley, asked my noble friend whether he is confident that the Bill will pass. I hope that my noble friend can be rather more definitive than I can, but I see no reason why it will not pass, although obviously we will want to look at it closely.

The noble Baroness, Lady Randerson, talked about impact assessments. I find it a little odd in government—I am talking generally here—that one has a gem of a policy idea, one consults internally within government, publishes a Bill, puts it before Parliament and then publishes the impact assessment. Surely you should have a gem of an idea, then make an impact assessment and use that to inform discussion internally in government. Of course, as the policy develops, the impact assessment may need to be revised, but having it turn up at the last moment devalues having one at all. That is very much a general point, not a criticism of my noble friend.

Lord Bradshaw (LD): My Lords, on reflection, I think that this Bill—and I have now studied it a lot—is really nothing to do with the quality of bus services generally. It is a device which has been drawn up by officials because the Chancellor promised to devolve the operation of bus services in certain areas which elect a mayor so that they can go for franchising. If you read the Bill carefully, I think you will find that it will be very difficult for them to achieve that, because there are a lot of obstacles in the way of any franchised service.

My main concern is for areas outside metropolitan areas. The bus service is in a terrible state. All sectors are now recording declines in services. They will get worse, because cuts are being made all the time. When I spoke at Second Reading, I said that more money must be found from somewhere. I realise that the Government are not willing to spend any money and that therefore this is about redirecting the money which is spent. At Second Reading, the Minister drew my attention to the fact that bus service operators grant was to be devolved to local operators. This is a very particular question: is bus services operators grant to be devolved only to the areas that get franchising? Will rural areas get any share of that money? Will it be ring-fenced if it is devolved? Because if not, if it is added to various block grants, it will be absorbed in meeting the Government's underfunding of all sorts of other services for which local authorities are responsible.

I, too, received the rural proofing in the impact assessment. It is absolutely pathetic. The document is huge, but the intellectual input into it is minuscule. All it says about rural proofing is, to summarise, that local authorities have to decide for themselves how the resources allocated to them are spent. If they want to spend them on bus services, they have to take that away from another cause.

I suggest that the Minister carefully considers the effects of isolation and loneliness on people living in remote rural areas—and there are a lot of them. I use buses every day. I travel on one some days, and there are a dozen old rural dwellers who I know are lonely. The only time they get out is when they go on a bus. I am sure they all voted for Brexit because they are of that generation, but that rather does not cover the point—I am not sure they would be grateful and would suddenly support the other side if they restored their service. Their service is vital; I honestly believe their lives would be hugely diminished without it.

5.45 pm

One thing the Minister did say in his letter to me is that there is reconsideration being made to the concessionary fares scheme. I think the last paragraph of his letter refers to this. I urge the Minister to look at this because, first of all, he says—and this is Civil Service-ese—that the Government continue "to review the policy". Well, we have heard those words ever since I have been here and, I imagine, for the last century. But, there is a glimmer of hope in the last paragraph,

[LORD BRADSHAW]

which says: "As you may be aware, on 26 April 2016 we laid a Command Paper on the post-implementation review of the statutory reimbursement arrangements for concessionary travel". Now, that review might explore the issue of whether the money which is available for concessionary fares is well-directed, because I would put a plea in for the fact that more of it ought to go to the rural operators, whose expenses are much higher, than to the urban operators, where it might reduce their costs by a fraction but would have no significant effect on the number of people using bus services.

We should come on to talk later about congestion, because that is another very serious problem, but if the Minister would answer those questions for a start, I would be very pleased.

Lord Kennedy of Southwark (Lab): My Lords, as this is my first time to speak in Committee, I declare an interest as an elected councillor.

The amendments in this group are almost all proposed by the noble Baroness, Lady Randerson, with support from the noble Lord, Lord Bradshaw, with the exception of Amendment 5, in the names of my noble friends Lord Bradley and Lord Berkeley. They are all seeking to make improvements to the Bill, with important clarifications and additions on the face of the Bill, and we are generally supportive of them. I think it is important to give certainty in legislation and clear direction.

As I said at Second Reading, there is a lot in this Bill that we can support and we will play a constructive role in seeking to make improvements to what is before us to halt the decline in bus use outside London that is all too prevalent and has already been referred to today. Putting passengers at the heart of our discussions on buses must be a priority, as well as ensuring improvements for disabled travellers, advanced ticketing and other measures, which we will discuss in our deliberations over the next few weeks and months.

I very much concur with the comments of the noble Baroness, Lady Randerson, in respect of the impact assessment and on the putting together of the Bill. It is interesting to note that, on the first day in Committee, we already have government amendments. This is a Lords-starter Bill—it has been nowhere near the House of Commons—and, as we have heard, we have been waiting for a very long time for this Bill to arrive, but straightaway we have got a series of government amendments. This is not as bad as the Housing and Planning Act—we have an impact assessment and other information from the Government—but generally the Government need to sharpen up their act when it comes to presenting legislation to Parliament. They often make things much worse for themselves because Members on all sides get very frustrated when they do not have the right bits of paper in the right order in good time, in proper sequence, which then gives them more difficulties. So the Government themselves should reflect carefully how they present legislation to Parliament, because they may find that they make things much easier for themselves if they get it right in the first place, so we do not have to catch up as we go through the discussions.

The first amendment in the name of the noble Baroness, Lady Randerson, changes the emphasis from saying that in making an advanced quality partnership scheme "one or more of" the outcomes will likely be achieved. The outcomes mentioned are,

"an improvement in the quality of local services that benefits persons using those services … a reduction or limitation of traffic congestion, noise or air pollution",

and an increase in bus use or, at the very least, an end to the,

"decline in the use of local services".

The amendment proposed by the noble Baroness is more ambitious in saying that we "will achieve" these outcomes, whereas the Government use the words, "are likely to", which does not seem very ambitious for a new piece of legislation.

The next four amendments in the name of the noble Baroness give specific requirements for issues such as services in rural areas. I very much concur with the comments of the noble Baroness, Lady Scott of Needham Market, in that respect. The amendments refer to "advanced ticketing" and a reduction in pollution, taking into account people with disabilities and other factors, along with geographical location, which should be part of whether a scheme should be made. We are very much supportive of them.

Amendment 5 in this group, proposed by my noble friends Lord Bradley and Lord Berkeley, adds an additional requirement to reduce,

"the deterioration of local services",

and refers to,

"the maintenance of quality levels of those services".

It is important to make provision to make sure that there will not be deterioration in services under any new scheme. I very much agree with the comments of my noble friend Lord Bradley today, and in particular agree with him that the Bill needs to be an Act so that the devolution deal for Greater Manchester can be brought into effect—although, of course, given where we are now, I do not think that there will be any problem there whatever. I am sure that the Minister will confirm that when he makes his response.

The Parliamentary Under-Secretary of State, Department for Transport and Home Office (Lord Ahmad of Wimbledon) (Con): My Lords, I thank all noble Lords who have taken part in this debate on this first group of amendments. On the general point raised by several noble Lords on the impact assessment and its publication and availability yesterday, I assure noble Lords that the intention was not to have a delay in publishing as such. It was reviewed to ensure that additional policies and full detail could be provided. I take the point that noble Lords have made: if a document is produced 24 hours before Committee, that is not the best timing to allow for detailed analysis. A point was made about rural impact, and whether that was considered. Rural-proofing is mentioned in the impact assessment, and some noble Lords have expressed their regret at the very limited assessment. However, open data offer particular opportunities to increase rural services.

On a few other administrative points before I come on to the amendments, I apologise to the noble Baroness, Lady Scott, for not responding in full to her questions. I shall follow them up with immediate effect and

ensure that she has a timely response. In fact, I am looking over to the Box with a rather hard stare, if not a glare, to ensure that that is done in advance of the next Committee sitting, which is next week. That is something that I shall follow up with officials.

Lord Kennedy of Southwark: This Bill has a lot of support from around the House, and the Government are making life more difficult for themselves by not getting these things out in advance. We have been waiting for this Bill for well over a year. Why has this stuff arrived literally this morning when the department has had a very long time to get it all ready? The situation is of the Government's own making. A bit more planning would make things much easier. Although this is not the worst example, it is incumbent on the Government to get things out to Members and to the wider public who are interested.

Lord Bradshaw: To add to what the noble Lord has just said, the Bill is full of econometric analysis, which is extraordinarily time consuming and also almost incomprehensible to anybody who has not had training in it.

Lord Ahmad of Wimbledon: I will take the noble Lord's intervention—it sounds like a bit of a school report: "Has improved, but needs improvement". I take that on board. As I have said, I am very cognisant of the need to ensure effective analysis of the Bill. We may not agree on every element of it but it is important that information is provided. I have certainly sought in the early discussions that we have had with noble Lords to stress—it is something that I will stress again—that it is a priority for me to ensure that we not only share relevant information but do so in a timely fashion. If I were sitting on the other Benches—long may that not happen—I would be making an equally valid case, as noble Lords have.

New Section 113C in Clause 1 stipulates that the local transport authority cannot make an advanced quality partnership scheme unless it is satisfied that the scheme is likely to achieve one or more of the following: improve the quality of local services; reduce or limit traffic congestion, noise or air pollution; increase the use of local services or indeed end or reduce the decline in the use of local services. Amendment 1 in the name of the noble Baroness, Lady Randerson, would require the local authority to be absolutely sure that any proposed quality partnership would have the anticipated effect. I believe that, in terms of its practicality, this amendment would make it almost impossible for local authorities to say in totality or with absolute certainty what impact a particular scheme would have before it is introduced. I believe that this more stringent requirement would make the local transport authorities more risk-averse when introducing advanced quality partnership schemes. As a result, authorities may well choose to introduce schemes that fall short of fulfilling their full potential or not bring them forward at all.

Amendments 2, 3, 4, 5 and 5A deal with the content of the tests that I have mentioned. Under the Bill, local authorities may not make an advanced quality partnership unless they are likely to achieve an improvement in the quality of local services, a reduction or limitation of traffic congestion, noise or air pollution, or an increase in the use of local services. It is then for local authorities to decide what package of standards to introduce under an advanced quality partnership scheme to achieve one or more of these outcomes. These standards will depend on local need and may or may not include requirements relating to ticketing, rural bus services and pollution. The circumstances of individual areas vary and I think that it is right that the advanced quality partnership schemes should be able to reflect this.

I agree, however, with several noble Lords who have spoken this afternoon that these are important issues. Local authorities need to think very carefully about whether they should include standards in each of these areas in the advanced quality partnership scheme. We intend to recognise this in statutory guidance on these new partnership schemes, which will be issued under new Section 113O of the Transport Act 2000.

Lord Snape (Lab): Can the Minister respond to the noble Baroness's very relevant point that these things depend to a great extent on money available from the Government? If the Government are going to keep cutting back on the resources available to local authorities, these well-merited objectives are surely not going to be met.

Lord Ahmad of Wimbledon: The point was raised by the noble Lord, Lord Bradshaw, at Second Reading—I was going to come on to it but I will say it now—and I made it clear then that, specifically in terms of the Bill, no additional funding will be provided. It will be very much for local authorities to prioritise as they see fit. While I know that noble Lords will be disappointed, I am sure that they will recognise that that is the reality of the situation.

6 pm

Amendment 3 in effect makes ticketing a mandatory element of any advanced quality partnership scheme. It might not always be necessary or desirable to include ticketing arrangements as a part of an AQPS. Compelling their inclusion risks fewer schemes being established.

Amendment 2 in the name of the noble Lord, Lord Bradshaw, seeks to require schemes focused on improving local services to include rural services. While I appreciate his intention, I fear that there may be a risk of unintended consequences. For example, an advanced quality partnership scheme can be limited in its scope to a relatively small geographical area. Requiring any scheme that was dependent on improving the quality of local services to always have a rural component could limit considerably where these powers could be used.

A similar argument exists for Amendment 4. Local air pollution levels can vary considerably. In some urban areas, specific measures may need to be taken to reduce air pollution and, therefore, the requirement suggested by the noble Lord may not be easy to meet. However, these schemes can also be introduced in rural areas where air pollution may not be an issue and where a "significant reduction" in air pollution may not be necessary or may be impossible to achieve.

I turn to Amendment 5 in the name of the noble Lord, Lord Bradley. Before I continue, I shall repeat what I said at Second Reading; my noble friend Lord

[Lord Ahmad of Wimbledon]
Attlee also mentioned this. Notwithstanding some of the robust discussions that I am sure we will have in Committee and on Report, I am confident that we will meet the dates set in the devolution deal. I agree with the objectives suggested by the noble Lord in his amendment. However, these overall aims are adequately covered by the existing drafting of proposed new subsection (6). Passengers are the best judge of whether their local bus services have deteriorated or dropped in quality. If a service is unreliable or the buses are dirty or uncomfortable, they will use them less. This outcome is covered by proposed new subsection (6)(c).

I sympathise with the aim of Amendment 5A; it is right that local bus services should be accessible to all—the noble Baroness, Lady Scott, made this point at Second Reading—and that passengers should not be prevented from using local bus services for any reason, including their age, disability or geographical location. The Public Service Vehicle Accessibility Regulations already impose requirements on the accessibility of buses. As the noble Baroness may be aware, since January 2016 all single-deck buses have needed to be compliant with those rules. Compliance will be extended to double-deck vehicles after 1 January 2017 and will apply to coaches from 1 January 2020.

I turn to the issue of geographical location that the noble Baroness raised. I appreciate that access to a bus service can be difficult, particularly for those living in rural areas. Where services can be provided commercially, it is for local bus operators to decide whether to do so. If it is not possible to run a particular service on a commercial basis, local authorities already have powers to subsidise it or provide it under a tendering agreement with a local bus operator if the authority believes the service to be socially necessary. The noble Baroness also mentioned the need to look at some of the regulations and supporting advice regarding community transport. She specifically mentioned whether the Social Value Act could be included in guidance. I shall certainly take that matter back and come back to her regarding whether it can be considered in the way in which she suggested.

While I may not have satisfied everyone on the amendments—I am sure that I have not—I hope that I have explained why, in this instance, the Government cannot support them. I have indicated some areas on which I shall reflect further. However, the current wording of proposed new subsection (6) strikes a good balance. It will not tie local authorities' hands to improve particular elements of the bus service or services in particular areas. Through statutory guidance, we will seek to ensure that all the important issues are given due consideration by local transport authorities as they develop schemes.

There are a few outstanding questions about the Delegated Powers Committee. We are in the process of finalising the response to it and I will seek to publish it in a timely fashion. Famous last words, but we will certainly follow that up. I know that it is in hand.

The noble Lord, Lord Bradshaw, asked about the BSOG. Substantial subsidies already go into the deregulated bus service network, including for concessionary travel pass bus service operators grant and to support services that commercial operators do not provide of their own accord. Where an authority implements franchising, the Government plan to devolve the bus service operators grant that would have been paid to commercial bus operators in the area through the local authority. By pooling these subsidies in a franchised system, they can be used more effectively, and authorities will be able to get the most out of the funding already provided.

I hope that I have answered the questions raised by noble Lords. While some may have been reassured, I hope that my explanations have been helpful. In that context, I hope that the noble Baroness will withdraw her amendment.

Lord Kennedy of Southwark: I return to my previous intervention and that of the noble Lord, Lord Bradshaw. The Minister expressed concern and disappointment, and hoped to do better, but he did not answer the question that either of us raised. I have seen no notes coming over from the Box, and perhaps he cannot answer today, which I would fully understand. However, I hope that he wants to answer the points that we raised and will agree to write to us.

Lord Bradshaw: I want it to be absolutely clear that when the bus service operators grant is devolved to the metropolitan authorities, no more money will be available anywhere, other than that which is devolved, and that the bus service operators grant will remain to be paid to operators outside the franchised area. The balance of that money needs to be looked at, because a smaller subsidy within an urban area as a result of a cut in the bus operators grant may make the service vary in quality and run less frequently, but the same amount of money in a rural area is the difference between having a bus service and none at all. The Minister should reflect on this. I would also like to know when the working party set up in April is expected to report and whether it will take any independent advice or whether there will be some internal arrangement to which no one will have access.

Lord Ahmad of Wimbledon: The noble Lord is correct in his understanding of BSOG, and I note the issue that he raised about rural services. He made a valid point about the impact that the proposal will have. I am conscious of that and will reflect further on it. I am always willing to take the advice and suggestions of the noble Lord, Lord Kennedy, and I will come back to him on any question that I have been unable to answer to noble Lords' satisfaction.

Baroness Randerson: Will the Minister agree to look again at the document that we received this morning, which has five and a half lines on rural proofing? That is nothing short of an insult to rural people, and it might be a good idea if the department looked again at that particular impact of the Bill. I am sure that we would all be grateful if he was able to bring forward more information and deeper thought on the rural impacts of the Bill, which go far beyond saying simply that it is up to rural local authorities how much they choose to spend on it.

Lord Ahmad of Wimbledon: As an urbanite, I will be pleased to take up the noble Baroness's suggestion. We will take back how we can provide further detail on the elements and the points that she has raised.

Baroness Randerson: I thank the Minister for his reply. He is right in his assessment that I am not satisfied with all his answers. I appreciate that some of the criticisms that noble Lords have raised this afternoon reflect the fact that the Minister has been put in a difficult position in respect of the impact assessment and the number of amendments. Having stood in his place in my time, I appreciate that one does not choose to be put in that situation. I hope he will look again at the aspects that have been raised this afternoon, particularly in relation to rural issues and to the general tone of the amendments, which as my noble friend pointed out emphasise access, to see whether the Bill can be sharpened up in a number of places to be more specific and more ambitious for bus operators and local authorities working together in whichever of the various forms of agreement. We are not seeking to tie the hands of local authorities; we are seeking to raise their ambition and to draw their attention to these things when they are considering arrangements. With that in mind, I beg leave to withdraw the amendment.

Amendment 1 withdrawn.

Amendments 2 to 5A not moved.

Amendment 6

Moved by ***Lord Bradshaw***

6: Clause 1, page 2, line 20, at end insert—

"(6A) n operator of local services may only provide local services if the scheme under which it provides services—

(a) is an advanced quality partnership; or

(b) is not an advanced quality partnership, but meets the outcomes in subsection (6)."

Lord Bradshaw: Subsection (6) of new Section 113C refers to:

"The outcomes mentioned in subsection (5)".

I am concerned about two or three things. It refers to,

"an improvement in the quality of local services that benefits persons using those services",

and begs the question, in rural areas, of whether there are any services for them to use. It also refers to,

"a reduction or limitation of traffic congestion, noise or air pollution".

Traffic congestion is almost killing the bus industry in many areas. As congestion occurs, more buses are used to maintain a service, more staff are needed, the service gets slower and slower and becomes less attractive, and you enter a spiral of decline. The Minister needs to address this issue because we are at the top of a spiral and I confidently predict that if nothing is done it will continue and get worse. Many people are now looking to what the Government intend to do to tackle congestion.

I have a number of suggestions. In his letter to me following Second Reading, the Minister pointedly said that Part 6 of the Traffic Management Act 2004 gave sufficient powers. Part 6 of that Act deals with moving traffic offences. Buses become clogged down by congestion and by people abusing traffic regulations. There are virtually no police looking at this. If people park in bus stops or anywhere else, the bus cannot get through, and nobody does anything about it. This cycle of decline is getting worse. I am also concerned about air quality, even in small market towns like the one in which I live. Air pollution is now well in excess of the limits, and that is a serious problem.

I have moved the amendment for the following reason. When there is an advanced quality partnership and an operator of those services agrees to meet the standards, will it be possible for another operator which does not meet those standards to undermine the standards in any way? In many places people using old buses have tried to benefit from a respectable operator investing a lot of money, with the respectable operator being subject almost to attack by the low-quality operator whose standards barely meet the minimum required or, throughout most of the year, do not meet it at all. I beg to move.

6.15 pm

Lord Snape: My Lords, the noble Lord, Lord Bradshaw, does the Committee and the industry a great service by moving this amendment. I have bored your Lordships before with stories of my involvement in the bus industry. My experience as a director and chairman of a former municipal bus operator was that there was a significant undermining of those services by the sorts of operators that the noble Lord has just mentioned. Much of this unfair competition has disappeared over the years. The intention of many of those smaller operators was to cause so much of a nuisance to the larger undertaking that it would offer them lots of money to go away. In the West Midlands, we were fairly resolved not to play that game. Indeed, during my time as a bus company director at least two smaller operators in the West Midlands were run by people who had been fired from our company for various misdemeanours. They got their hands on some older vehicles and ran them between 7 am and 7 pm. The thought of running early-morning or late-night services never struck them. Not only did they pay inferior rates, they did not provide the trade union recognition, canteen facilities or maintenance facilities that the major operators—such as Travel West Midlands, the company I worked for at the time—provided as a matter of course. The noble Lord, Lord Bradshaw, has put his finger on a very important point. We seek reassurance from the Minister that the unfair competitors that I have just outlined will not be allowed to flourish or, indeed, to exist in future.

There was always a problem in that councillors of all political hues used to say that if those operators were not there then we would be operating some sort of monopoly, and there should be competition. But when those operators were there, the councillors would say that their buses were absolutely dreadful and should not be on the road at all. We spent some years trying to please everybody but pleased nobody. I would

[LORD SNAPE]
welcome reassurance from the Minister that we will not return to those days and that reputable operators operating a quality partnership of the type outlined by the noble Lord, Lord Bradshaw, will not face the sorts of conditions that we had to put up with in the early days of deregulation.

Lord Berkeley (Lab): My Lords, the noble Lord, Lord Bradshaw, and my noble friend Lord Snape have a very good point when it comes to discussing big operators and little operators, because there are competition and quality issues. In Cornwall, where I live, there has, in recent years, been one major operator and one smaller one. On two occasions in the past five years, the smaller operator's bus garage was torched. Whether it was deliberate or not I do not know, but the fact remains that something nasty went on there. The small operators ran a very good service—as did the big one—and it was good that they were both there. But somebody had something against them. That is something that we must all be careful about, because at that level it is not something for the competition authorities.

I do not think that the noble Lord, Lord Bradshaw, spoke to Amendments 19 and 68, and I do not quite understand his amendments. He wants to leave out, in the case of Amendment 68, a reference to,

"such other incidental matters in connection with franchising schemes as the Secretary of State thinks fit".

I agree with him, because I am suspicious of that: it allows the Secretary of State to do whatever he likes, if he does not fancy doing what is in the rest of the legislation. I would support omitting those words—but I wonder whether the noble Lord or one of his colleagues fancies explaining what this is all about.

Baroness Randerson (LD): My Lords, I think I can probably help the noble Lord by speaking specifically about Amendments 19 and 68. One of the problems with the Bill is its scattergun approach to giving the Secretary of State additional unspecified powers. As the noble Lord has clearly picked out, these are two examples among dozens of broad powers. The Government have made a list, from (a) to (f), and then they say, "In case we've forgotten something, we'll just give the Secretary of State the power to deal with life, the universe and everything".

By putting these amendments before your Lordships, we hoped to probe exactly what the regulations might look like. To take up the theme of the Delegated Powers Committee report yet again, I say that the powers are too vague. The Secretary of State is being given very broad powers without specifying properly, even in the Explanatory Memorandum, what those powers will be used for.

Ideally, draft regulations should have been available by now, at least on one or two aspects of the Bill. It is hopelessly optimistic to think that they might be coming out any day now, because we have only just had the impact assessment, and we are still awaiting the response to the Delegated Powers Committee. But that is what we should be doing—looking at drafts to find out about the tenor of a Bill as broad and as dependent on regulation as this one is.

The success of advanced quality partnerships, and of enhanced partnerships and franchising, will stand or fall on the quality of the regulations. If the regulations are too onerous, the Bill will fall into the trap of the 2008 Act and prove impossible for local authorities to manage and implement, and will therefore fail. But the regulations have to be sufficiently ambitious and robust to deliver a true improvement in service.

I have spoken to Amendment 19. Amendment 68 is simply a similar example in the case of franchising. One amendment relates to advanced quality partnerships and the other to franchising. I remind noble Lords of the tenor of the criticism in the Delegated Powers Committee's report.

Lord Kennedy of Southwark: My Lords, Amendment 6, moved by the noble Lord, Lord Bradshaw, seeks to insert a new subsection saying that an operator can provide services only if those services are provided within an advanced quality partnership or another scheme that meets the outcomes set out in subsection (6). I support the amendment, as it seeks to ensure that we get some improvement in bus provision as a result of this legislation, and would leave less to chance.

The noble Lord, Lord Bradshaw, made some important points about congestion, the effect it has on bus services, and the other effects of poor air quality in many areas, including some of our smaller towns, villages and hamlets.

If the Minister is not going to accept the amendment I hope that we shall get a full explanation, because the Bill is driven by the need to improve bus services and save them from further decline outside London, and the amendment would be helpful in that respect.

Amendments 19 and 68, to which the noble Baroness, Lady Randerson, spoke, seek to restrict the power of the Secretary of State to make further provision under regulations about "incidental matters". We ought to be careful when we give powers to Ministers. I suppose it all depends on who defines "incidental matters" and what the scope of those matters is. I am not against giving sensible and proportionate powers to Ministers, but I also want to see clarity and openness, and these provisions have a feeling of opaqueness about them. So I hope that when the noble Lord, Lord Ahmad, responds, we shall get a much clearer explanation about what is intended here; it will help the House enormously if he can give one.

The noble Baroness, Lady Randerson, was right to raise this issue. It is important that we get these things on the record, so that we can see what the Government intend to do. There may be a number of incidental matters, but if they all come together they could become one quite big matter, so we should be very clear what the Government's intention is in this respect.

Lord Woolmer of Leeds (Lab): Before the Minister responds, may I take up the point raised by my noble friend Lord Snape? It is true that some small bus operators may have run services that were not desirable or sustainable but, as the impact assessment makes clear, it is also true that there is often little real competition between the large bus operators. They operate, and have operated—certainly in West

Yorkshire—in a predatory manner, to reduce competition and squeeze out smaller and new operators. That side of the reality needs to be included in the balance. That is one of the reasons why I support the Bill, why I commend the Government for their frankness in assessing all this, and why, later, I shall speak strongly in favour of franchising.

Lord Ahmad of Wimbledon: My Lords, I again thank all noble Lords for their contributions. The noble Lord, Lord Berkeley, clarified the point. I think the noble Lord, Lord Bradshaw, spoke primarily to the next amendment that we shall discuss. We shall come to that, so I will cover the issues of congestion and so on in the next debate. Now, I shall deal with the amendments before us.

In relation to Amendment 6, the aim of the quality partnership under the Transport Act 2000 and the new proposals for the advanced quality partnerships in the Bill is to define a range of measures that are jointly provided by bus operators and the local authority in a defined area. For bus operators, these requirements are binding. To use any facilities, such as new bus stops or shelters, or to take advantage of any other measures introduced by the local authority to make buses more attractive to passengers, those operators must meet the standards of service specified in the scheme. That provides clarity for both sides.

The amendment suggested by the noble Lord seeks to impose outcomes on bus operators outside an advanced quality partnership regime. This would have the effect of mandating that every local bus service in England be governed by some sort of scheme that imposed the requirements of subsection (6). I must remind noble Lords that most bus services in England, outside London, are currently deregulated, in the sense that it is for commercial bus operators to decide how and where those services are provided. The quality partnerships regime is intended for use where a local authority believes, or authorities acting together believe, that particular requirements need to be imposed on operators to improve bus services in particular ways in a defined area. Failure to meet those requirements can result in a traffic commissioner taking enforcement action.

While it may be generally desirable for the outcomes of subsection (6) to apply to all bus services, it is for individual bus operators running services on a commercial basis in a deregulated market to decide to what extent those objectives are achieved or achievable.

6.30 pm

The drafting of the amendment also poses a slight challenge. Essentially it creates, within an advanced quality partnership scheme, a separate scheme of its own that seeks to achieve the same outcomes. Both operators and local authorities would find this structure slightly confusing. Under the current drafting, individual local bus services are either within the scheme or outside it. If inside, they have to meet the requirements of the scheme. That provides clarity for all. I hope I have been able to address the issues around that amendment.

On Amendments 19 and 68, among others, the Bill contains a number of important new measures aimed at improving bus services for passengers. We have discussed advanced quality partnerships in some detail already. They will allow local authorities to be more innovative when introducing partnerships and to maximise benefits for passengers. We will come to franchising shortly. It will allow, for those areas where it is made available, the bus market to be provided using the same model that exists in London, with local authorities specifying all aspects of the bus services in the area of the scheme. The Bill provides a clear process for local authorities to follow when making an advanced quality partnership scheme and when implementing franchising. It also sets out which parts of the process will be included in secondary legislation. This power relates to detailed issues about how these schemes will operate in practice.

While the Government have considered the implications of these new schemes, there is a limit to the extent that we can anticipate how these new regimes will work in practice. Over time it may therefore become necessary to introduce further secondary legislation to ensure that the new schemes work as intended. That is why the Bill contains provisions for incidental matters which relate to franchising and advanced quality partnerships to be included in regulations. This follows a precedent set in Sections 122 and 133 of the Transport Act 2000 that enables the Secretary of State to make regulations on other incidental matters in connection with quality partnership schemes or quality contract schemes.

The noble Baroness, Lady Randerson, raised a question on delegated powers and whether we would be able to produce draft documents. We have published a series of policy scope documents that set out what each regulation is proposed to do. This pack also included some draft regulations on AQPS, which we plan to bring forward in the autumn.

I hope that the explanations and the assurance in this regard that the changes introduced under this provision are only incidental will enable the noble Baroness not to move her amendment.

Lord Kennedy of Southwark: May I push the Minister a bit further on incidental matters—what does he mean by that? In my contribution I said that you might have one incidental matter but if you have two, three or four it can become quite a big issue. Maybe he cannot do it now, but it would be useful if he could clarify the word "incidental" and what he means by that.

Lord Ahmad of Wimbledon: I will of course do so and will write to other noble Lords in that respect.

Lord Bradshaw: The Minister made reference to the quality partnership schemes. Any operator not in the partnership would not be able to use the facilities of the quality partnership—the bus lanes and any other traffic management measures that were put in. What about the vehicles? Does what he said apply also to the fact that vehicles must comply with the standards set down in the quality partnership, so if your vehicles do not comply, you cannot come into a quality partnership area?

Lord Ahmad of Wimbledon: Again, that is my understanding, but I will clarify that for the noble Lord.

[LORD AHMAD OF WIMBLEDON]

The noble Lord, Lord Kennedy, among other noble Lords, raised the issue of standards in the deregulated market. I can give further clarification on partnerships operated in the deregulated market: that operators will plan routes, set prices and determine, as they do, the standard of services. They also take the commercial risk, so it is our view it would not be appropriate for authorities to set standards in the deregulated market without operators having a buy-in. For example, if a council wanted to set standards, it would have to take the commercial risk and go down the franchising route. On the other issues, about "incidental" and what lies within it, I shall of course write to the noble Lord. I hope he will withdraw his amendment.

Lord Bradshaw: I beg leave to withdraw the amendment.

Amendment 6 withdrawn.

Amendment 7

Moved by ***Lord Bradshaw***

7: Clause 1, page 3, line 32, after "relate," insert "including reducing congestion on those routes,"

Lord Bradshaw: My Lords, we have touched on this matter before, but I will be most interested to know what measures the Government propose to take to deal with traffic congestion. So much of the power lies in the hands of Ministers. The Minister referred on Second Reading to the fact that local authorities have certain powers, but he knows as well as I do that many local authorities want more effective powers to deal with congestion. Certainly, if those steps are not taken, with traffic levels rising as more people have cars and with more vans in particular delivering parcels all over the place and obstructing the high streets in towns with narrow roads, we need effective measures to deal with this problem. I beg to move.

Lord Snape: Before the Minister replies, I hate to prejudge and pre-empt his reply, but I fear that he will say what Ministers in successive Governments have said over the years—that these are purely a matter for the local authority, which is of course free to introduce measures to control the increase in traffic.

Interestingly, as I am sure the noble Lord who moved the amendment will agree, it has just been revealed in published statistics that far from there being a war on motorists—a phrase that the Conservative Party and Ministers in Conservative Governments have used frequently—the cost of motoring in real terms has been getting cheaper over the past 30 years. Is it any surprise that congestion has got worse in those circumstances? I hope the Minister will say that the Government are prepared to take some powers themselves rather than saying, "It's not a matter for us, it is a matter for elected mayors or anyone else who is a local authority to do something about congestion".

All of us who take part in these debates know full well that, faced with the problem of sitting in a traffic jam in one's own car or on a bus, the bus is very much the second choice. Only proper enforced bus priority and a proper congestion charge will make public transport more attractive, and not just in major cities; understandably, some of the Liberal amendments have been about rural transport. Again, if it were possible to travel as quickly and as cheaply—or more cheaply—on public transport than in one's own car, the bus would become a more attractive proposition in rural as well as urban areas. The fact is that in current circumstances it is not. I hope that the Minister will be able to give us some reassurance that in future, in pursuit of the very noble cause of introducing or increasing bus travel, the Government will be prepared to introduce some powers to bring that happy situation about.

Baroness Randerson: My Lords, my general point is that reducing congestion is a win-win measure. First, it reduces your journey times, and we need that reduction in journey times because they are lengthening at an alarming rate. I will give noble Lords one or two examples of recent research.

Research by London Travelwatch shows there is an "alarming" decline in average bus speeds, which are down to nine miles per hour. That deters people from getting on buses, even in London, which we hold up as a wonderful example of success. In the rest of the country, the situation is also very severe. Greener Journeys research shows a decline in bus speeds in Manchester. Why? In the west of England, between 2012 and 2015, there was an 18% increase in the number of vehicles registered. You cannot have that level of increase in the number of vehicles on the roads without a serious congestion problem, and I make the obvious point that the west of England is not perhaps an area that we think of as congested.

Not only will you reduce your journey times if you deal with congestion, you will also increase bus reliability. Research by bus user groups shows strongly that bus users rate reliability very highly indeed. In other words, they probably do not mind that much whether a journey takes 25 minutes or half an hour, but they need to rely on it being half an hour and not 40 minutes. We need to encourage new users, and they want reliability. At the same time, reducing congestion obviously reduces air and noise pollution. I say to the Minister that you may not have very high levels of air pollution in the countryside, but it is still air pollution and it adds to global warming; it matters to us all. It is important that we do not dismiss air pollution issues in rural areas either.

It is entirely sensible to specify reduction in congestion as one aim of any scheme. It is important that we bear in mind that these things fit together like pieces of a jigsaw, and the Bill will not be a success unless those pieces fit together.

Lord Bradshaw: My Lords, since we are talking about the west of England, I should say that I met the person responsible for providing bus services in the city of Bristol, and a rather ridiculous situation has arisen there. The Bristol omnibus company, whatever it is called now, has introduced lots of new buses. It has been summoned by the traffic commissioner because its services are unreliable. Bristol City Council has agreed to appear on behalf of the bus company against the traffic commissioner, because it has concluded that it is impossible to run a reliable service. It puts

that down not only to congestion, but to the near free-for-all which has been allowed by the utilities to dig up the roads for roadworks. This is not because there is a gas leak or a burst water main, but because somebody needs their telephone connected. Perhaps the Minister would address the whole problem.

Lord Berkeley: My Lords, if the Minister does not accept the amendment to include the need to reduce congestion—bearing in mind what colleagues on these Benches have been saying—it may be that he wants to use it as an excuse not to do anything about congestion. I am sure that is not the case, but we would understand, because congestion in London, as we have heard, is so bad that the buses go slower and slower. The motorist will say this it is because there are too many buses; the bus passengers do not like it, because they could probably walk quicker. But what we really need are measures to allow buses to operate more on time, whether it is bus lanes, traffic lights that give them priority or many other measures that can be used. These all cost a little bit of money, but they are essential. It will be slightly odd if the Minister does not accept the amendment on the basis that it might cost local authorities money to provide the bus lanes that they should have provided anyway. This is terribly important; it applies to London, to other cities and to some places in the countryside. It is quite a serious problem and I think "congestion" needs to appear in this clause somewhere.

6.45 pm

Lord Kennedy of Southwark: My Lords, Amendment 7—again in the names of the noble Lord, Lord Bradshaw, and the noble Baroness, Lady Randerson—seeks to put on the face of the Bill another measure that may be specified in the scheme. This one is a requirement to contribute to reducing congestion on bus routes. With increasing bus use and bus service improvements, there will be a reduction in congestion on our roads, particularly in our towns and cities. As the noble Baroness, Lady Randerson, said, that is a win-win measure for us all. It is a welcome prospect for everyone. It means we can breathe cleaner air, there are fewer emissions released which harm our atmosphere, and journey times can be reduced. More people will use buses and car journeys can be reduced, with all the benefits to health; generally this is better for everyone.

The amendment, as I said, puts this aim on the face of the Bill. It is a very good idea; it is one of the proposals that should be specified in the scheme. As my noble friend Lord Berkeley said, I hope the Government can accept this, or at least agree to reflect on it, before we move to Report. It would be remiss if we could not get something like this on the face of the Bill.

As I have said in previous debates, we need to improve our bus services outside London and reverse the decline we have seen in recent years. One of the challenges of the Bill is to reverse that decline and, by improving bus services, we will have cleaner air. Reducing congestion is one of the ways we can have more people on buses and out of their cars.

Lord Ahmad of Wimbledon: My Lords, I thank all noble Lords who have contributed. The noble Lord, Lord Snape, talked in his opening remarks about how Ministers before and Ministers today might respond, in terms of what decisions to leave to local authorities, and that this was a matter for them. I did at one point think he had advance notice of part, if not all, of my speaking notes. But undoubtedly, one of the new powers under an advanced quality partnership regime is to allow local authorities to introduce a range of measures to improve bus services. The Bill does not define—

Lord Snape: Perhaps I can help the Minister. It was the Government who asked KPMG to provide insight into the local bus market in England, outside of London, last year. It reported, presumably to his boss, in January this year and I quote one line from what it said:

"Operators have invested in vehicles and service quality but overall performance is heavily dependent on levels of road congestion".

I presume the department paid a lot of money to KPMG; these reports do not come cheap. Surely he is not going to cast it aside; surely the Government are prepared to implement the recommendations laid down in a report that they themselves commissioned.

Lord Ahmad of Wimbledon: Those reports certainly advise decisions. No Government could claim that, with every report they have ever commissioned, chapter and verse is subsequently implemented. Perhaps the noble Lord could correct me, but I think I am on reasonably stable ground in saying what I have said.

I come back to the amendment. The Bill does not define what these measures are. For example, they could be measures that do not directly affect local bus services themselves, but instead make using buses more attractive. One way of using this power might be a measure to reduce the number of car parking spaces in the scheme area or to increase the cost of using them. While not directly improving bus services, this would make using cars less attractive and therefore encourage car drivers to use the bus instead. It could also have the knock-on effect of reducing congestion.

The current wording in the Bill leaves it to local authorities to decide the intention of the measures they include in the scheme. New Section 113E(2) requires only that they should, in some way, make buses better, either by improving their quality or by encouraging more passengers to use them. The amendment suggests that the "measures" introduced by a local authority must also reduce congestion on the bus routes included in the scheme. I say to all noble Lords that I sympathise with the objectives of the amendment but, on balance, it puts a restriction on the use of measures by a local authority. The general aim of the amendment is also already covered by new Section 113C(6)(b). This introduces a general requirement that advanced quality partnership schemes should, among other things, look to reduce congestion. It allows local authorities to decide how their schemes should meet this requirement, without it being imposed on particular elements of the scheme.

I have been listening very carefully to what noble Lords have said and there is one area that I will certainly take back. I am conscious that we will be revising existing guidance, which will also support the provisions on advanced quality partnerships in the Transport Act 2000, to take into account the AQP

[Lord Ahmad of Wimbledon]
scheme. I will certainly consider including within the guidance specific content to deal with traffic congestion and address air pollution. I hope that I have provided a degree of reassurance in that respect and that, with the explanation I have given, the noble Lord will feel minded to withdraw his amendment.

Lord Bradshaw: I think that local authorities would be greatly encouraged if they could have access to the power to deal with moving traffic offences. The benefit that was in the Transport Act but has not been implemented was that local authorities could self-finance the scheme. They could provide traffic wardens, or whoever might be used to enforce the scheme, and of course they could pay for them out of the fines—the money would not go to the Treasury. I see the noble Lord, Lord Whitty, shaking his head because I think that he introduced the legislation when he was responsible, but I do not hold him responsible for it never having been implemented. I urge the Minister to look at this very closely because it is probably one of the most important things that we have talked about today. I beg leave to withdraw the amendment.

Amendment 7 withdrawn.

Amendment 8

Moved by ***Baroness Randerson***

8: Clause 1, page 3, line 45, leave out second “may” and insert “must”

Baroness Randerson: My Lords, I am very pleased to speak to the amendments in my name and that of my noble friend Lady Bakewell.

Amendment 8 would change a “may” to a “must”. I can almost live with the “may”s scattered liberally throughout the Bill, but two “may”s in one sentence weakens the impact to the point where it is hardly worth having the sentence on the page. I draw noble Lords’ attention to line 45 on page 3 of the Bill, which reads:

“The standard of services which may be specified in a scheme may also include”.

I am simply seeking, in a very modest manner, to say that it “must also include”—that is, if you utilise the first “may” in the sentence, you “must” specify certain things.

This relates to the issues that local authorities should consider when entering into advanced quality partnerships. The list of factors to take into account is fine in itself. It includes providing information to the public and a specification on how bus fares should be paid. There is evidence from across the UK that advanced and smart ticketing encourages people to use public transport because it makes it so much easier. By getting rid of one of the “may”s, I would hope to encourage more use of advanced ticketing. It is vital that there is as much as possible in the Bill to encourage it. It is good for bus operators as well as bus users, because they gain a higher income. What really surprises me is that, despite evidence from across Britain that this type of ticketing creates a higher income for bus operators, some still resist it. Over 90% of buses on our roads have the machinery to accept these sorts of tickets, so I think it is reasonable to ask for them to be used.

Amendment 15 is another attempt to bring some specificity to the Bill. It lists the key factors that need to be at the heart of the standards of service.

However, I now want to spend a little time on Amendment 13A, which would introduce a requirement for advanced quality partnerships to specify a reduced concessionary fare scheme for young people. We on these Benches want the UK Government to fund it because we believe it is time to produce a standard concessionary fare scheme for young people. I realise that we probably cannot demand that at this stage in the Bill, but we believe that there should be an obligation on local authorities, working with bus operators, to provide some sort of scheme.

Noble Lords will know that we have raised this issue before. We believe that it is a simple matter of fairness and equality. Young people are more likely than the rest of us to depend on buses to get around. They need them to access education, employment and training, as well as to stay engaged in society. Rural areas present a specific problem for young people because the bus fares are so much higher. Older people in our society benefit greatly from not just reduced fares but free—

Lord Judd (Lab): I am very much with the noble Baroness, as she will understand, but at this point will she underline that the National Union of Students has emphasised how vital buses are to students, who are finding it increasingly difficult to cope on their limited incomes?

Baroness Randerson: I am very pleased to take the noble Lord’s point. The NUS has produced some excellent research findings. It has discovered that in many cases students are spending upwards of £20 a week, which on a student income is a considerable amount, just getting to college and back. My noble friend Lady Maddock made a point in a recent debate in the House about young people in rural areas. Buses travel for long distances through more than one local authority area, and young people at college studying the same course can pay very different amounts for their travel.

I was beginning to refer to the concession for older people. It has been hugely popular and hugely successful from a social perspective. There are all sorts of technical reasons in relation to reimbursement to bus operators, which I will not go into here, why there are problems with this concession being free. That is why our proposal is to reduce fares, rather than make them free, for young people.

7 pm

This is a case of taking the long view. This Bill is about building the bus industry up again for the future. If it works, it is about creating a thriving bus industry. You will not have this if you do not encourage young people to get on to buses, to use them whenever necessary and wherever they are going, and quite possibly to discourage them from buying that first car, which inevitably they can never really afford and which becomes a drain on the family’s purse and not just on that young person’s purse.

The most urgent point to make is that the law on this is out of date. As it stands, the law on the rights of young people and the obligations of local authorities to provide concessionary travel relates to the education system and stops at the age of 16. Nowadays, young people have to remain in education or training until they are 18. Many are still there until they are nearly 19 because of the month in which they were born. The purpose behind our amendment is to bring about a bit of fairness. We as a legislature have required them to go to college, to remain at school or to go into apprenticeships, and it is only fair that we as a society make it easier for them to travel to these places with placements on buses. We believe that young people in every area should benefit.

Lord Whitty (Lab): My Lords, I shall intervene briefly to underline one particular point. I agree that pretty much everything the noble Baroness, Lady Randerson, has said should be taken into account in the setting up of partnerships and in franchising.

There is one point that should be emphasised here and elsewhere in this Bill, and it relates to advanced ticketing and smart ticketing. The noble Lord, Lord Bradshaw, was kind enough to remind me just now, although I acknowledged it on Second Reading, that part of my work as a Minister years ago was never implemented. A big chunk of the failure to implement it is why we have this Bill now, and I congratulate the Government on putting it right. One part was successful, however. I was the Minister overseeing the invention and early implementation of the Oyster card. In 1999, I made the very first commercial use of the Oyster card at St James's Park station down the road.

The Oyster card has utterly transformed public transport in London. There are other factors, but it is at least part of the reason why we have seen such an enhancement of the use of the buses, and indeed the whole transport system, in London, compared with other parts of the country, both in the cities and in the countryside. It is so much easier to make complex journeys, or even a single journey, within other towns and across the countryside if you already have an advance card. As the noble Baroness said, most buses, even some relatively elderly buses on our rural roads, have the machinery to cope with this or can be adjusted to do so.

This ought to be one of the legacies of this Bill and be writ large across the whole of the bus system throughout the country, with some interaction with other forms of transport as well. It should be developed as rapidly as possible. It should be one of the major achievements of this Bill and of the Minister and his colleagues in the department.

Lord Berkeley: My Lords, one thing that my noble friend has forgotten is that these Oyster cards should possibly be called Whitty cards, rather like the bicycles that are called Boris bikes. I am sure he would not want to be related to Boris in that way, but they are a great success.

I am pleased to be able to tell your Lordships that the local authority in Cornwall is going to implement a similar thing. It is very long and based on customer focus, but I will summarise it. The big double-decker buses will have wi-fi and tables so that you can put your laptop on them. They are going to run very frequently on the main routes. Smaller buses will go into the smaller areas. They will link in with the railway timetable, and I think that the operators' ability to talk to each other will be unique. They are proposing a single ticket structure—one standard, one band. I hope my noble friend will appreciate this. It is going to happen within the next year or two.

This is a real example of a local authority taking an initiative. It sees that where you have several different operators, as there are at the moment, they never fit with the train timetable. They are going to. Nor do they fit with the ferries to the Isles of Scilly, but I am not going to go on about that now.

Amendment 54A in my name and some other amendments propose something on the quality of standards and on frequencies. We should probably also include interchange points, but we have not done so yet. Maybe we should also add something about a percentage of the population not having to walk further than X miles to a bus stop and an hourly or better bus service. There are what you might call faster services between the major centres of population—plus ones that you might say wiggle between villages and take a lot longer, although they do get there for people who do not have access to public transport. I believe that TfL has a bus services plan, involving the public transport accessibility level, which takes this into account, as does Transport for Greater Manchester.

Not all these things need to be in the Bill; the amendments here are perfectly adequate. However, they and the initiative that Cornwall County Council has shown would mean that neither partnerships nor franchises would provide a much better quality of service for all types of people who want to use it. The irony is that although it has been suggested that Cornwall will be able to have franchises in the same way as authorities with mayors—we will come on to that later—it is confident that all this will happen without the need for a franchise.

It is encouraging that the Government have produced a structure. I am sure that we can improve it, but at least it is there, and it should enable the volume of bus passenger traffic to go up, which is what we all want, with a much better quality of service. I commend what Cornwall is doing, but I hope that the Government will seriously consider adding something about the standards and the frequency of service, as well as the quality, and perhaps come back with their own suggestions on Report.

Lord Bradshaw: My Lords, perhaps I may add a point to what the noble Lord, Lord Whitty, said. Any move towards smart ticketing or reduced fares for young people is revenue-generative. It is not a dead-weight cost. In fact, some bus operators are voluntarily introducing reduced fares for young people and they are finding that they can be almost self-financing. Young people have a very high propensity to travel. They will travel at the weekends and in the evening, provided that the cost does not build up.

Baroness Jones of Whitchurch (Lab): My Lords, I am grateful to the noble Baroness for the amendments and for explaining their intent so clearly. As she said,

[Baroness Jones of Whitchurch]
Amendments 8, 17B and 54A would all help add clarity and certainty to the standards of provision to be expected from advanced quality partnership and franchise schemes and are therefore to be welcomed. The noble Baroness spoke about there being too many "may"s in one clause. They do rather render the clause ineffective, so we support the proposed changes.

Amendment 15 raises important issues about the elements of a quality bus service that we should expect following the introduction of the Bill, including controlling emissions levels and making travel easier through advanced ticketing schemes. Until I sat here today, I did not know about my noble friend Lord Whitty's great victory. I congratulate him; it is nice to have a legacy like that. In all the doom and gloom around us, at least he can lay claim to something that we have all appreciated. As we have heard from a number of noble Lords, such travel passes transform the way people use bus services and it is the way that we want to go.

We will explore these issues in more detail in later amendments, but we nevertheless support the amendments in this group. I look forward to hearing what the Minister has to say in response. We have got into a pattern of response from the Minister that is slightly disappointing. The first line of defence is, "Don't be too ambitious, because, if you are, you'll put the bus operators off and they will aim low if you expect too much of them". The second is, "Don't worry, we're going to put in statutory guidance". If those are the two responses we hear as we progress through the Bill, we will not get very far, because many of our amendments are about improving quality and people's expectations. I hope the Minister will meet us half way a little more often on some of these issues than has been the case so far.

We have great sympathy also for the case made by the noble Baroness for Amendment 13A. We all want to encourage more young people to be regular bus users and to make it affordable for them. We would like to take time to consider the cost implications—she acknowledged that there were issues in that regard, particularly for local authorities. If the measure is not fully costed for local authorities, what would be the knock-on effect? However, it is an important debate that we need to follow through. I was interested to hear from the Minister that a review of the concessionary fare scheme is taking place. Perhaps he could clarify whether young people's fares are included in it. I am not sure what the scope of the review is, but it is one place where we could have that wider and highly relevant debate.

Lord Ahmad of Wimbledon: My Lords, once again, I thank all noble Lords who have contributed to this debate. The noble Baroness, Lady Randerson, introduced the amendments by saying that she was finding living with "may"s a little challenging. I for one can say that it may be a good thing if we are living with "may", but time will tell.

There is an important distinction to be drawn between "may" and "must". The Bill sets out a range of standards of service that may be included in an advanced quality partnership scheme. However, it is for individual local authorities to decide what standards of service to introduce as part of such a scheme. The intent behind introducing an AQPS is to provide flexibility, because the standards introduced will depend entirely on the local bus market and the needs of existing and potential bus passengers in an area. Amendment 8 would remove this flexibility. Local authorities would be compelled always to impose all the standards of service specified under new Section 113E(5). This is not a desirable approach, as some of the standards may not be appropriate in all circumstances. For example, the provision of information about bus services to passengers may already be perfectly adequate in an area that is proposing to introduce such a scheme. The amendment would also require the imposition of maximum fares even if a local authority considered such a move unnecessary. It is also worth bearing in mind that some requirements, including maximum fares, can be included in the scheme only if there are no admissible objections from any relevant operators. This is provided for in new Section 113E(7). If there were a requirement for a scheme to include maximum fares, each operator in the area would hold an effective veto over the introduction of the whole scheme.

There is another reason to be cautious about the amendment. In a deregulated market, there is no obligation on bus operators to run services that they do not wish to run. Local bus operators may not be prepared or feel able to run on a commercial basis services that comply with those requirements and may simply choose to withdraw them. If accepted, the amendment therefore runs a serious risk of undermining or even removing the viability of many existing and future schemes.

7.15 pm

I do not believe that Amendments 15 or 17B, tabled by the noble Baroness, Lady Randerson, and the noble Lord, Lord Berkeley, respectively, would enhance the Bill. New Section 113E sets out what standards of service can be specified in an advanced quality partnership scheme. Requirements as to emission standards of vehicles and the frequency or timing of services are included in subsection (4). Requirements regarding ticketing are included at subsection (5)(b). If these standards are specified as a part of the scheme, they will have to be included in the notice.

New Section 113H also sets out the aspects of the scheme which must be specified when it is made. Requirements regarding the standards of services are included in subsection (2)(c) and requirements regarding registration restrictions are included in subsection (2)(d).

On Amendment 13A, tabled by the noble Baroness, Lady Randerson, she knows that I sympathise with its aims and I know that buses can act as a lifeline to many, particularly younger people, although I disagreed with her slightly when she said that the amendment would stop people wanting to invest in their first car. I think we were all there once; it was one of those exciting things that we all chose to do and it was infinitely more exciting than taking the local bus, even though it might get there more quickly and efficiently. I am aware that a range of existing offers across the country provide young people with discounted travel and we will look to ensure that good practice is shared. The noble Baroness spoke about how we might

share such good practice and I am open to suggestions as to how we can reflect it in some of the work that we are doing. I understand the importance to young people of affordable, accessible local transport. We will encourage the bus industry to improve its offers for this group. However, I would not want to tie the hands of local authorities looking to establish advanced partnership schemes, as a mandatory youth concession would of course bring with it significant costs for local authorities and bus operators.

The noble Lord, Lord Berkeley, proposed Amendment 54A, which would require a franchising authority to set out the minimum standards of service and minimum frequencies of services when they made their franchising scheme. I agree entirely that a franchising scheme should set out the frequency of bus services to be provided under it and hope that I can reassure the noble Lord that the Bill already addresses this issue. If an authority chooses to move to a model of franchising, the scheme will have to specify the local services intended to be provided under local service contracts. I would expect the specification to include the routes, frequencies and standards of services, and aspects such as livery and tickets available. I sympathise with the noble Lord's concerns relating to the need to set minimum standards of service and minimum frequencies when making the franchising scheme. We aim to address this further in the guidance that we develop to complement the Bill, as I agree that it will be important for service standards to form part of the franchising scheme.

The noble Baroness, Lady Jones, asked about the review of concessionary fares. The review is looking at the statutory reimbursement structure of the national scheme, but we have no intention of introducing new national concessions. She asked whether issues of young people would be looked at in the review. I shall take that question away and confirm whether it is the case. I hope this discussion has reassured noble Lords that I am sympathetic to their concerns and that they will agree not to press their amendments.

Baroness Randerson: My Lords, I urge the Minister to look again at the legislation relating to the entitlement of young people to concessionary fares. It is out of date and it ensures that they have concessions only to the age of 16. That is not fair and has not kept pace with the changing educational legislation. I urge him to speak to his colleagues in the Department for Education and discuss this with them, because it is an important issue of fairness.

I take issue with the noble Lord's response that bus passengers' needs vary from area to area. I understand that, of course—some areas have far more older people than others, and so on—but there are certain basic tenets, such as reliability, which local authorities, wherever they are in Britain, really should be looking at. I was disappointed in the noble Lord's answer, because I thought the point of advanced quality partnerships was to raise the level of service above the lowest common denominator. Unless we have more ambition in what we ask local authorities to consider, without forcing them down a particular path in the way they deliver on it, the Bill will not be as successful as it needs to be. I am happy to withdraw the amendment.

Amendment 8 withdrawn.

Amendment 9

Moved by ***Baroness Randerson***

9: Clause 1, page 4, line 10, at end insert—

"(e) requirements as to the standard and type of vehicles to be used, taking account of emission levels."

Baroness Randerson: At a time when the key spots in our towns and cities regularly breach EU limits on air pollution, I believe it is essential that the Bill reinforces the need to improve emission levels. Of course, some people in this country this week may be rejoicing at the idea that we will no longer have to worry about EU emission levels in a couple of years, but the fact that we have emission levels that we have to adhere to is a wonderful example of the advantages and huge benefits that being part of the EU has brought us. Whatever emission levels we choose to adopt in future years, bad and polluted air will still kill you. Therefore, it is important that we have stringent levels.

Many operators are doing an excellent job of reducing emission levels from buses. They are investing heavily in fleets which have very low, sometimes zero, emissions at the point when they are actually being driven. I have in recent weeks been on two electric buses and they were very impressive. However, this does not apply to all operators; some are lagging behind. The technology exists and it does not necessarily involve investing heavily in new buses. TfL has retrofitted buses with scrubbers in order to reduce emission levels—exhaust scrubbers have taken out many of the emissions from diesel vehicles.

I want to deal briefly with the other amendments in this group. I support the other amendments but I re-emphasise my point about retrofitting. The other amendments are very specific about new vehicles, but there is potential for dealing positively with older vehicles and I believe that the general tenor of the amendment in my name means that those operators which may have small fleets and less access to large amounts of capital could still manage to improve the quality of the emissions from their vehicles.

Lord Whitty: My Lords, I have two amendments in this group which go in broadly the same direction as that of the noble Baroness and were intended to apply to existing as well as new vehicles. It seems extraordinary to me that the Bill as first drafted does not contain a need to have regard to environmental standards—even through the word "may". Over recent months there has been increased attention to air quality in our cities and sometimes in our countryside as well; quite rightly, because the health effect and the environmental effect of air quality deterioration, plus the Volkswagen scandal, and so forth, have underlined the need to move more rapidly on all sources of air pollution, in particular in relation to vehicles.

I should declare that I am the current president of Environmental Protection UK, the successor organisation to the National Society for Clean Air; it was the leader of the successful lobby that led to the Clean Air Act 50 years ago this year, which seriously cleaned up visible forms of air pollution and, indeed, many invisible forms as well. We need now to finish the job and we have the technology, both in retrofit, as the noble

[LORD WHITTY]
Baroness has said, and in new standards. Buses may not be a huge component of air pollution but, per person and per trip, they are large contributors if they are not treated or the standards are not met.

I hope that the Minister will take away, if not the wording of any of these amendments, a need to write into the Bill, both in this section and the subsequent section on franchising which my second amendment deals with, that some of the requirements must relate to the environmental standards of the vehicles and the total environmental impact of the fleets of franchisees or contract holders. If it does not, it is a serious omission and a serious lack of joined-up government between the Department for Transport, DECC and Defra when we are trying to tackle both climate change and air pollution. Whatever final form of words we come up with before the Bill leaves this House, this ought to be reflected in both sections of the Bill.

Lord Berkeley: My Lords, I have my name to two of these amendments. I support what my noble friend has said. Let us remember that even in London, which probably has some of the newest and now cleanest buses in the country—even if they do not have any air conditioning, which does not seem to affect the emissions, luckily, but does affect the passengers—the then Mayor of London, who may even be our next Prime Minister, had to cover up the monitoring stations along Euston Road before the Olympics in order to keep the levels of pollution below those which had occurred in Beijing during its Olympics. With all the money that TfL had and has, it had to fiddle that. It was not a problem caused by buses but by other vehicles, but it was still a fact. It happens in many other cities and it is essential that some regulations or clauses such as those proposed by these amendments are included in the Bill.

Earl Attlee: My Lords, the noble Baroness, Lady Randerson, mentioned the EU component of emissions standards. As a good Eurosceptic, I point out that economically you can only do it as a European standard. You cannot have each European state having its own standards. It just will not stack up. To balance that, I also point out that one needs to consider the business case for very low-utilisation buses because there simply might not be a business case for doing it, even if you considered the damage to health.

7.30 pm

Baroness Jones of Whitchurch: My Lords, Amendments 12, 23 and 88 are in my name. I very much endorse the comments of the noble Baroness, Lady Randerson, and my noble friend Lord Whitty. I think we all accept that buses are part of the solution rather than the problem when it comes to tackling environmental pollution and climate change. More passenger journeys on public transport and less car usage will inevitably have a positive impact on CO_2 emissions. This is one reason we should be concerned by the overall drop in bus usage in metropolitan areas outside London.

Sadly, the truth is that outside the great success story of London, bus patronage is around 36% lower than it was on the eve of deregulation in 1986. At the same time, as my noble friend Lord Whitty has stressed, we are facing a growing crisis in air pollution in urban areas. The Government have already been shown to be in breach of the Clean Air Act and thousands of people are dying each year. This is a public health emergency, which the Government are failing to tackle with significant vigour. At the heart of the problem is the amount of diesel fumes being pumped out by cars, lorries and buses in urban streets.

Increasing bus usage is only part of the environmental solution. Equally importantly, we need to ensure that new buses on the roads meet the highest environmental standards. I take the point made by the noble Baroness that there is also a role for retrofitting. Our Amendments 12, 23 and 88 would require all new vehicles under franchising, advanced quality partnerships or enhanced partnerships to,

"meet the specifications of the low emission bus scheme as set out by the Office for Low Emission Vehicles",

in its 2015 document. These specifications are part of the government-backed scheme, with a £30 million grant available. They aim to increase the number of low and ultra-low-emission buses, improving air quality, reducing the impact of road transport on climate change, and supporting UK manufacturing. As such, these amendments gel perfectly with the policies being pursued elsewhere by the Government. I therefore very much hope that the Minister will recognise the sense of being consistent and will feel able to support these important amendments.

Lord Ahmad of Wimbledon: My Lords, I align myself with much of the sentiment that has been expressed. The noble Lord, Lord Whitty, said that we should be clear in the Bill about reducing emissions and I think that that is a general sentiment we can all share. He referred in a previous discussion to innovation and how we look at technologies and, indeed, the Oyster card. I am sure if it was called the Whitty card we would feel a lot happier travelling on public transport. Perhaps that is a thought for the London mayor to contemplate. He was talked about just now as the next Prime Minister. We are certainly going to have one Prime Minister before that, if not more, from the Conservative side. Let us bear that in mind as the factual reality we have to face.

Coming back to the Bus Services Bill, I understand the aims behind these amendments and I agree totally that buses have a huge part to play in solving some of the country's air quality problems and, indeed, combating global warming. I further agree that it would be beneficial to local people and our local environments if low-emission technologies were adopted more widely.

Starting with Amendments 9 and 11, the advanced quality partnership scheme allows the local authority to take a judgment on the vehicle specification that is most appropriate on individual corridors. These could be vehicles of no more than a certain age, a type of vehicle that best suits local road conditions or passenger needs, or vehicles that meet certain emissions standards. Provision for local authorities to continue fully to specify the type and standard of vehicle used under the advanced quality partnership scheme is already provided for in new Section 113E(4). This provision

would also allow the local authority to specify the emissions standards of the vehicles concerned.

It would not be legally possible for the scheme to set standards for vehicles that are not used on routes covered by the scheme. The environmental performance of vehicles, beyond mandatory requirements, in the deregulated bus market outside partnership or franchising scheme areas or low-emission zones is very much a matter for individual bus operators. In view of this, the amendments submitted by the noble Baroness, Lady Randerson, supported by the noble Lord, Lord Bradshaw, would simply duplicate this existing provision. I hope that with the explanation I have given she will feel able to withdraw and not move her amendments.

Amendments 12, 23 and 88, in the name of the noble Baroness, Lady Jones, would require advanced quality partnership schemes, franchising schemes and enhanced partnership schemes to prescribe the specifications of the low-emission bus scheme. I stress again that the Bill is about devolution—giving local areas a broader suite of tools to enable them to improve local services in a way that suits them. I am concerned that the amendment as drafted may unnecessarily tie the hands of authorities looking to implement franchising, advanced quality partnerships or enhanced partnerships, requiring them to specify higher standards for vehicles than in other parts of the country.

Of course, it is important to note that these higher standards will bring extra costs. In franchising in particular, the authority must, among other things, describe the effects that the proposed scheme is likely to produce and consider whether the scheme is affordable. Requiring a higher standard for vehicles may well bring extra cost to the authority, which may lead it to decide that the scheme is not viable. There would also be a cost implication for operators. Where those standards are necessary, the legislation already allows local authorities to bring them forward. Where they are not necessary, they could end up being provided instead of other benefits for passengers that may be more important to local passengers and politicians.

Amendment 36 would require franchising authorities, as part of their assessment of their proposed franchising scheme, to consider the effects of the proposed scheme on air quality and carbon emissions. I am very sympathetic to the aims of this amendment and hope I can reassure the noble Lord that the Bill as drafted will already require authorities to consider how their proposed franchising scheme will impact on air quality and carbon emissions.

Franchising authorities have to conduct a thorough assessment of their proposed scheme, and then consult. I agree entirely with the sentiment expressed by several noble Lords that air quality and carbon emissions should be two of the areas that are considered by authorities when they are conducting their assessments. I assure noble Lords that we are in the process of developing statutory guidance to complement the provisions in the Bill and to which franchising authorities must have regard, and we will be looking to use that guidance to provide further explanation of how franchising authorities should conduct their assessments of their proposed franchising scheme. That guidance will of course mention the need to assess the impact of the proposed scheme on the air quality of the local area and on the levels of carbon emissions.

There are many ways in which we can encourage authorities and bus operators to utilise lower-emission vehicles. Under the green bus fund, government funding has helped put more than 1,200 low-emission buses on our roads since 2009. Building on that success, the current £30 million low-emission bus scheme should deliver hundreds more such buses over the next three years.

I hope this discussion has persuaded noble Lords that I agree about the importance of encouraging the take-up of low-emission vehicles, but I think there are more effective ways to achieve these aims across the country. On the point that the noble Baroness, Lady Jones, made, I am happy to discuss with her how we could look at drafting amendments—perhaps not to look at things retrospectively but, as we have discussed in meetings outside the Chamber, for future vehicles—to ensure the kinds of standards she asks for. Perhaps we could take some time to discuss how we can move forward on that front. But with those explanations of where we are currently, I hope noble Lords will be minded to withdraw and not move their amendments. I hope my final comment may have at least brought a smile—which it has—to the noble Baroness's face that we are in listening mode. I agree with the sentiment expressed by many noble Lords that this is an opportunity. We have waited a long time to bring this forward. The legislation is now in front of us and it is up to us to improve it to provide the kinds of services we need around the country.

Baroness Randerson: I am pleased that the Minister is willing to review at least one of the amendments in this group. This is part of future-proofing this Bill. The technology on low-emission vehicles is moving on so fast that if such a requirement is not in the Bill, the Act as it will become will look anachronistic in four or five years' time. I remind noble Lords that we are seeking to put right problems caused by a transport Act from 1985. Such Acts last a long time and we have to make them fit for the future. I was disappointed that when I read the Bill through I could find only one reference to emissions levels. I might have missed one but I would not have missed many. They were hard to find. That is simply not good enough in 2016. We have to do all that we can to re-emphasise to the industry and to local authorities that we are talking about particularly the health of young children but also the health of the population as a whole. On this occasion I am prepared to withdraw the amendment.

Amendment 9 withdrawn.

House resumed. Committee to begin again not before 8.41 pm.

Zero-hours Contracts

Question for Short Debate

7.42 pm

Asked by ***Baroness Quin***

To ask Her Majesty's Government, in the light of the increased use of zero-hours employment contracts nationally and regionally, what assessment

[BARONESS QUIN]
they have made of the effects of such contracts on an individual's chances of gaining full-time salaried employment, and on specific sectors, both public and private, of the UK economy.

Baroness Quin (Lab): My Lords, I welcome the opportunity to raise the subject of zero-hours contracts this evening. I welcome, too, the fact that a short debate such as this has attracted an excellent list of speakers and I thank noble Lords, and my noble friends in particular, for putting their names down to speak. I look forward very much to their contributions on this subject.

I applied for this debate before the European referendum result was known. As a lifelong supporter of the European Union, I was utterly dismayed at the outcome. In terms of this debate, I know from my experience of the EU and the EEC before it, what a good record the EU has on employment rights. I am concerned that leaving the European Union will undermine rights at work for British people. We must do whatever we can to prevent that happening.

Whether inside or outside the European Union, we have a responsibility to see that being in employment and being willing to work rewards people and does not plunge them into insecurity and stress. Unfortunately, in many cases the increased use of zero-hours contracts in employment contributes greatly to insecurity and stress among some of the poorest-paid employees in a number of sectors of our economy.

The trigger for my tabling this Question for Short Debate was not, however, the statistics about the growth in zero-hours contracts, worrying though that is. Indeed, the statistics are somewhat unsatisfactory for a number of reasons. The trigger was the experience of a young friend of mine in the north-east of England who, for a number of years now, has struggled to find any employment other than that on zero-hours contracts. Nothing else has been offered to him. My friend even finds the name "zero-hours contracts" ironic since the employers with whom he has worked have never given him a proper contract and in no case has he ever been given, despite occasional encouraging words, any guarantee that a permanent contract might follow, even when a satisfactory probation period has been served. The stress he experienced from never knowing whether he was going to be working or not was enormous. Being subject to such variable and uncertain employment conditions meant that he could never plan ahead and, of course, he was never anywhere near getting on the housing ladder. Furthermore, because his benefits would be cut when he found employment but work was not always offered, he found that he then had to reapply for benefit—a process that takes time—and that the only way he could then survive was by taking out loans, which in turn, unsurprisingly, led to considerable indebtedness.

The exploitative behaviour by some employers using these contracts is simply unacceptable and has to be stopped. Similar concerns were expressed in a House of Commons debate last year by one of the Minister's honourable friends, Richard Bacon, the Member for South Norfolk. One of the people he met described how his son travelled to Norwich each day to work in a retail outlet. When he got there at 9 am he was told to go and sit in a store-room at the back. Later, if it got busy, he would be called out on to the shop floor, for which he would be paid. He would then be ordered back to the store-room to wait for his possible next period of work. I understand that that behaviour is illegal and I hope that it has been stopped but, none the less, this example was cited. The union USDAW has done a great deal of work in compiling deeply worrying examples of people who have been exploited in such ways.

I concede—I am probably anticipating the Minister's comments on this—that for certain people zero-hours contracts can work; for example, students who perhaps want to work for only a few hours each week and, if that work is not offered, have financial support to survive. Similarly, one or other parent in a supportive family framework might find such contracts work for them. They can give them the flexibility that they want as well as giving employers flexibility. However, for people wanting permanent work and who cannot rely on financial support from partners or families when no work is available, the situation is often dire.

I mentioned that the statistics on zero-hours contracts need to be improved and deepened. I shall expand briefly. In a written reply to me, the noble Baroness, Lady Neville-Rolfe, said that the Government had not made their own assessment of the proportion of people on zero-hours contracts who are seeking full-time guaranteed paid employment. She none the less quoted figures which suggested that 60% or so of those on such contracts were content and not looking for permanent employment. Aside that leaving up to 40% who are not content, the figures themselves come from limited surveys of employees under the Labour Force Survey or, again, limited research commissioned by the Office for National Statistics. There is little direct information from employers on how much use they are making of zero-hours contracts and in what circumstances they are used. It is vital for us to be able to get such information. I urge the Government to do their own studies and research so that a fuller picture is obtained across the country. I notice, from the excellent brief provided for us by the House of Lords Library, that the Work Foundation agrees with this in favouring,

"a more systematic approach which would get the best possible picture of the incidence and drivers of zero hours contracts from all currently available information sources".

The Government should also look at this issue in the different regions of the country. There is currently no accurate regional breakdown. Naturally, as a north-easterner, I am concerned that there seems to be a lot of use of zero-hours contracts in our region. Even before these contracts began to be used on this scale, our region was one in which low pay was all too prevalent. The Government should also look at particular sectors of the economy. Again the noble Baroness, Lady Neville-Rolfe, in answer to an Oral Question—and, I think, to a supplementary from the noble Lord, Lord Stoneham of Droxford, who is to speak later—said that she did not have a breakdown between public and private sectors regarding the use of these contracts. Does the Minister now have this information, and if not, are there plans to obtain it?

I would also like the Government to look at particular sectors. First, in the security industry, I know of examples where zero-hours contracts are given to people who very much want permanent employment, which never materialises. Secondly, and very importantly, there is the domiciliary care industry. The issue with the care industry is twofold: there is the exploitation of care workers on zero-hours contracts but also the effects of this on the client—the person being cared for—because of the lack of continuity of care. They are not able to get to know the carer and are subject to the stress, in a vulnerable situation, of coping with many different carers within a short period.

In the earlier debate in the House of Commons, the Minister was urged to set up a working group to look at these issues. Was this set up, and if not, what other initiative was taken? What protection is being given to whistleblowers who expose exploitation, and as also mentioned in the earlier debate, will there be a central and trustworthy contact point for whistleblowers, so that the information can be collected?

In this House, the noble Baroness, Lady Neville-Rolfe, said that the Government would bring in a route of redress against employers who ignore the ban on exclusivity. I fully concede that the Government took that important step, which I welcome, but has that route of redress now been established? I would also like the Government to consider urgently a requirement for employers to disclose how much use they make of zero-hours contracts and how long individuals who are seeking permanent employment end up on such contracts. As the contracts become more widespread and long-lasting, this is an entirely legitimate concern.

In looking forward to other contributions to this debate, I urge on the Government the importance both of investigating how much exploitation is taking place and of then taking action to stop it and prevent it recurring in the future.

7.52 pm

Lord Monks (Lab): My Lords, I thank my noble friend Lady Quin for bringing this issue of zero-hours contracts once again to the attention of the House. The increasing use of these contracts is rather symptomatic of some wider trends whereby employers tend to shift risk away from themselves and on to the shoulders of their workers. Other symptoms include the rise and rise of agency work and of self-employment, some of it bogus. In different fields, the flight from final salary pension schemes and the increased reliance on publicly and individually funded training schemes point in the same direction in terms of this transfer of risk. I am not speaking of all employers of course, but the better ones are being undermined by the worse ones in this area. More and more of our citizens are working under contracts which are too often, in the words of Thomas Hobbes, "nasty, brutish and short".

The even deeper truth is that labour is coming off second best in the battle with globalised capital. Our share—the workers' share—of national income has retreated, except of course for those at the very top of many of our big companies. There are profound consequences in all this. Topically, one of them was the revolt last Thursday against the status quo, including the EU, in some of the old industrial areas of this country. We saw and were reminded that whole towns have lost their raison d'être, as staple industries disappear to be replaced by jobs at lower rates on wobbly contracts. Migrants proved to be a convenient scapegoat for the dissatisfaction that has been bred because of these factors in these areas.

Globalisation is not working for as many people as it should. Big business, especially since 2008, has been rather bad political news, with stories about widespread tax evasion, excessive directors' pay, insecure contracts and broken pension promises. These have taken a heavy toll on the reputation of business and of our current model. We can point to statistics about how global markets stimulate growth and prosperity, but these are abstract to those on insecure, low-paid contracts and do not dissuade them from pouring into the polling booths with the nationalists and nostalgics of last Thursday, who turned out in force to register their dissatisfaction with the status quo.

I fear that those who voted that way have self-harmed, but many will tell you, "What the hell, I have nothing to lose". In 2008, politics bailed out business; now it must confront the excesses of our system. In addition to the national living wage and the apprenticeship levy, we need a nationwide effort to promote recruitment and training so that local labour gets a chance at the jobs that are available. We need the minimum rules on zero-hours contracts and casual working to which my noble friend Lady Quin pointed. But more than that, we need a better power balance in the workplace.

In the 1920s, Stanley Baldwin—an unlikely crusader—worried about the excesses of employer power and, as an answer to it, resolved to encourage nationwide collective bargaining. His action led to a national system of negotiations which commanded international admiration and which, along with progressive taxation and the welfare state, made our society fairer and more equal. A similar crusade is needed now, to tackle inequality and put the issue at the heart of our nation's future. Collective bargaining, information for workers, consultation with them and even representation in the boardrooms are all part of that. These can be key factors in bringing fairness and equality back to the centre of British life.

7.56 pm

Baroness Dean of Thornton-le-Fylde (Lab): My Lords, I, too, thank my noble friend Lady Quin for getting this short debate. Three years ago, the issue of zero-hours contracts scandalised many people who had no idea that such excesses were expected of very vulnerable people in no position to look after themselves better. After that, because the coalition Government came out and said they were conducting some survey and were going to move against them, people thought the issue had been solved. It has not, but has grown since then by at least a third: well over a million workers are now covered by them.

We could conduct this debate through the superficial observation that some people like zero-hours contracts—they do at certain times in their life, in certain circumstances—but the mass of people, predominantly women, have zero-hours contracts because they have

[BARONESS DEAN OF THORNTON-LE-FYLDE]
no other option. On the Order Paper today, three of the four Questions for the Government all deal, in one way or another, with topics related to deprivation. A whole raft of our population today is isolated and alienated from the mainstream of society, and it is no wonder that many of them voted last week in the way that they did.

This is an area which has to be dealt with. It boxes people in: if they are working for an employer who will not guarantee hours, they cannot arrange childcare—they cannot afford it—arrange to go and get training for a job or arrange to look for another job. It boxes them in and closes down any potential opportunity that they might have. As I say, that affects substantially women. Will the Minister address this issue and try to give us some indication of what the Government are doing to inspect and keep a check on the amount of zero-hours contracts and where they are operating? Are the changes that the coalition Government made being honoured and carried through?

The way our state benefits are structured means that often a worker has to decide whether they are going to take a zero-hours contract or remain on benefits. That is unfair, to them and to their family, and does not allow them as an individual to improve their status: they have no hope and no anticipation of life improving in the future.

Some employers say, "Well, actually, if you survey our zero-hours employees"—well, they are not employees, are they?—"that is, the zero-hours people that we use, when we want to, when we need to, you will find a lot of them are satisfied". In the words of the famous Mandy Rice-Davies statement, "Well they would, wouldn't they?". If I did not have a job and was dependent on an employer to give me whatever mean hours they could, do you think I would go out and complain? It might mean that, actually, the little bit of work that I get would soon go.

This is an important issue. It is very regrettable that, this evening, the only government spokesperson is in fact the Minister. There is no one else speaking on this issue other than the right reverend Prelate and Members on the Labour Benches. I hope that will be noted. I would welcome the Minister giving us what assurance he can as regards to steps that the Government will take on what, actually, is still a scandal in this country.

8 pm

The Lord Bishop of Derby: My Lords, I, too, thank the noble Baroness, Lady Quin, for introducing this important event. It does feel lonely over here, and I hope you will not think that I am the Opposition.

I have become interested in this issue in part because of my work on modern slavery. I name that, alongside this issue, because we are in a perfect storm that is making slavery and zero-hours contracts increasing phenomena in our society. We have heard about this perfect storm: this tightness in margins and the shifting of risk; the desire for flexibility; the fact that people are so mobile they do not develop a strong relationship with any employer anyway; and the fact that, as the noble Lord, Lord Monks, and the noble Baroness, Lady Dean, said, economic inequality is increasing so much that people are desperate for work. Then migration, and especially illegal migration, adds another degree of desperation. There is a market to be exploited, both through slavery and through the unscrupulous use of zero-hours contracts, although we know these do suit some people.

We are talking about extremely vulnerable people, and I want to ask two questions about how we reach out to those under the kind of pressures articulated by the noble Baroness, Lady Dean—people who do not have enough security to get a mortgage or pay rent, and whose whole lifestyle is therefore vulnerable. One area that I would like to invite the Minister to comment on is the relationship between the employer and those on zero-hour contracts in terms of the quality of care in the workplace. Many of my colleagues on the Benches opposite are great experts on the role of trade unions; in my own experience, from where I work in Derby, trade unions play an enormously creative part in helping people at work relate to the employment context and to the power of the employer, for good relationships. I think there is a question of how this traditional heritage can be made significant to help the most vulnerable people—to the person who was sent out to the back of the factory. What kind of care is there for that person, and what is the role of the unions as well as the employers?

Secondly, I would briefly ask the Minister to comment on the role of training institutions in trying to shift people on. I have done some research where I work: Derby College, our local college, had a scheme from 2012 to 2015 to help people who are unemployed to learn skills. It was based on European social funding, and was in partnership with employers such as our local hospital, East Midlands Airport and supermarkets. That scheme enabled a significant number of people to move on from zero-hours contract life into secure employment, by giving them skills and confidence and building relationships with employers. Out of 4,200 unemployed people who started under that scheme, 80% got accredited qualifications and 30% did progress into secure employment. That scheme finished in 2015, and they are still seeking further funding for a similar effort.

So, my two questions to the Minister are, first, about the quality of pastoral care in the workplace and the role and heritage of unions, working with employers, for these most vulnerable people and, secondly, about adequate funding for training institutions such as Derby College. Such institutions have a track record of relating to vulnerable people who are trapped, and trying to give them accredited skills, while also building relationships with employers, in order to put these people over the mark, away from zero-hours contracts and into proper employment.

8.04 pm

Lord Whitty (Lab): My Lords, my thanks to my noble friend Lady Quin for introducing this topic, and very adequately describing the misery that it can, and does, cause. She spoke of the north-east, but it is a nationwide problem. The other week, we saw before the Select Committee in the other place a major

entrepreneur in our area, who was trying to defend completely indefensible practices. The fact that he has also been responsible for the sad decline of a once-great football club adds to the pain, I think, that they must feel in that region.

In a sense, zero-hours contracts are a contradiction in terms. A contract of employment means that the employee provides the labour, and the employer provides the work, and there is a sum exchanged for that. If the employer has no responsibility for providing work, then there is no contract, there is no mutuality.

I want to put it in a rather wider context, like my noble friend Lord Monks, and relate it to some of the events of the past week. This is but one symptom of what is going on in the rough end of the labour market. It applies particularly in areas such as retail, catering and construction, and, of course, agriculture and food. The old form of labour is changing—of permanent contracts; of understanding between employer and employee, with some rights negotiated by trade unions, or if not, at least reflecting the level and structure of permanent employment. There are many areas of our economy where that no longer applies. Yes, for some individuals, flexibility is a good thing. But one person's flexibility is another person's exploitation, and in this area exploitation prevails. There is a continuum here: from what appear to be relatively respectable employers, offering sub-standard terms and conditions; through to zero-hours contracts; through to false self-employment; through to dubious agency provision; through to dodgy gangmasters; through to trafficking and the terrible conditions that we have seen in a number of cases up and down our country in recent years. That continuum, in the bottom quartile of the labour market, actually undermines everybody. People may not realise it, but everybody's terms and conditions are undermined because of what has happened at the bottom end of the market.

My noble friend Lady Quin rightly expressed concern that exit from the EU may reduce workers' rights. But it is also true that workers' rights have already been seriously reduced by the degree of undermining of traditional values and understandings within the Labour Party. Low pay and insecurity have been exaggerated and accelerated by these changed forms of employment. At one end—and I raise this as a delicate and difficult problem—this is also related to migration. Not the migration of highly skilled workers, but migrants who are occupied in unskilled jobs, often in gangmaster-type territory or the near equivalent. Those who remember, maybe themselves and certainly their parents, being employed in very different conditions, will have a tendency to blame this on the immigrants and on the way in which employers favour them, because they are prepared to work in those conditions, coming from countries where these traditional standards have not applied.

I have met Members of this House in the last two or three weeks who said—certainly three weeks ago—that they had never met anyone who would vote leave. Even since the referendum, people tell me they cannot understand it. For the section of the employment class that we are now talking about, it is pretty obvious why they voted to leave. Their standards have disappeared, nobody takes much notice of them, and unfortunately, they frequently blame the immigrants, and last week they blamed the EU.

This is a cancer on our society and it is undermining all of us. Some of us, our families and the people we normally socialise with enjoy good working conditions and do not understand or know that this is going on: the only aspect of this we know about is that we employ relatively cheap labour as our builders, nannies and cleaners. Out there, in many parts of the country, pride in work, enjoyment of work and reward from work are disappearing because those standards, those practices, the degree of representation by trade unions and legal standards have been seriously undermined. What we should be blaming is the lack of enforcement of standards across the board, not simply one form of contract, although it is itself deplorable.

8.10 pm

Lord Snape (Lab): My Lords, like other speakers, I am grateful to my noble friend Lady Quin for the opportunity to debate this matter, albeit with such a short time available to us. My experience of short-term contracts came around a year ago, when I was talking to a young man in the West Midlands who left school at 18, lived with his girlfriend in a flat and worked in the fast-food industry. I have never been a fan of the fast-food industry—neither its products nor its working practices—particularly after my daughter had some bad experiences working in that industry, but at least she was at university, so it was temporary; this young man was looking for permanent work. He never knew from one week to the next how many hours he was going to get. He never knew from one week to the next which shift he was on. He was told on a Sunday evening what his working hours would be for the following week. He was more than six foot tall, and they obviously felt he would be useful in the event of any trouble, so they regularly rostered him for afternoon and evening work. He was prepared to put up with that, despite the inconvenience.

This was at a McDonald's in Halesowen in the West Midlands, a franchise operation. The young man related to me how he would get to work at five o'clock in the afternoon, the time laid down, and be told by the franchisee, "It is pretty quiet. Go and sit in the kitchen for an hour". Of course, he sat in the kitchen for an hour without any pay. He then started work at six o'clock—if it was a quiet evening, it would be seven—and went home at nine o'clock, paid just for the three hours he worked. On a Saturday evening, when it was busy, he was expected to help to close the place at 11 o'clock and then—all credit to the fast-food industry for this: it is very keen on hygiene—spend an hour cleaning up the place ready for the following day, again without pay.

All of us in the House were 18 at some stage. Would we really want to be treated in the way that many of our young people are these days because of those contracts? Eighteen year-olds are not children. They can join the Army, they can fly aeroplanes, they can drive motor cars and they can get married, yet they are expected to work in the industry, if that is the right word for it, in this young man's case, for £5 an hour.

[LORD SNAPE]

When I was 18, I was a railway signalman. It was 1960, so I was paid a fraction under £10 a week. With overtime, I could possibly take home £14 or £15. In real terms, looking at the wages I was paid in 1960 compared to £5 an hour now, I earned three times as much as that young man.

Is it any wonder that our young people are disillusioned with life and politics and vote, if they vote at all, in the way outlined by my noble friends who have already spoken? The fact is that short-term contracts are a scandal and it is time that the Government did something to outlaw them.

8.13 pm

Baroness Warwick of Undercliffe (Lab): My Lords, I thank my noble friend for securing this debate and endorse everything that she and others said. I shall just add a few thoughts.

Zero-hours contracts are in many ways a sign of our times. Changes in technology, business and society change the way we work. Advances in the strength and speed of broadband, the development in cloud computing technology, the ever-greater involvement of women in the workplace and a greater culture of flexibility and independence are transforming the workplace even from two decades ago.

One fact starkly encapsulates this change. The ONS estimates that 4.6 million individuals are now self-employed, rising by roughly 80,000 every three months. The public sector now numbers only slightly more than 5.3 million, and that number is in decline. It seems likely that the self-employed sector will overtake the public in the near future. I do not think that our workplace culture, from our management to our benefits system and our law, is anywhere near ready to deal with these seismic changes.

The legal and contractual way we manage the way we work needs to change. That includes the structures that govern the use and prevent the abuse of zero-hours contracts. As this debate has shown, such contracts are increasingly the reality of life for many people. The ONS says that they form 2.5% of our workforce, a deceptively small percentage masking the 800,000 individuals who earn their income this way. These figures are increasing rapidly: by more than 100,000 on the previous year.

As others have said, for some there are clear advantages of working this way. As my noble friend Lady Quin pointed out, students value the lack of set hours every week and the possibility of some control over when and how much they work. The growing band of the self-employed may equally rely on such flexible working to supplement their income as they seek to get a business or service off the ground.

However, acceptance of their basic utility cannot be a blanket endorsement for their free use. Most of us have come to this debate with examples of abuse in our minds, some of them shocking. It is worth repeating the malpractices in the Sports Direct business addressed in another place. A young woman had her hours cut for visiting her GP for a serious health complaint. The same punishment was meted out to multiple other staff for visiting grievously ill or dying relatives. There is a culture of fear that penalises illness.

Amazon has been accused of draconian practices in its warehouses, including GPS tracking its staff, timing their toilet breaks and imposing disciplinary action for any lost time, regardless of personal circumstances.

We would be wrong to think that these contracts are kept within the manual and service sectors. As I speak, a debate and action among many lecturers and teaching staff across Britain's universities is taking place, with strike action called in many of them over exactly this issue. Other highly skilled professionals, such as radiographers and phlebotomists, are affected. If such staff—many with thousands of pounds of debt to pay for their high level of education—are unable to find secure and fair work once qualified, they may leave their profession, with damaging repercussions for their sector and, by extension, the country.

A job contract should be a relationship of dignity, the promise that one's time and effort will be truly valued and fairly sold. As this debate has shown, too many zero-hours contracts threaten that dignity, destabilising the balance of power between employer and employee and allowing the whims of the business to force uncertainty of income and occupation.

The Government have taken some good steps, but I urge the Minister to tell us this evening that more is being done. Such contracts have a place, but I join my noble friend in urging that we regulate to minimise abuse and maximise value so that they provide the best opportunity for employer, employee and the country at large.

8.17 pm

Lord Stoneham of Droxford (LD): My Lords, I start by registering my interest as chair of Housing & Care 21, which is an employer of domiciliary care staff.

I join the congratulations to the noble Baroness, Lady Quin, on arranging this very timely debate after the referendum vote last week—which, if we did not know it already, really shows how divided our society is. I am sorry that I must disappoint the noble Baroness, Lady Dean, who included me among the Labour Benches in her speech. I certainly sign up to the progressive alliance, but this week, I think she will forgive me for not making a further choice.

As the noble Lord, Lord Whitty, said, zero-hour contracts have become a symbol and sign of past certainties and securities breaking down under the pressures of globalisation and technology. We need to recognise the concerns they give rise to in our workplaces. I would not argue that all casual work—or all zero-hour contracts—is wrong. In some occupations—say, hospitality—where patterns of customer demand come in peaks, it is inevitable and indeed welcomed, especially by students getting through their education and retired people trying to keep active and top up their pensions.

However, zero-hour contracts have become much more pervasive and have sometimes become a deliberate tool exploited by employers to lower costs, regardless

of human consequences. There is evidence that in non-union workplaces employees can be intimidated by an intolerable culture to accept completely unacceptable conditions due to their vulnerability and insecurity. Those should be challenged in such circumstances.

Sadly, in a world without the presence of trade unions in so many sectors, there is little restraint on bad employers, except where legislation prevents it or media publicity exposes it. I therefore believe that the Government should go much further with legislation and there are three points I would urge them to look at. The Low Pay Commission should monitor not just minimum pay rates but all contributory aspects of the problem of low incomes from work, which include the increasing use of zero-hours contracts. The noble Baroness, Lady Quin, was quite right in saying that the statistics on this are completely unacceptably unavailable, particularly the breakdown between the private and public sectors. Secondly, the right of all employees to have a statement of employment particulars should be extended to all workers as well. Thirdly, as the labour market continues to strengthen, the Government should consider the right of employees to a right to a fixed-hours contract after 12 months of employment, provided their weekly pattern of hours is relatively consistent. When will the Government, if they remain committed to their one-nation pretensions, act on looking at introducing these reasonable proposals?

I will end with two points. The Government have a direct interest in and responsibility for zero-hours contracts. We do not know quite the extent of that but they certainly have, as the noble Baroness, Lady Quin, said, a commitment in the domiciliary care sector. These zero-hours contracts are pervasive in this sector and the Government need to initiate an inquiry on the threat to care quality from these contracts, which are cut to the bone, are time and task-orientated rather than the result of outcomes-based commissioning, and where high staff turnover compromises a quality service.

My final point is that a move outside the EU and the single marketplace will expose our economy even more to the global economy, and require further cost reduction to compete against the tariffs and other trade restrictions that will be in place outside, and without any of the protection provided within the EU. It will simply worsen the lot of the less skilled exposed to the zero-hours economy, so many of whom undoubtedly voted for Brexit out of sheer alienation with their lot.

8.22 pm

Lord Stevenson of Balmacara (Lab): My Lords, I congratulate my noble friend Lady Quin on securing this debate. Hers was the first of a series of very powerful speeches, many of which drew on real-life experience. As a result of this short debate, we have generated a series of rather trenchant questions about government policy in this area, which I hope the Minister will be able to respond to in full.

The labour market context, according to a recent report from Citizens Advice, is that 4.5 million people in England and Wales are in some form of insecure work, just over 2.3 million people work in variable shift patterns and 1.1 million work on temporary contracts. I think we are now beginning to get a fix on what the numbers are in the area of zero-hours contracts, because the recent ONS report picks up 801,000 people working on zero-hours contracts, up from a figure which it derived from surveys in 2014 of 697,000. So it is a significant and rising proportion of our workforce.

In a recent report commissioned by the Labour Party from Norman Pickavance, the majority of employers were reported as not using zero-hours contracts, in most cases because they did not believe that they provided the right approach to flexibility or workforce management, something which I think we need to take hold of. It is of course the case that, as has already been said, when used appropriately, zero-hours contracts can aid short-term flexibility for some employers and employees, and provide increased choice for individual workers. However, zero-hours contracts are often used as crude cost-reduction tools and the lack of rules and safeguards governing their appropriate use leaves huge scope for abuse.

It is interesting to look at the distribution across the sectors of the economy. Zero-hours contracts are very significantly used in accommodation and food services, possibly because of supply chain pressures, and also in health and social work activities, where perhaps low pay is the driving issue. It is also important to recognise, as I think has been mentioned by others in this debate, that women are proportionately much more represented, with 53% of working women on zero-hours contracts, compared with 47% on non-zero-hours contracts. Of course, as has again been said, it affects younger people. Some 38% of people on zero-hours contracts are aged 16 to 24, compared with 12% in the rest of the employment sectors.

As my noble friend Lord Monks said, there is evidence that organisations use zero-hours contracts as a way of managing their entire workforce in place of good performance management systems, and that must be wrong. As my noble friend Lady Dean said—echoed, I think, by my noble friend Lady Warwick—zero-hours contracts create significant financial insecurity for employees, uncertainty around entitlement to benefits and the new, automatic enrolment system for workplace contributions, and generate higher workplace stress. They also lead to higher pressures for personal debt, as we have heard.

Zero-hours are disproportionately associated with low-value business models and low investment in training. That hampers social mobility, as people in those arrangements often struggle to find opportunities to progress to better paid and more secure work. The right reverend Prelate was right to warn us about the dangers that might arise from modern slavery considerations. Whatever tag we use, these contracts are not compatible with the goal to build a high-skills, high-wage economy, which I am sure we all wish to see.

My noble friend Lord Whitty called all these variations on zero-hours contracts a cancer on our society. They certainly need to be properly regulated, and I would be interested to know whether the Minister agrees with the suggestion made by my noble friend Lord Monks that it is time for a crusade to tackle inequality in the employment sector, starting perhaps with the exploitative use of zero-hours contracts.

8.26 pm

The Earl of Courtown (Con): My Lords, I join other noble Lords in thanking the noble Baroness, Lady Quin, for raising this important subject. Noble Lords need only look at the breadth of experience on the Benches opposite on this subject to know that a lesson on employment has been received and inwardly digested by myself. I should make a declaration. The noble Lord, Lord Monks, referred to wobbly contracts; I started off at one stage of my life on a wobbly contract out of need, and I ended up jointly running a successful SME which employed 25 people.

The right reverend Prelate mentioned the pastoral care available to people in these situations. I assure him that SMEs, to get the most out of their employees, need to give proper pastoral care.

It is unfortunate that zero-hours contracts have recently been demonised due to the wholly inappropriate practices of a minority of employers. Let me be clear—the Government condemn exploitative behaviour by irresponsible employers. Zero-hours contracts, when used appropriately, as the majority of employers do, fit positively within the UK's strong and flexible labour market, and the opportunities that they provide. That was acknowledged by many noble Lords. The UK's labour market is one of the most flexible in the world, and it is this flexibility that allows individuals and business to vary working arrangements to weather changing demand that has helped the UK to exit the recession with high levels of employment.

I want to be clear that it is not just business that benefits from this flexibility. Zero-hours contracts are one example among a whole range of flexible employment contracts which make it easier for workers who cannot or do not want to commit to standard, full-time employment. The most recent ONS Labour Force Survey showed that around 63% of those on zero-hours contracts in their main job were not looking for more hours. That does not mean that the 37% should be forgotten. We should not simply assume that the remaining 37% of those surveyed wanted a full-time regular job instead of a zero-hours contract. They may be considering taking a second zero-hours contract job, or simply a few more hours in their current job. In any case, we know that, on average, individuals on a zero-hours contract work 26 hours a week. To further demonstrate that not everyone on a zero-hours contract wants a full-time job, we have only to look at the recent example of a fast food retail chain. It responded to criticism about its use of zero-hours contracts and offered all staff the option of a fixed-hours contract. The result was that 80% of workers elected to stay on zero-hours contracts. In any case, if there are those on a zero-hours contract who wish to seek full-time work, there has been nothing to prevent them from doing so since this Government implemented the ban on exclusivity clauses in 2015. My own experiences in this business showed that people do go on to get full-time contracts. The ban on exclusivity means that nobody on a zero-hours contract can be prevented from seeking work elsewhere, whether it is a full-time job or another flexible arrangement that they may wish to pursue.

We should also bear in mind the acknowledged point that someone is more likely to be successful in their pursuit of a job if they are already in some form of employment or activity. In fact, for many people, the skills obtained by working on a zero-hours contract can improve their employability in later life. For instance, many students and young people benefit from this type of casual work as it shows future employers that they have work experience and commitment, and have developed valuable soft skills to secure a job. A CBI survey confirms this view and reports that nearly two-thirds of respondents believe that flexible employment contracts, including zero-hours contracts, are an important stepping stone into work for groups most vulnerable to periods of unemployment, including young people and the long-term unemployed.

The noble Baroness, Lady Quin, referred to a breakdown of zero-hours contracts by region. According to the ONS, around 2.5% of those in employment in the United Kingdom were on zero-hours contracts. That figure rises to 3.8% in the north-west, 3.6% in the south-west and 3.4% in Wales. In part, the higher rate of use of zero-hours contracts in these regions can be attributed to the hospitality sector. In London, Scotland and the east of England, only 2.2% of those in employment were on zero-hours contracts in their main job.

A number of noble Lords referred to zero-hours contracts by sector. The latest ONS data show that the main sectors that use zero-hours contracts cut across both the public and private sectors. Of all workers on zero-hours contracts in their main job in 2015, around 24% worked in the accommodation and food industry and around 22% worked in health and social work. This means that around 12% of those employed in accommodation and food and around 4% of those in health and social work were on zero-hours contracts. These are both sectors where there can be fluctuating demand for services—whether this be seasonal or patient care. A number of noble Lords also asked about the division between the private and public sectors. I do not believe that I have a breakdown of those figures, but if they are available I will write to noble Lords.

The noble Baroness, Lady Quin, and the noble Lord, Lord Monks, raised the issue of exploitation and in particular the Government's response to it. It is vital for the UK economy and the wider UK labour market to tackle this labour exploitation. Other businesses struggle to compete against rogue employers, distorting competition and reducing levels of employment over the long term. The Immigration Act 2016 creates a new Director of Labour Market Enforcement, who will be responsible for overseeing and setting priorities for the Employment Agency Standards Inspectorate, national minimum wage enforcement and the Gangmasters Licensing Authority, bringing better co-ordination.

The right reverend Prelate and the noble Lord, Lord Whitty, mentioned rogue employers and their duty of care to their workers. It is vital for the UK economy and the wider labour market to tackle this labour exploitation—I already went into detail on that in my previous point.

Most noble Lords, including the noble Baroness, Lady Warwick of Undercliffe, asked about government action, and the noble Lord, Lord Whitty, in particular,

referred to rogue gangmasters. To enable enforcement to be effective, we are creating a new intelligence hub, to enable enforcement to be targeted at certain areas or sectors and to ensure our enforcement strategy is evidence-based, and a new regime of labour market enforcement undertakings and orders, backed up by a criminal offence and custodial sentence, to allow us to tackle repeat labour market offenders and rogue businesses. We are also, as I mentioned earlier, reforming the Gangmasters Licensing Authority into the Gangmasters and Labour Abuse Authority, which will have the ability to tackle labour exploitation.

A number of noble Lords mentioned the ONS Labour Force Survey, which estimates that 801,000 people report a zero-hours contract as their primary job. A separate ONS labour survey estimates that there were 1.7 million individual zero-hours contracts in November 2015. What this shows is what was said by a number of noble Lords—we need to look further into these figures being produced, as there seems to be a gap and look at whether people are individually taking a number of zero-hours contract jobs. I concur with much of what was said on that issue.

People working on zero-hours contracts account, as I said, for about 2.5% of the workforce. The noble Lord, Lord Snape, raised the issue of people being on call at their place of work and going unpaid. Employers should comply with the national minimum wage and the national living wage; employers who do not will face the consequences of a higher penalty and will be named and shamed as part of the Government's naming and shaming scheme. The Government are committed to increasing compliance with the national minimum wage legislation and effective enforcement of it.

The noble Baroness, Lady Warwick of Undercliffe, mentioned the increase in the number of zero-hours contracts. While the most recent ONS data show an increase in the number of people on zero-hours contracts compared with previous surveys, this does not necessarily mean that there has been a significant increase in their usage. However, if there are any more details on that issue, I will write to the noble Baroness.

All noble Lords raised the issue that working under a zero-hours contract is insecure, precarious, low-value, low-paid and part-time. The most recent figures show that full-time work makes up around 75% of the net growth in employment since 2010. The noble Lord, Lord Stoneham, and the noble Baroness, Lady Dean, said that those on zero-hours contracts did not have a right to ask for more hours. The Government have taken on board the concerns raised around this issue during debates on zero-hours contracts and have addressed it with guidance published on the GOV.UK website. Employers need to understand when it is appropriate to use a zero-hours contract and what other employment contracts are more suited to regular work.

I am getting close to the end of my speech but there are probably some issues that I have not yet—

Baroness Quin: Those of us who have taken part in the debate would be grateful if the Minister would look at all the questions raised and answer any outstanding ones by copying in all those who have spoken and giving them the information.

The Earl of Courtown: The noble Baroness is right. I know that there are some questions that I have not referred to. I will write to her on any issues that have not been covered in my speech and ensure that copies are sent to all other Peers who have taken part.

I want to reassure noble Lords that this Government have recognised that there has been an inappropriate use of zero-hours contracts and that is why the Government took action on exploitative zero-hours contracts. Both government and independent research found that exclusivity clauses were the key issue and were wholly unfair. That is why the Government banned the use of exclusivity clauses in zero-hours contracts in 2015 and further strengthened that ban in January this year by creating a route of redress for individuals via an employment tribunal. We have not been complacent since and continue to monitor zero-hours contracts but have so far not seen any evidence of avoidance of this ban. However, I can assure noble Lords that back in the department we will take careful note of what has been said.

When used appropriately, as by the majority of employers, zero-hours contracts play a valuable role in the labour market for those who cannot do or do not want a standard full-time job. When used appropriately, these flexible forms of employment make it easier for individuals such as mothers returning to work, and enable higher participation rates among groups that might otherwise be excluded from the labour market. Finally, we should remember that many people choose to work in this way. These contracts provide choice and the ability to combine work and other commitments.

Bus Services Bill [HL]

Committee (1st Day) (Continued)

8.41 pm

Amendment 10

Moved by ***Lord Bradshaw***

10: Clause 1, page 4, line 10, at end insert —

"(e) requirements about providing drivers with continuous training."

Lord Bradshaw (LD): This amendment applies both to people employed on buses and to the vehicles. We can return to the issue of the vehicles when we discuss the duties of traffic commissioners.

At Second Reading, a number of disabled Members spoke passionately about the Bill. One of the things they said was that it was so important that bus drivers got out of the bus, took down the ramp, put it back and helped disabled people to their places. It occurred to me that most operators give only a one-off spell of disability awareness training to their drivers at some stage after they commence employment. Nothing in the law states that such training has to be given or that it has to be repeated so that drivers know what they are doing.

The bus industry is characterised by a lot of people who do not work for very long. It is an extraordinarily unsociable job involving coping with bad-tempered drivers of other vehicles and bad-tempered passengers who often abuse the bus drivers. It is not a job that

[LORD BRADSHAW]

people want but they must be adequately trained. The purpose of the amendment is to make it clear, whether we are talking about franchises or advanced quality partnerships, that some provision is made for disabled people to be properly helped on to and off a bus, and to manipulate their wheelchairs, sometimes buggies, into place. I know that a court case about who should have priority between wheelchairs and buggy users is pending, but the driver needs to know what he has to do. This ought to be spelled out in the Bill. I beg to move.

Lord Judd (Lab): My Lords, I shall add a brief word of support for the intention behind the amendment. Within the realm of disability and meeting the challenge of disability, it is not just a matter of clearing our conscience by having something on the statute book but of making sure that what is on the statute book is delivered. Delivery is the issue. It is quite wrong not to have continuing training and a monitoring programme to ensure that the training is being followed. I am sure the noble Lord would agree with me that the overriding challenge for us all in this society, bus drivers included, is the cultural attitude that understands issues of disability and wants to respond in a humane and decent way.

8.45 pm

Baroness Randerson (LD): My view is that bus drivers are greatly undervalued. They do a hugely complex job. They do not just have to drive the bus safely; they also have to manage the passengers, not all of whom are easy people to deal with. Training and refresher training for drivers is essential. It is very important in dealing with disability and with customers as a whole. At the moment, bus drivers undertaking training do not have to achieve anything. They have to attend, but they do not gain a qualification as a result of achieving a set standard. It is time that we empowered bus drivers, if I can put it that way, with further information, knowledge and skills by making sure that they get regular training of sufficient standard and quality that it enables them to do their difficult job better. They deserve to have the very best possible skills and training to do their job. I support my noble friend's amendment.

Lord Kennedy of Southwark (Lab): My Lords, this amendment in the name of the noble Lord, Lord Bradshaw, seeks to put in the Bill a provision to provide drivers with continuous training in the standard of service that may be specified in an advanced quality partnership scheme. The noble Lord, Lord Bradshaw, set out very clearly the reasons why this amendment is necessary and welcome, and I agree with the points which the noble Lord and other noble Lords have made.

Anyone in a professional job, particularly one in which there is responsibility for people's safety, should be given continuous training to ensure that they are delivering their job to the required standard, are aware of particular issues, problems, ideas and practice that have come into play and know how to resolve disputes and issues in a proper manner when they are doing their job. I agree that being a bus driver is not only a responsible job but a very difficult one. I have seen it myself. You get on to the bus and you see the way some people abuse bus drivers. It is dreadful. I come from a family of cab drivers. All my family, other than me, have driven black taxis in London, so I know the problem of dealing with people. Bus driving is a very difficult job, and bus drivers deserve our support.

The amendment could apply to all sorts of things, not only to professional driving standards but to how to deal with difficult and abusive people and how to deal with the prams and wheelchairs issue. As the noble Lord, Lord Bradshaw, said, there is a court case pending. It is a very difficult and sensitive issue. How do you deal with disability issues in general, people travelling home late at night sometimes a bit the worse for wear, young people with no money and other issues? If there are no procedures or training, problems can often occur that can damage the reputation of the company and cause problems for individuals in positions where they are responsible for public safety. All sorts of things come into play. It is important that we have proper professional training for our bus drivers.

This amendment raises a number of important issues, and I hope the Minister will give a full response. If he cannot accept the amendment today, I hope he will agree that this is an important issue that should be looked at and reflected upon. It raises an important issue that we should be sure we deal with properly.

The Parliamentary Under-Secretary of State, Department for Transport and Home Office (Lord Ahmad of Wimbledon) (Con): My Lords, I once again thank all noble Lords for their participation in this short debate, although I am mindful that the next time I get into a black cab having just finished a debate with the noble Lord, Lord Kennedy, I will be glowing in the remarks I make.

We will, of course, return to the issue of accessibility, which the noble Lord also touched on, at a later stage in our proceedings. I have met various noble Lords on this issue, and I assure the noble Lord, and all noble Lords participating in the debate, that the Government take it very seriously.

One of the new powers under an advanced quality partnership regime allows local authorities to specify the standards of service that operators must meet in order to run local bus services on routes covered by the scheme. These standards are set out in new Section 113E(4) and (5) of the Transport Act 2000, as set out in Clause 1 of the Bill. The amendment proposed by the noble Lord would add to this list of standards of service.

Amendment 10 would allow a local authority to specify the training regime for bus drivers on local services on the routes included in the scheme. Driver training is in two parts. The first is the mandatory training that all bus drivers must undertake in order to hold and retain the appropriate licence to drive buses. The noble Baroness, Lady Randerson, talked about achievement, but I think many bus drivers would say that they do achieve a particular standard. These mandatory training requirements are set out elsewhere in legislation.

The second area, which noble Lords also mentioned in various contributions, is customer training. Such training is generally a matter for the employer. In this

case, the driver is often the sole customer face of the bus company, and how they deal with passengers can have a big impact on how that bus service, and the bus operator more generally, is perceived. Noble Lords have referred to dealing with those with disabilities, and dealing with wheelchairs and pushchairs. Of course, as has been mentioned, there is a court case pending on that subject—so noble Lords will appreciate that there is little I can say at this time. How bus drivers are perceived, in terms of the service customers get from the driver, is often how the operator is also then perceived. Good customer training ultimately benefits the bus operators, and by providing a better service they increase the number of passengers.

In presenting this amendment, the noble Lord may also have had disability awareness training in mind. The mandatory disability awareness training provisions of EU Regulation 181/2011, due to come into force in 2018, would have required all bus drivers to undergo disability awareness training. But I am mindful of the situation that we now find ourselves in. Let me assure noble Lords that we are considering how to take forward the issue of such training in the longer term in the light of the referendum result. This important issue cannot be considered piecemeal, so the Bill is perhaps not the appropriate place to start that process. As I have already said, we are looking into how we can ensure that those mandatory requirements are met.

However, in practice, as noble Lords will know, most bus drivers already undertake this training as part of their certificate of professional competence, for which they must complete 35 hours of training in every five-year period. This is another obligation under a European law which we will need to consider over the coming months. We are also developing guidance on disability awareness training to provide consistency across the industry.

In view of this, I believe that, other than with the mandatory requirements, it should be for the bus company, as the employer, to decide what further training is most appropriate, taking into account the type of service, where it runs, and the range of passengers using the service. I hope that with that explanation, and with the assurance that we are looking at certain requirements in the light of the result of the referendum vote last week, the noble Lord will feel minded to withdraw his amendment.

Lord Bradshaw: I am minded to withdraw the amendment, but I would like to see something being done. Noble Lords will remember the very strong representations we heard on Second Reading, and I am sorry that no disabled Members are here to press this now, as it is a very serious issue for many people. But I am happy to withdraw the amendment.

Amendment 10 withdrawn.

Amendments 11 and 12 not moved.

Amendment 13

Moved by ***The Earl of Listowel***

13: Clause 1, page 4, line 22, at end insert—

"(10) ach advanced quality partnership scheme must specify as a standard of service that free bus travel must be provided for homeless families placed outside of their local authority area."

The Earl of Listowel (CB): My Lords, I will also speak to my Amendments 24 and 89 in this group.

The purpose of these amendments is to seek help and advice from the Government and your Lordships on how the Bill might be used to ease the plight of homeless families placed outside their local authority. At the end of 2015, one in four homeless households in England and one in three homeless households in London lived in temporary accommodation in another local authority area. The benefit of these kinds of amendments to these families is clear. Many families moved to a neighbouring borough or somewhere else within travelling distance of their home area could use this free travel to maintain links with their crucial support networks: services such as GPs or a civic centre; employment support from their council, and employment in some circumstances; travel to school—either doing the school run for young children or, less frequently, visiting for parents' evenings and meetings with teachers; and, importantly, visiting friends and family, who may also be a source of childcare.

Over several years I have spoken with homeless families, and I have been struck by how fragile and vulnerable they are, particularly when they are isolated. We all become vulnerable when we are isolated. Perhaps we can particularly appreciate the experience of homeless families at the present time. We all feel uncertain about the future—our future within the European Union and within this country, and the future of our Government—so this feeling is familiar to us all. In some senses we are all homeless at the moment. I am therefore concerned that we do all we can to mitigate the situation of these families.

Over 100,000 children in England currently live in temporary accommodation—the highest level since 2006—so an increasing number of young children are living in such situations. For instance, I am in contact with a mother who was moved out of her local authority to another authority in London and shares one room with her 15 year-old daughter and one year-old granddaughter. Obviously, living with a teenage daughter is challenging. She is somewhere far away from her church, which is important to her, and from the community that she knows, having lived for many years in another authority.

I have a couple of questions for the Minister. Will he take away this issue and see whether the Government can do something to help in this area? I recognise that the offer would perhaps need to be made locally and left up to local decision-making, and that perhaps, given the current financial climate, there would need to be a clear cap on how much money could be spent across the country in this regard.

I would also appreciate the Minister's looking at the issue of homeless families and the action taken by the Government. I know that the Government have done good work on preventing families becoming homeless, and of course their homeless housing strategy will produce more houses, which will help this issue to some degree. I am interested to learn what the Government

[The Earl of Listowel]
are doing specifically to mitigate the harm experienced by homeless families displaced in this way. What specific preventive measures are in place to prevent harm coming to them? I know that the noble Lord, Lord Freud, periodically meets his opposite number in the Commons to discuss these issues. I would appreciate it if the noble Lord would write to me to say what recent thoughts and developing policy there have been in this area. If he could encourage this matter to be placed on the agenda for the next meeting with the noble Lord, Lord Freud, that would be welcome, too.

I therefore seek noble Lords' advice on how the Bill might be made to mitigate the harm experienced by these families, and I beg to move.

9 pm

Lord Kennedy of Southwark: My Lords, this group of amendments in the name of the noble Earl, Lord Listowel, seeks to provide free bus travel to homeless families placed in accommodation outside the local authority they normally reside in, with free bus travel under the various schemes referred to in the Bill. These amendments raise an important point, which is that homelessness and the housing crisis is resulting in people and families being housed in temporary accommodation, many miles away from where they normally reside.

As the noble Earl said, this then brings a whole raft of problems—about living in isolation; about being part of the community and then being taken away from that community; and about having to change schools or make a very long journey to get to school or work, or to see family and friends. Bus fares then become prohibitively expensive. The noble Earl raises a valid point in his amendments, but I think that the situation is much worse, particularly for homeless families in London. These families can find themselves sent to Birmingham, Derby, Nottingham and other cities in England and Wales, hundreds of miles away from the place they normally reside, way beyond the distance of a reasonable bus journey.

This is no way to treat people. We have to deal with the housing crisis so that people can have stability in their lives and live in homes they can either rent or buy, be that in the public or private sector. These homes need to be warm, safe, dry and affordable. We all know the rents charged in London can be truly shocking. Our society needs to create a situation where people can live together side by side, in homes where they can be part of the community.

My view is that these amendments raise an important issue due to the crisis we face. I am not sure they solve the practical problem, but I do think the noble Earl is right to highlight this issue. The reality is that people's other problems are compounded by their being placed so far away. That is the difficulty. I do not know whether assisting with bus travel will deal with these matters. As the noble Earl said at the end of his remarks, the issue of cost comes into this too, as implementing the proposal could be prohibitively expensive.

Lord Ahmad of Wimbledon: My Lords, I join the noble Lord, Lord Kennedy, in thanking the noble Earl for bringing this important issue to the fore. As the noble Lord, Lord Kennedy, has said, the amendments in front of us require operators of services delivered under franchising or enhanced partnerships, or advanced quality partnerships, to provide free bus travel for the homeless families placed outside of their local authority area. Like the noble Lord, I am sympathetic to the broad aims of the amendment and know that buses provide a lifeline for many in our local communities. However, having listened very carefully to the noble Earl, I think there may be more appropriate ways to address the issue, and I will of course pass on the issues he has raised to my noble friend Lord Freud.

As I have said before, this Bill will enable devolution. Reflecting on the noble Earl's contribution, I would say that it will give local areas more control over their bus services. The issue highlighted may be another of the issues that particular authorities are looking to address. If so, they will be able to explore the options open to them through the tools provided in the Bill. I remain concerned that, as drafted, the amendment will perhaps unnecessarily tie the hands of authorities looking to implement franchising, advanced quality partnerships or enhanced partnerships. I fully accept that that is not the intention of the noble Earl's amendment in requiring authorities to provide free travel where the benefit is not available in other parts of the country. However, like the noble Lord, Lord Kennedy, I believe it is an important point to raise.

I hope our discussion today and my comments have indicated to the noble Earl that we are sympathetic to the broad aims of the amendment. However, I maintain that there are more effective ways of tackling the problem that he has raised. I hope this has assured him to the extent that he feels able to withdraw the amendment.

The Earl of Listowel: I am grateful to the Minister and the noble Lord, Lord Kennedy, for their supportive comments and their recognition that this is a very serious issue for the many families involved. I am also grateful to the Minister for saying that he will raise these concerns with his noble friend Lord Freud. On that basis, I am happy to beg leave to withdraw the amendment.

Amendment 13 withdrawn.

Amendment 13A not moved.

Amendment 14

Moved by ***Lord Ahmad of Wimbledon***

14: Clause 1, page 5, leave out line 3

Lord Ahmad of Wimbledon: My Lords, I will speak also to Amendments 18, 57 and 58, relating to Clauses 1 and 4.

Amendment 57 amends new Section 123H to make it clear that a franchising scheme cannot co-exist in an area where an enhanced partnership or advanced quality partnership scheme is in operation. The amendment is intended to tidy up the Bill rather than change the policy outcome.

Advanced partnership schemes and enhanced partnership schemes operate in a deregulated market. In such a market, operators can plan bus routes and charge their own fares. Both schemes require local services to comply with certain standards but do not allow the authority to dictate what services should be provided and at what price.

Under a franchising scheme, the deregulated bus market is suspended and services can operate in the franchised area only if they are run under contract or a permit or are an interim service. In practice, therefore, the partnership arrangements would cease to have effect when a franchising scheme came into force in the same area. The amendment provides for an enhanced partnership plan, enhanced partnership scheme or advanced quality partnership scheme to be revoked or varied so that it ceases to relate to the area in which the franchising scheme is being introduced.

Amendment 58 amends new Section 123H to provide that the authority or authorities to whose area or combined area the varied plan or scheme continues to relate may vary the remainder plan or scheme as they consider appropriate. The amendment stipulates that authorities varying an enhanced partnership plan or scheme in these circumstances do not have to satisfy all the tests described in the section that deals with variation of an enhanced partnership plan or scheme. For example, they will no longer have to have regard to the desirability of varying a plan so as to include in the area to which the plan relates any part of another authority's area. However, the authority would still need to seek the support of operators and could vary the plan or scheme only if a sufficient number of operators did not object.

Amendments 14 and 18 make consequential amendments to new Sections 113F(4) and 113M(6) respectively. The reference to "section 123H(6)" has been deleted as a consequence of Section 123H(6) being removed by Amendment 57.

The letter explaining these government amendments was sent to noble Lords on, I believe, 16 June. I beg to move.

Lord Kennedy of Southwark: I am not against the amendments as such. I made the point in earlier contributions that this is a Lords starter Bill, and here we are on the first day in Committee and the noble Lord comes to the Dispatch Box with some tidying-up amendments. It would be useful if he could explain to the Committee how the Bill got here. I assume that there is a meeting in the department in which things are looked at and signed off, with people saying at some point, "We think the Bill is all ready to go". However, it has been in this House for three weeks and we have a raft of these tidying-up amendments. That says to me that there is surely something wrong with the signing-off process in the department. The Government have already uncovered issues and problems that should perhaps have been discovered before the Bill was brought to the House. So it would be helpful if the noble Lord could explain who signed off the Bill and how it got here. Maybe that needs to be looked at, because clearly something has gone amiss.

Lord Ahmad of Wimbledon: My Lords, as the noble Lord knows, Bills are drafted and consultations and further discussions are held. If any piece of legislation can be improved, no matter at what stage—this applies to any Government and any piece of legislation—I think that Governments are duty bound to introduce amendments that provide clarification or stipulate changes. This is not unprecedented. It is not the first, and will not be the last, time that changes are effected by the Government at different stages. We would be living in a rather perfect world if the first draft of any Bill went through unamended without any government amendments, consequential or administrative. I take on board his comment that we are on the first day in Committee and that there is a series of amendments, but it is better to do it early rather than late.

Lord Kennedy of Southwark: I thank the Minister for that answer. Of course no Bill is perfect. I accept that entirely. If it can be improved then we want to improve it. My point was more about the procedures in getting here. Most Bills that come here start in the other place. They have had a pretty good going over there and we give them a good going over here. Your Lordships' debates highlight issues that the departments then reflect on. Here there has not been not much reflection but clearly, between the moment you published the Bill and coming here today, you found that there are some issues. I am glad that you have spotted them, but that says to me that maybe the procedures are not as good as they should be.

Earl Attlee (Con): My Lords, the noble Lord needs to be quite careful because he does not know what is going to happen in a few years' time. He may find himself in my noble friend's position, dealing with exactly the same problem. Then I will enjoy teasing the noble Lord.

Lord Kennedy of Southwark: My Lords, I hope that very much. I am not so sure how long I shall be here at the present time but I am sure, if the position were reversed, I would probably give a very similar answer to the one the noble Lord has given.

Amendment 14 agreed.

Amendment 15 not moved.

Amendment 16

Moved by ***Lord Whitty***

16: Clause 1, page 5, line 30, after "Authority," insert—

"(fa) recognised trade unions or other representatives elected or appointed by employees,"

Lord Whitty: My Lords, the two amendments in this group in my name are on the same issue—one relates to advanced quality partnerships and the other to franchises. They simply relate to the pre-consultation process. In new Section 113G(3), there is a list of everybody that,

"the authority or authorities must consult".

They include a wide range of people. I am not disputing that any of them should be excluded from that list. Obviously, the operators, the users, the local authorities, the traffic commissioner, the chief of police and the

[LORD WHITTY]

Competition and Markets Authority should be there, but it does not include the workers or any representatives of those workers.

In previous discussions, we have heard of the importance of the skill of the drivers and the way in which they deal with passengers—particularly disabled passengers, but passengers in general. It is not just the drivers. The maintenance department is required to keep the vehicles up to scratch without encountering safety issues. The workers in that industry know the problems; they know how the old system works and, if there are proposals to change it, they will have a view on whether those changes are desirable, viable and workable. For the most part in this industry, they are represented by trade unions and there needs to be a clause which, if not precisely in the words that I have here, needs to require the consultation to involve the representatives of these workers. It is a highly unionised sector. There are, therefore, recognised unions in most parts of the country. That is why I refer here to "recognised trade unions". Local authorities and the department would be wise to make sure that the trade unions are included in that consultation when they are proposing change.

There are some sectors where there are no unions and there is a reference in the amendments to alternative means of representation. Some of my more purist colleagues in the trade union movement may not like that particular phrase, but I have used it because it is used in the department's own guidance as to how consultation should be carried out in relation to changes to the existing system. It is important that, on the face of the Bill, we refer to consultation with the workers and representation of those workers. I hope it would be in roughly the form that I am proposing. The department has, in a parallel context, used it in their own secondary legislation and guidance and it is therefore important that it should be here.

There is of course the usual catch-all in the final paragraph of subsection (3), which refers to,

"such other persons as the authority or authorities think fit".

They may or may not judge the people who are currently operating the system or might potentially do so to have been incorporated in that category. I think that we need to be explicit about it; there needs to be reference to the representatives of workers. In this industry, that is mainly recognised trade unions, and it would be wise to reflect that in the Bill. I beg to move.

9.15 pm

Lord Judd: My Lords, the amendment proposed by my noble friend is sensible, practical and altogether helpful for an effective operation. We have discussed already on other amendments the interface between those driving the buses and the public. It is not just a public service; it is a public service in which the person central to the provision of that service is in constant contact with the public. They will bring a wealth of understanding about the real issues on the front line. I cannot think of any better way of ensuring that decisions are made in the light of the realities out there in the bus—what actually happens in the bus. The amendment therefore deserves full-hearted support.

Lord Berkeley: My Lords, I, too, support the amendment. This is one of these usual discussions that we have in this House on lists and on who should be included and who should not.

There are many similarities between the list on page 5 and that on page 42. Amendment 91, which my noble friend will probably speak to, makes the extraordinary suggestion of adding in the customer or the customer's representative. That is missing from both lists. It is quite extraordinary that stakeholders and their representatives—whether it is any of the bus passenger representative groups, local or national—are not included. As my noble friend said, they might be,

"such other persons as the authority or authorities think fit",

but I think that we all know of instances where authorities have chosen not to consult a particular body of stakeholders because they do not like them for some reason. That is not a good reason, but it happens and I have plenty of experience of it happening. It would therefore be good to include the two amendments in my noble friend Lord Whitty's name and the two similar amendments to do with stakeholders' involvement.

While I am on my feet, I might say that it is interesting that paragraph (d) in both lists refers to "a traffic commissioner". If I lived in Cornwall, it would be no good consulting a traffic commissioner for the south-east of England. He or she as a traffic commissioner would probably not know much about the area. Given that the subsequent paragraph in each list states,

"the chief officer of police for each police area covering the whole or part of that area",

it seems to me that the traffic commissioner should be relevant to wherever the services will run. I have not put down an amendment on this, but perhaps the Minister will consider it for the next stage.

Lord Kennedy of Southwark: Amendments 16 and 46, in the name of my noble friend Lord Whitty, and Amendment 92, in my name and that of my noble friend Lady Jones of Whitchurch, would require consultation on an advanced quality partnership or franchising scheme to include recognised trade unions or other representatives elected or appointed by employees affected by the proposals.

Both Section 113G(3), on page 5, and Section 123E(4), on page 17, list who should be consulted. It is both surprising and disappointing that the recognised representatives of the employees are not included in this list. These amendments seek to correct that, and I hope that the Government will give their full support to this, since why would we not want to hear from the employees? They have an absolute wealth of knowledge and experience that would be very valuable to the company in putting these schemes together, and it seems obvious that we would want to include them. I am in full agreement with the comments of all my noble friends who have spoken in this short debate and I look forward to what I hope will be a positive response.

Lord Ahmad of Wimbledon: My Lords, the amendments in the name of the noble Lord, Lord Whitty, would add further requirements to the consultation provisions relating to franchising and the partnership proposals. I thank all noble Lords who have spoken in this brief

debate. I sympathise with their aims and I accept that this is an important point to raise. I agree that it is important that employee groups are consulted appropriately on proposals to improve local bus services. I agree particularly that significant changes to local bus services could well impact local bus industry employees, so it is only fair that they are given the opportunity for input in such circumstances.

In that regard, I encourage any authorities thinking of using any of the new tools in the Bill to engage with all the interested parties as proposals are developed. The likely impact on employees will, however, be materially different in the context of franchising, where it is more likely that service patterns, and potentially the operators of those services, will change than under partnerships schemes. So I agree that employee groups and others affected by the proposals should always be consulted formally on franchising schemes and I will consider how best to ensure that the Bill achieves the objectives of Amendment 46, as proposed by the noble Lord.

There are a number of ways in which this might be achieved. These range from the use of statutory guidance to an amendment to the Bill along the lines that the noble Lord proposes. I will take the comments from this short debate back, reflect on them and, I hope, work with the noble Lord to come back with something that represents what has been expressed. To pick up briefly the point raised by the noble Lord, Lord Berkeley, on the need for passenger representatives to be consulted on schemes, this is already included within the advanced quality partnership clauses, the franchising clauses and the enhanced partnership schemes in Clause 9. Coming back to a point made by the noble Baroness, Lady Jones, I hope I have demonstrated that, as Committee progresses, the listening goes beyond acceptance and sympathy to due consideration of some of the valid concerns and issues that noble Lords have raised. I hope that, with that reassurance, the noble Lord is minded to withdraw his amendment.

Lord Whitty: My Lords, I thank my noble friends for their support for these amendments and I particularly thank the Minister for being so constructive about the substance of this clause. I hope that he and his department can come up with a form of words which meets my point and that of my noble friends. I congratulate him on not reading out the usual departmental guff about not being able to add somebody else to a list when you already have a list, on the grounds that you then have to add everybody else. The employees are key to the success of both the current and the future operation and I therefore think the noble Lord has done us a favour tonight by not taking the usual ministerial line—which I confess I have used on occasion—but seeing reason. I hope that the employees of this industry will be duly grateful to him and I beg leave to withdraw the amendment.

Amendment 16 withdrawn.

Amendment 17

Moved by ***Lord Judd***

17: Clause 1, page 5, line 37, at end insert—

"(e) national park authorities in England."

Lord Judd: My Lords, in moving Amendment 17, I will speak also to Amendments 37, 47 and 94, which are in my name and those of the noble Lord, Lord Inglewood, and the noble Baroness, Lady Scott of Needham Market, whom I am glad to see here—as good as her word—supporting the cause. The noble Lord, Lord Inglewood, is really rather upset that he cannot be here but he has a long-standing commitment that he simply could not break. He wants to apologise to the Committee and say that in spirit and commitment he is very much here with us.

The national parks are a unique and precious national asset. They were created by social visionaries in the aftermath of the Second World War, who were determined to see a better, more creative—more spiritual, in some ways—life available for a far wider cross-section of the community. They have been sustained, very positively, by successive Administrations ever since. They are there for everyone to enjoy. As well as being priceless, beautiful landscapes, rich in biodiversity, they are crucial to people's health and well-being, psychological as well as physical, and a rare opportunity for people to get away from the accumulated stresses of everyday life. Making sure that they are accessible to all, not just those with a private car, is therefore essential, and rural bus services are vital for both residents of and visitors to the national parks.

I really do welcome the Government's aspiration to see more people benefit from the inspiration of the parks. Importantly, their *8-Point Plan for England's National Parks* also sets out the desire to encourage more diverse visitors to national parks. It states:

"We will also work with National Park Authorities to scale up projects to reach visitors from a diverse range of social groups, and to alleviate any barriers that stop more people from enjoying National Parks".

As I reminded the House at Second Reading, at the launch of the Government's national parks strategy, Rory Stewart said:

"I'd like to make sure that everyone in Britain and more visitors from around the world have the unique experience of going to our National Parks".

That strategy has as its central objective increasing the diversity and number of visitors. It hopes to move from 90 million to 100 million people a year. These are great aspirations. How they are actually fulfilled is quite another thing.

As the Government highlight in their impact assessment for the Bill:

"People in the lowest income groups make three times as many trips on buses than those in the highest income groups".

The assessment also states:

"People in the 17-20 and 70+ age groups make the most trips using the bus".

The Campaign for National Parks has just concluded a three-year project which worked with more than 1,600 16 to 25 year-olds who live close to but not within national parks. These young people came from the more deprived areas and many had never visited a national park before. When asked, the most frequently mentioned barrier preventing these people visiting parks on their own was the lack of sufficient and affordable public transport to the parks.

9.30 pm

I will put just a little flesh, at this late hour, on the statistics of all this. I have frequently been struck by the experiences of those visiting parks. One vivid example that will remain with me for the rest of my life concerned a youth vacation centre by Lake Windermere. It was when I was president of the YMCA, which ran this centre. I was talking to a dedicated youth worker there who was anxious to tell me this story. A few days previously she had seen a young girl, probably about seven, eight, nine or something like that, who was looking animated. She asked the girl what she had been doing that day and the girl said with wide eyes, "I saw far". A few days later, she saw this girl again looking even more animated and fulfilled and again asked her what she had done that day. She said, "I saw very far". It is difficult to overestimate the impact that this kind of experience can have on those who are living sometimes in pretty grim physical environments and pretty grim general circumstances.

Improving the provision of rural bus services both to and within national parks is an important opportunity to alleviate one of the barriers that people currently face. Many of us are grateful to the Minister for his assurances at Second Reading that the proposed guidance will include references to the statutory duty on all public bodies to take account of national park purposes when taking any decisions that may affect them. I was glad to hear that, because I fear that too often this duty is overlooked. I also thank the Minister for having been so ready to receive the chief executive of the Campaign for National Parks and me to discuss some of the issues at stake. He and his officials had an open discussion with us. I am a vice-president of the Campaign for National Parks and a patron of the Friends of the Lake District, where I live.

Both the specific amendments to which I speak are about the importance of national park authorities being included in the Bill as relevant local authorities. This is to ensure that they are consulted by local transport authorities, just as district councils would be, when plans and schemes are being developed. National park authorities are not, of course, local transport authorities, so none of the measures in the Bill will apply to them directly. However, national park authorities have played a key role in delivering bus services, particularly in recent years, and have a good understanding of the travel needs of both visitors and those resident in the area. If the national park authorities remain excluded from the list of relevant local authorities, it could put at risk many bus services currently operating successfully in national parks.

I am convinced of the Minister's intentions to ensure that there is good guidance, but it is not the same thing. I speak, although it was a long time ago, from ministerial experience. It is one thing to have things in guidance and another to have them in the Bill. With the best will in the world, over time things that are in guidance may slip in significance and it becomes quite important that a particular body is not on a specific list because it undermines its status in discussions. Indeed, on this point, I drew attention at Second Reading to the experience of the New Forest National Park, where the park authorities play a tremendously active part. The material I quoted is there in the Second Reading debate for all to see.

Quite as important as all the other points I have been making is that it is critical to remember that the national park authorities are local planning authorities for their area: they lead the development of local plans, as do district councils. Through those plans, they set a vision and a framework for future development in the area and seek to address the needs and opportunities in relation to affordable housing, the economy and community facilities—all in the context of the purposes of the national park. If areas, whether national parks or not, are to thrive, spatial and transport planning needs have to be sufficiently integrated. This vision and framework for future development as set out in local plans needs to be considered at all costs when changes to bus services are being planned to make sure that bus service proposals are sustainable and meet the needs of the local area. It is therefore essential that the national park authorities should be statutory consultees, just as district councils will be, and included in the Bill. I beg to move.

Baroness Scott of Needham Market (LD): My Lords, I added my name to this amendment with great pleasure. I have no particular interest to declare with regard to national parks except as someone who visits them and loves them, and I want to make sure that everyone else has those same opportunities as far as possible. I was thinking on the way here about the Peak District National Park, which has, within an hour's travelling time, very many millions of people who live close to it and for whom access to it is an important part of their lives. I would hate to think about that being an opportunity that is available only to people with cars. That would be a great inequality issue. If we are sensible about this, we should remember that there are people who live in cities who would rather not have a car, so it helps cities too. It would be ridiculous to punish people by not providing access to a treasure that is on their doorstep.

In particular, we have to remember that national parks are not museums. They are areas of the countryside where people live and work, and there is a really interesting tension for the national park authorities themselves between wanting to encourage visitors and managing the impacts of that, such as congestion; we have all seen problems where people park and cause damage and so on. There is a very difficult balancing act for national park authorities. On the whole, they do it extremely well and they act as very good brokers between the people who live there and the people who want to visit. It could only make their job more difficult if they were to be ignored and not consulted when some of these important decisions about local transport are made. They know their area best.

The other point about national parks is that they do not entirely conform to the same rules as some other areas. Bus services on Sundays, for example, are often seen as unimportant, whereas in a national park Sunday is the most important day that you need to provide transport for.

Finally, there is the question of jobs. The briefing that I received said that something like 68,000 jobs are dependent on tourism to national parks. We want

people to have access to the jobs as well, and if people without cars want to have access to them, we need to manage public transport too. I hope the Minister will look favourably on this, because I agree with the noble Lord, Lord Judd, that it is much more powerful to have something like this in the Bill rather than in guidance.

Earl Attlee: My Lords, I declare an interest as I live near a national park and am affected by its presence. I see no harm in these amendments; in reality, local bus operators can and do work with whomever they need to in devising high-quality bus services. Our national parks are to be treasured. They contain some of the most beautiful and stunning scenery that our country has to offer. We want people to be able to access and enjoy it, and buses can play a vital role in this regard, especially for those without access to a private car. We must not forget that there are many people who do not drive or use a car and so rely on buses for tourism purposes.

I want to see many more people walking in national parks. I do not see enough people walking at home. The noble Baroness, Lady Scott, made an important point about the need for bus services on a Sunday. As the noble Lord, Lord Judd, said, there are already a number of local bus services serving national parks, so in a way collaboration and co-operation between authorities and bus operators is already happening.

Governments of all political persuasions tend to shy away from lists in primary legislation on the basis that they can become overly prescriptive: the more you add to a list, the more you exclude. But the Minister has already succumbed to the persuasion of the noble Lord, Lord Whitty, this evening. Nevertheless, I suspect that the Minister still has the word "resist" on his brief in view of the legal and technical reasons. Yet as I said at the start of my short remarks, I know that bus operators will work with national park authorities, and indeed any authorities, in pursuit of meeting the needs of their passengers to enable them to enjoy the delights of our national parks by bus.

Lord Kennedy of Southwark: My Lords, this next group of amendments, which are proposed by my noble friend Lord Judd and supported by the noble Lord, Lord Inglewood, and the noble Lady, Baroness Scott of Needham Market, concern national parks authorities in England and how they need to be involved in any proposals for advanced quality partnership or franchising models.

This whole issue was raised by my noble friend Lord Judd and others at Second Reading of this Bill on 8 June. My noble friend told the House then, and again today, that it was puzzling and not right that transport authorities had a duty to consult relevant local authorities but that did not include national park authorities. Many national parks have seen bus services decline, and that brings problems of people wanting to visit these wonderful, natural and beautiful places by other means of transport. I lived in Nottingham many years ago, not far from the Peak District National Park, and traffic congestion in the summer months was, and still is, a huge problem around the towns of Matlock, Matlock Bath, Ashbourne and Bakewell and many other beautiful places there. I think the bus service in the Peak District could be better. It would add to people's enjoyment and reduce car use, which is a huge problem, particularly in the summer months, and causes problems for all sorts of people.

To make all that happen, we have to have these authorities properly involved and consulted on what is proposed and how they can work with the authorities to deliver real benefits for the area. As my noble friend Lord Judd said, all public bodies have a statutory duty to take account of the potential effects of their decisions and activities on national parks. Of course, that is not always monitored and enforced effectively, and the greater risk here is that these large and combined transport authorities will not get involved in that and that it will not happen. These amendments, by putting that into the Bill and not into guidance or any other sort of regulation will ensure that there is proper consultation. I do hope that the noble Lord, Lord Ahmad of Wimbledon, will give a positive response tonight and that we can get these amendments into the Bill.

Lord Ahmad of Wimbledon: My Lords, I start by thanking the noble Lord, Lord Judd, the noble Baroness, Lady Scott, my noble friend Lord Attlee and, of course, the noble Lord, Lord Kennedy, for their contributions. The noble Lord proposes a number of amendments to the Bill, reflecting the importance of local bus services in promoting opportunities for public enjoyment of our national parks. I thank the noble Lord for tabling these amendments and share his enthusiasm for our country's national parks. I recognise the negative impact that traffic and congestion can have on the tranquillity and the natural environment of some of our national parks, and I agree that good bus services can help address the problem and increase the number of people who can access the parks in a more sustainable way.

Further, I acknowledge the noble Lord's stance on this matter and am keen to consider how we can ensure that national park authorities are fully consulted as new approaches to delivering local bus services are developed. I further agree that national park authorities' views should also be obtained by any authority consulting on a proposal in relation to an area that lies near or within a national park, as the quality of bus services available in the area will have a huge impact on people's ability to visit their natural environment.

I therefore may cause further surprise to my noble friend by saying that I will now consider how best to ensure that the Bill achieves the objectives outlined by the noble Lord. I hope that with the assurances I have given that I will consider what he has proposed and how we can incorporate the very sentiments he has raised in the Bill, he will feel able to withdraw his amendment.

9.45 pm

Lord Judd: My Lords, I thank my fellow proposers and all those who spoke in this brief debate. The noble Earl, Lord Attlee, in particular, made a splendid speech, which had absolutely the spirit of what we are all concerned about, and it was good to hear him.

[Lord Judd]

I was very reassured by a conversation with the Minister in his office that he really has taken the point on board. What he said tonight underlines that. There is only one thing about which I might quibble. It is the principle that is being raised. National park authorities have the same responsibilities and role to play as local authorities. That is the long and the short of it. That is why it becomes significant they are not listed. Is this some change of policy? Are they not to have quite the same responsibilities? The Government have assured us at every turn that they are. This point needs to be met convincingly but, in view of what the Minister has said, both in and outside the Chamber, I am prepared at this juncture to withdraw my amendment on the understanding that we will come back to it at Report. I beg leave to withdraw the amendment.

Amendment 17 withdrawn.

Amendment 17A

Moved by ***Lord Berkeley***

17A: Clause 1, page 6, line 14, leave out from "or" to end of line 16

Lord Berkeley: My Lords, I apologise to the Committee, because Amendments 17A and 17B should have been grouped. We have already discussed Amendment 17B: it is to do with standards and frequencies. I do not intend to repeat everything now, but if one took the two amendments together, the effect would be to remove sub-paragraph (iii) on page 6, line 15, and turn it into separate paragraphs (h) and (i), which would put frequency and service under the same level of specification as all the other items in that list.

I hope that I have explained that properly and put it on the record. I do not need to detain the Committee with it too much tonight, because when one gets a wet towel and looks at it, it will be obvious. On that basis, I beg to move.

Lord Ahmad of Wimbledon: My Lords, the proposals for an advanced partnership scheme include the ability for local authorities to impose standards of service on bus operators running services on routes included in the scheme. These standards are set out in new Section 113E(4) and (5) of the Transport Act 2000. The Bill does not currently require all those standards to be imposed at once when the scheme is made by the local authority. New Section 113H(2)(g) allows a local authority to phase in the requirements of the scheme. This might be because the local authority needs time to introduce certain facilities or measures—for example, new bus lanes, bus shelters or bus stops. For bus operators, it might be that they need time to procure new vehicles that meet a particular emissions standard or to recruit and train new staff. The amendment as tabled by the noble Lord would not allow the local authority to phase in the standards of service that apply to bus operators. They would be required to meet all the requirements when the scheme is introduced.

We believe that this would be an unnecessary restriction. As I have already explained, there may be very good reasons why some of these standards may need to be introduced after the scheme is made. The inability of a local authority to phase in standards may mean that those standards are not included in the scheme, or that some bus operators are forced to cancel services. I am sure that neither of these outcomes is the intent behind the proposals because neither would be in the interest of passengers. Therefore, it is right that local authorities should have flexibility to tailor the introduction of a scheme to suit local needs and circumstances. On the basis of the reasons I have stated, I ask the noble Lord to withdraw his amendment.

Lord Berkeley: I am grateful for the Minister's explanation and shall read it with interest. For now, I beg leave to withdraw this amendment.

Amendment 17A withdrawn.

Amendment 17B not moved.

Amendment 18

Moved by ***Lord Ahmad of Wimbledon***

18: Clause 1, page 11, leave out line 2

Amendment 18 agreed.

Amendment 19 not moved.

Clause 1, as amended, agreed.

Clause 2 agreed.

Schedule 1: Further amendments: advanced quality partnership schemes

Amendment 20

Moved by ***Lord Ahmad of Wimbledon***

20: Schedule 1, page 75, line 29, leave out sub-paragraph (3)

Lord Ahmad of Wimbledon: My Lords, passenger transport executives are local government bodies responsible for public transport within large urban areas. They are accountable to bodies called integrated transport authorities or, where combined authorities have been formed, to those authorities. The Bill originally amended Section 162(4) of the Transport Act 2000 to provide that references to integrated transport authorities in specified sections of the Transport Act 2000 should be read as references to the passenger transport executive for the integrated transport authority concerned. After further consideration of whether provisions of this nature would be required for advanced quality partnerships, enhanced partnerships and franchising, we concluded that it was not necessary to make explicit provision. Therefore, this amendment removes the amendments to Section 162(4) of the Transport Act 2000.

In this group, the noble Lord, Lord Bradley, whom I cannot see in his place, tabled Amendment 22 to make it clear that the executive of an integrated transport authority or combined authority must exercise the franchising functions on behalf of the franchising authority. For the record, I am sympathetic to the aims of the amendment; devolution is an important theme which has influenced the development of this Bill. I want to ensure that franchising is a realistic

option where it makes sense locally, and I agree entirely that there will be different governance arrangements in different areas that must be accommodated.

The noble Lord, Lord Bradley, is not here, but I hope I have highlighted the Government's intent.

Lord Berkeley: My Lords, I rise to speak on behalf of my noble friend Lord Bradley on Amendment 22. It is one of these odd arrangements when you have, in one group, the Minister moving a government amendment and then somebody else proposing an amendment, so the Minister answers before you have stated the case. But I do want to state the case. My noble friend is very apologetic.

The purpose of this amendment is to make it possible for a passenger transport executive to enter into a local service contract with operators once the ITA or combined authority has decided to implement a franchising scheme. New Section 123A(4) of the Transport Act 2000 sets out which bodies qualify as franchising authorities, but the list does not include passenger transport executives. In a number of metropolitan areas, the PTE continues to be the executive body for transport responsible to the combined authority. This amendment would explicitly allow a PTE to be the contracting body if that was judged most appropriate locally.

The amendment would also help to future-proof the legislation, given the way the Government's arrangements continue to evolve in different ways in different areas. I would be very pleased to hear the Minister's response to this. That is the message from my noble friend Lord Bradley.

Baroness Jones of Whitchurch (Lab): My Lords, very briefly, first, we accept the case made by the Minister that Amendment 20 is a tidying-up amendment and that it is not necessary to make explicit provision in the Transport Act 2000 for advanced quality partnerships, franchising and enhanced partnerships. We are therefore content with this change.

We also support the amendment of my noble friend Lord Bradley, which would extend the prescriptive proposals on franchising authority functions to the executive of an integrated transport authority if needed. This reflects the reality of decision-making in a number of larger authorities and is therefore a more practical application of the Bill. We were very pleased to hear that the Minister has agreed to take that away and do more work on it. We look forward to hearing the outcome of those further deliberations.

Lord Ahmad of Wimbledon: I will be very brief in responding to the noble Lord, Lord Berkeley, but I first thank the noble Baroness, Lady Jones, for her support of the government amendment. As I have said, I am supportive of the amendment in the name of the noble Lord, Lord Bradley, to which the noble Lord, Lord Berkeley, spoke.

At Second Reading I highlighted the importance of strong governance and accountability for the success of franchising. As such, the Bill makes clear that the decision to franchise, together with the decisions to vary or revoke a franchising scheme, should be made by the mayor when there is a mayoral combined authority. Beyond those fundamental decisions, I want to ensure that local governance arrangements can be accommodated. I know that some existing combined authorities have executive bodies, such as Transport for Greater Manchester, which are tasked with delivering the policies laid down by the combined authority. But I also know that other combined authorities do not have separate executive bodies and the combined authority both sets the policy direction and delivers it.

I agree entirely that where executive bodies have been established, they should be able to deliver the combined authority's policy on bus services, be that via franchising or another model. The Government's view remains that local governance arrangements with respect to the delivery of local transport should be established through the orders required to establish combined authorities and mayoral combined authorities. This will enable different arrangements in different places to suit local needs.

I welcome the discussion, albeit brief, this evening and I hope I have illustrated that we are alive to the complexities of local governance arrangements. As I have said, I will give further consideration to the approach taken in the Bill and consider whether this is the best way to enable bespoke local governance arrangements. With that reassurance, I hope the noble Lord, Lord Berkeley, will feel able not to move the amendment in the name of the noble Lord, Lord Bradley. I beg to move Amendment 20.

Amendment 20 agreed.

Schedule 1, as amended, agreed.

Clause 3 agreed.

House resumed.

House adjourned at 10 pm.

Grand Committee

Wednesday 29 June 2016

Children and Social Work Bill [HL]

Committee (1st Day)

3.45 pm

Relevant document: 1st Report from the Delegated Powers Committee

The Deputy Chairman of Committees (Lord Faulkner of Worcester): My Lords, if there is a Division in the Chamber while we are sitting, the Committee will adjourn as soon as the Division Bells are rung and resume after 10 minutes.

Clause 1: Corporate parenting principles

Amendment 1

Moved by ***Baroness Howe of Idlicote***

1: Clause 1, page 1, line 7, leave out subsection (1) and insert—

"(1) Without prejudice to the duties imposed by section 22 of the Children Act 1989 (general duty of local authority in relation to children looked after by them) or any other specific duties imposed upon them by law in performance of their functions with respect to the children and young people mentioned in subsection (2), local authorities, the responsible bodies for maintained and independent schools, health authorities, responsible persons appointed under the Children and Families Act 2014 and the Secretary of State must, in carrying out functions in relation to the children and young people mentioned in subsection (2), take appropriate steps to—

(a) safeguard and promote the best interests, health and well-being of those children and young people;

(b) ascertain the views, wishes and feelings of the child or young person, and give due consideration and appropriate weight to those views, wishes and feelings in all decisions concerning them;

(c) identify services available and suitable for the child or young person provided by themselves or another relevant partner;

(d) in co-operation with other relevant partners, help those children and young people gain access to and make the best use of services provided by the public body or its relevant partners;

(e) promote high aspirations, and seek to secure the best outcomes for those children and young people;

(f) ensure that those children and young people are safe, and provide for stability in their home lives, relationships, education or work;

(g) ensure provision of appropriate support to advance their recovery, happiness and emotional stability;

(h) keep siblings together and ensure family contact wherever possible;

(i) prepare those children and young people for adulthood and independent living."

Baroness Howe of Idlicote (CB): My Lords, we are at the start of Committee on this important and valuable Bill. Although, sadly, with the current political situation as it is, it is unlikely that we will know whether the Bill will complete its passage through your Lordships' House—or indeed its passage through the other place—and become law, it is my great pleasure to start the first group of our Committee stage on the Bill with my Amendment 1.

The amendments in this group consider the extent and purposes of the corporate parenting principles set out in Clause 1. In many ways this section of the Bill seeks to reinforce existing good practice, with local authorities such as Trafford and Leeds already demonstrating that the care and well-being of looked-after children is not just the duty of social workers but a duty across the whole of the organisation.

Amendment 1 contains two new elements, the first of which extends the corporate parenting principle to health authorities and schools and the second of which, dealt with also in my Amendment 28, introduces a recovery principle to better ensure that looked-after children have access to therapeutic support.

I will be focusing on extending responsibility for the principles to other bodies such as schools and health authorities. We all have a responsibility to ensure that children have the care and support to thrive in life. Nowhere is this more important than for those children who are in the care of the state. Yet far too often we fail in this duty. There is a 40% achievement gap between looked-after children and their peers in the attainment of five GCSE grades A to C, including English and maths. We also know that 34% of care leavers are not in education, employment or training by the time they turn 19. The figure among the general population is less than half that: 15.5%.

It is extremely positive and important that the Government have sought to address this imbalance by introducing a set of principles that responsible corporate parents must abide by. This is a vital step, introducing a universal element that looked-after children up and down the country can count on while also providing consistent standards for the locally elected officials and local authorities responsible for meeting their needs.

So the Government's proposals provide a good starting point. Yet I—and, I know, other noble Lords—believe that the legislation before us can be more ambitious in its intent. In laying out these responsibilities, we have to imagine the extent and breadth of a child's world, the people, professional or otherwise, with whom they might come into contact, and the expectations that they will have of them. It is therefore vital that we extend the responsibility for these principles to include other bodies. We must put ourselves in a child's shoes and imagine the kind of services they come into contact with.

Schools, for instance, are an obvious and integral part of their experience. The extension of these principles to other responsible bodies also has the important purpose of ensuring that health professionals—just like social workers—understand their responsibilities to looked-after children and that resources and support are properly directed to meet their needs.

I look forward very much to listening to the debate on this group of amendments—and, indeed, the whole debate—and I beg to move.

The Deputy Chairman of Committees: I must advise the Committee—rather unusually—that, if this amendment is agreed to, I shall be unable to call Amendments 2 to 28A for reasons of pre-emption.

Lord Ramsbotham (CB): I will speak to Amendments 6, 8, 11, 12, 13, 15, 19 and 20. I do not disagree at all with the amendment of the noble Baroness, Lady Howe. Indeed, I welcome the fact that she has spelled out a lot of the responsibilities on local authorities which were not present in the original Clause 1.

Before speaking to my amendments I would like to place on record that my request at Second Reading that Committee should be delayed so that we had the opportunity to prepare properly for it, rather than trying to complete all the procedures during the Recess, was not honoured. It has been a nightmare trying to get things done without the expert briefings that we are normally accustomed to, as well as meetings with Ministers, and trying to deal entirely by email with the Public Bill Office. I sincerely hope that the usual channels will note this and that in future we shall not be expected to come so ill-prepared into such an important bit of legislation.

My concerns about these amendments are not to do with the corporate parenting principles but are all built around the word "must" in Clause 1. As my noble friend Lord Bichard would have said, if he had been here, the whole point of setting out corporate parenting principles explicitly is to make those responsibilities explicit and leave those most affected in no doubt as to what their responsibilities are. My concern about Clause 1 as currently represented is that words such as "have regard to" can equally be "disregard"—and we do not want any of these principles disregarded. Therefore, I hope very much that the Government will consider altering the words rather than waiting until Report before having a vote. That applies to Amendment 6. Amendments 8, 11, 12, 13 and 15 remove the word "to", which again makes the language if anything more robust rather than leaving anything to disregard.

I would also like at this stage to introduce the problems faced by children in the criminal justice system. My noble friend Lord Laming produced a masterly report called *In Care, Out of Trouble,* which I referred to at Second Reading. The duty on local authorities and their responsibilities must include the children in the criminal justice system. My noble friend in his report points out that one of the problems of not having clear instructions to local authorities is that you have inconsistency. For example, it is laid down that a child who is going to be placed after release should have that location confirmed to them at least 10 days before release—but all too frequently that information does not reach the child until the day of release, which makes it impossible to plan for a child's engagement with education, employment or other services.

Therefore, I am calling for an acceptance that corporate principles are laid out and that the language should be robust, so that there is absolutely no doubt in the mind of local authorities as to where their responsibilities lie.

Baroness Walmsley (LD): My Lords, I have Amendment 18 in this group, which adds wording about protecting safety and providing stability in home lives, relationships and education or work. It is very similar to the wording in proposed new subsection (1)(f) in Amendment 1, moved by the noble Baroness, Lady Howe.

Coincidentally, I also submitted the same amendments as the noble Lord, Lord Ramsbotham, to remove "have regard to the need" and the other amendments he referred to that follow from that—so of course I have added my name to those.

I wholeheartedly agree with the noble Lord, Lord Bichard—who would have been able to speak for himself if we had met on Monday as originally planned—that the whole point of setting out the corporate parenting principles explicitly is to make the responsibility explicit. That is most likely to be achieved if the drafting is as clear as possible. The inclusion of "have regard to" detracts from that clarity. It also changes the nature of the duty: it is no longer to encourage people to do something but to "have regard to" encouraging people to do something. How pathetically weak and feeble. I could have regard to something but decide to do nothing as a consequence of my regard. That will not do.

We need a set of corporate parenting principles that protect all those things that contribute to the health, well-being and future opportunity of children in care and those leaving care. That is why my Amendment 18 adds the principle of protecting their safety and providing stability in their home lives, relationships and education or work.

Children in care who are abused will be damaged for ever if we are not very careful. That is why we need to keep them safe. Children who are moved around from one foster placement to another and have no stability feel insecure and cannot keep up those relationships that help them to know who they are and their place in the world. The people they value and who value them are so important to their sense of self-worth and their attainment in life.

The Education Select Committee found that health services are turning away children in care who do not meet diagnostic thresholds. Access to services is prohibited when children do not have a permanent address. They experience moves in care, moves from one foster parent to another—or, even worse, moves out of their area. Problems include registering with a GP and poor communication between local authorities and clinical commissioning groups.

Designated health professionals report that they have not been asked to contribute to the strategic planning of services for these children, and some others felt that there were no robust routes for contributing to commissioning processes and decision-making.

Stability at home, school and in relationships is vital for these children and should be included in the principles. It is very important that the legislation is clear, so that those affected are in no doubt what their responsibilities are. The only people who benefit from confused or over-elaborate drafting are the lawyers. As drafted, Clause 1 is confused, and we must try to clarify it during the course of our deliberations.

Many noble Lords are seeking to add important additional principles, including my noble friends Lady Tyler of Enfield and Lady Bakewell of Hardington Mandeville. Their amendments on mental health and poverty alleviation will come later, and I support them wholeheartedly. But the point I am making is that these amendments, and others, would be to no avail if the principles just had to be regarded and not strictly adhered to. So I say to the Government: if you really believe in these principles as drafted—and, I hope, as amended by several important additions from me and others—please accept that the words "have regard to the need" must go.

Lord Warner (Non-Afl): My Lords, I am probably one of only three people in this room who has actually been a corporate parent. Having worked in a local authority, I know that if you put wording in a Bill that says "have regard to", the chief officer, who may want to do the right and proper thing by these children, will be put in a spot of bother. If a local authority and its lawyers see "have regard to", they will have a conversation with the chief officer which will start: "Do you really have to do this, if the financial situation is tough and bad?".

4 pm

If the Minister and his department want this to have some bite and for people to really take notice of it, he will strike out "have regard to" at every point in the Bill. We now know what happens to children who are in care and what their life chances are. If we really want to change that, we have to put some obligations on. We will come in the second group to some of the other people who ought to be linked with those obligations but we must be very clear what we expect a corporate parent to do. We do not say to normal parents, "Would you like to have regard to whether to take your child to the GP?", or ask them whether they might have regard to whether they might support their child in school. Parents know what their responsibilities are and we must be very clear what corporate parents' responsibilities are—so my plea to the Minister is to get rid of "have regard to" and to support particularly the amendments spoken to by the noble Lord, Lord Ramsbotham, and the noble Baroness, Lady Walmsley.

The Earl of Listowel (CB): My Lords, briefly and telegraphically, I particularly note proposed subsection (1)(h) in Amendment 1 from my noble friend Lady Howe of Idlicote, which would create an obligation to keep siblings together. I pay tribute to Delma Hughes, who grew up in care and who, when she went into care, was separated from her five siblings. She has set up a charity called Siblings Together and set up summer workshops in the Young Vic, for example. When I saw her on Sunday, she was taking a group of siblings off to swim together. So often when young people come into care they get separated from their siblings, which can be a great loss to them. I pay tribute to Delma Hughes for her work and her advocacy with government over many years and I welcome the amendment. It obviously depends upon professional judgment, which is why the aspects of the Bill dealing with social work development are so important.

Baroness Armstrong of Hill Top (Lab): My Lords, I will introduce a totally different note into the debate. I want assurances from the Government that corporate parenting will not be used as an excuse for not working with the natural parents while the child is in care. One of the major failures in this country is that while the child is in care, we do not do any work with the natural parents. We send children back from care to their natural parents more than they do in most other European countries. I went to look at this in Denmark and Germany when I was Minister for Social Exclusion. I was looking at why we in this country did so badly with children in care. They cost us more and the outcomes are poorer, which means that we should learn from what goes on elsewhere.

What the social workers in Berlin said to me was, "We don't pretend that we can be substitute parents. We know that we have to be the bridge between what has gone wrong and where they might go". That means that they were prepared to take them in earlier, but when I went to breakfast in one children's home, three mothers were there. I have to say that they were clearly fairly dysfunctional, but as soon as the children went out to school, the key workers did some work with those mothers. They said that the children might never go back home, but anyone in this Room who has worked with children in care—which was my first job in Newcastle—knows that it did not matter how long they had been away from home or how bad things were there: the children wanted to know about their families. I am concerned that we sometimes say, "Right, they are in our care now and we can look after them. We're not going to spend any time with that dysfunctional natural family". I believe having that in our system is one of the reasons why we fail.

Baroness Howarth of Breckland (CB): My Lords, I will speak briefly. I welcome the corporate parenting principles in the Bill, but I hope that we do not end up making them so complex that local authorities find them difficult to implement by adding things that should perhaps belong in other places such as the national offer or in other parts of the Bill. We should keep the principles simple. However, I agree absolutely with the noble Lord, Lord Warner, and in particular with his Amendment 29. The noble Baroness, Lady Howe, referred to it in terms of the other people who should be incorporated into taking responsibility for these young people. We will come to that, but I would rather we dealt with it in another part of the Bill rather than here.

I also agree with the noble Lord, Lord Warner—as one of the other people in this Room who has been a corporate parent—that the phrase "have regard to" would become a major discussion around the table of a local authority in difficulty that had to make savings. It will not be true in places such as Leeds or Kensington and Chelsea, which really have a grip on this.

I will also say that, as the Minister knows perfectly well, the Ofsted report published yesterday showed that many of our care systems are doing much better. Eight out of 10 children's homes are now rated as being good or doing well. They can improve, so we are not at the bottom. Certainly a lot of local authorities need to improve, but we are on the way up. I hope that

[BARONESS HOWARTH OF BRECKLAND]
anything we do here and anything the Government do in future will encourage the direction of travel that we appear to be on at the moment. But it will certainly not be helped by the phrase, "have regard to". "Must" is a much better word.

Baroness Butler-Sloss (CB): My Lords, as the only person in this Room who will have applied the Children Act from the day it became law until I retired as a judge in 2005, perhaps I may say first that I agree strongly with what the noble Lords, Lord Warner and Lord Ramsbotham, said, and particularly with the noble Baroness, Lady Howarth, who said that we must not make corporate parenting—which I entirely support—too complicated. There is just a danger that we may be putting too much in. Everything that is set out in the amendments is right, but I am not absolutely certain whether it all has to be in primary legislation.

I should like to pick up the phrase "have regard to". I can see the Minister being advised by his team that it is a phrase which is used in the Children Act, particularly in Section 1, which states that,

"the court shall have regard to".

In my view, there is a great difference between the court having regard and others doing so. Judges in family cases are trained to know what is meant by the phrase, which means that they have to take the issues into account and then they have a checklist to decide what in fact they should actually be doing. But it is interesting to note that Section 17 of the Act does not say that a local authority should "have regard to"; it talks about the "general duty" of every local authority. It seems to me that there is a very real distinction between having regard if you are a judge or a magistrate trying cases and having regard if you are a social worker with very considerable financial constrictions.

I cannot understand, I have to say, why we need the phrase "have regard to" when those who drafted the Bill took the trouble to say "must". The phrase "must act in the best interests" is a very simple way of looking at it. But the phrase,

"must, in carrying out functions … have regard to the need",

is, as the noble Lord, Lord Warner, pointed out, a let-out.

So having started listening to this argument on the basis that "have regard" is a perfectly good phrase that I applied day in and day out for many years, I think that there is a real distinction between the judiciary and the magistracy having regard and the way in which local authorities should be told rather than being left to exercise their discretion, which is rather different.

Baroness Lister of Burtersett (Lab): My Lords, I will speak very briefly in support of what my noble friend Lady Armstrong said—but perhaps with some qualification. The parents that we are talking about are not necessarily dysfunctional, but sometimes they are struggling with enormous material problems of poverty, housing and homelessness. It is easy sometimes for words to be misinterpreted, but I hope we can remember, in all that we are talking about, that sometimes we are talking about the families in this country that have the greatest struggles with poverty. The stress of getting by can sometimes be just too much, and that is why their children are taken away from them.

Lord Mackay of Clashfern (Con): My Lords, with regard to "have regard to", there is no question that "have regard to" involves a responsibility to have regard to, and that it is not right to say that you can have an obligation to have regard to and ignore the thing altogether. On the other hand, if you have regard to, you are not bound to consider that as absolutely binding because there may be other circumstances that go in a different direction.

The noble and learned Baroness, Lady Butler-Sloss, pointed out that in the Children Act "have regard to" comes in one place but does not come in a different place. I am strongly of the view that in this particular case it is the latter aspect that should rule. In other words, it should not say "have regard to" in the first clause here; it should be a case of, "These are the things you have to do", as in Section 17 of the Children Act, which lays down a general duty to do these things. I also agree with the view that one has to be careful not to make it overcomplicated, otherwise those who are trying to operate it will find it difficult to operate. We are duty bound to make it as simple as possible—and as effective as possible.

One thing about the amendment moved by the noble Baroness, Lady Howe of Idlicote, that I find difficult is the taking out of the local authority's responsibility. I entirely agree about spreading responsibility to others, but I think that the local authority has a very particular responsibility. It is the local authority that takes children into care when it comes to that situation, and therefore it should be left with a general duty to do the things that are the corporate parenting principles—clear, effective and unqualified.

With regard to the other organisations—the noble Baroness's amendment demonstrates how many there are, and there are one or two options to add a few more—I do not think that the situation is as precise and workable as the one for corporate parenting. I would very much like to see corporate parenting standing on its own as a general duty, clear and effective.

The idea that the local authority has to keep in touch with the natural parents is very important. It is true to say—although I hope this is improving—that there was a situation in which the local authorities were often ready to hand children back from care to a parent, with disastrous results. I am convinced that this jurisdiction and responsibility of local authorities is extremely difficult to exercise with complete success every time. There is no doubt that it is a very difficult jurisdiction. I was certainly conscious of that in 1988 and 1989, when we were putting the responsibility on local authorities in a way that was more definite than before. Some noble Lords will remember that there was a possibility of making children wards of court. In effect, that has been almost completely taken away by the duty on the local authority. Setting out the principles on which a local authority has to operate is extremely useful.

4.15 pm

I am not certain about the point on criminalisation. The criminal law stands as it is. It is the duty of the local authority to do what it can to prevent any children in its care falling into the hands of the criminal justice system. If that is what this means, I am all in favour of it.

As the noble Lord, Lord Ramsbotham, explained, there is sometimes the difficulty of getting the child to know what the position was in time for the child to act. That difficulty should certainly be avoided at all costs. But it is difficult to place a responsibility on the local authority to reduce the criminalisation if it does not mean something like that. So I would be glad to know more about exactly how it might be expressed. Otherwise, a good number of these amendments are for consideration as part of the proper basis for corporate parenting.

Lord Ramsbotham: I thank the noble and learned Lord, Lord Mackay, for raising that point because it informs what I was going to say about Amendment 9. I was going to explain what I meant, and that is the amendment on which to do it.

Baroness Benjamin (LD): My Lords, I agree with much of what has been said so far. I am looking at the end product—the child who will one day grow up to be a parent. We need to demonstrate all the skills necessary for that child to understand what parenting means. Perhaps all of us should become corporate parents as a way of making sure that, when young people grow up, they understand what parenting is. Many young people who go through sexual abuse and grooming misinterpret what love, understanding, nurturing and caring are about. So when we read every detail in these amendments, we should do everything possible to make sure that we get it right for the children because the end product is that one day they will become parents and grandparents.

Baroness Redfern (Con): My Lords, as another corporate parent from a local authority, I am pleased to join in this discussion today. It is our duty and our responsibility as a corporate parent to do what we would do not only for our children but for other children. We should focus totally on that.

I want to focus on care leavers, in particular, and the importance of working with partners to enhance their life chances, enabling a continuous celebration of their achievements and talents—and there are achievements and talents in children in care and care leavers. We have a responsibility to work even harder to create a positive narrative about what children in care and care leavers can achieve.

As a snapshot, in north Lincolnshire we have a corporate parenting pledge which incorporates our ambitions for care leavers. We have made a specific commitment in regard to staying put. This includes a children's campus and a children's home with four self-contained staying-close suites, where children who move on from the home can live under the same roof and, importantly, have the safety and protection of trusted adults. As one young person said, "Being invited next door for a Sunday lunch is something we treasure". Care leavers are encouraged to stay in touch and, for our part, our children in care council works with them into early adulthood.

I look forward to the opportunity to innovate, practise and implement new ideas to support and protect children. This includes supporting children and families at the earliest point to prevent the potential need for statutory intervention.

I shall focus, too, on the disengagement of young people and the variety of factors and vulnerabilities that we know may cause it. In the first instance, it could be because of welfare issues, special education needs, additional needs with ill health and school refusal.

It is vital that we look at bespoke alternative education packages for young people who may be outside mainstream education. The Children and Adolescent Medical Needs Education Team, CAMNET, provides direct tutoring and mentoring for children unable to access education due to acute health needs, supports young people who are NEET and provides independent careers advice and guidance. In all cases the aim is to support the child to achieve their hopes, dreams and aspirations. This is fundamentally what this Bill addresses. There is particular emphasis also on the transition to adult plans for disabled children, with mentoring for independent living through progression of education and work. We simply cannot do this alone, so it is about working with schools, colleges and other providers to establish fair access to ensure continuity of education for young people excluded from school in some instances but at risk of permanent exclusion and of disengagement post 16.

I am encouraged that the Bill will address and strengthen the role of local authorities in promoting and defending the interests of care leavers. We do all we can to defend the interests of those care leavers and all who want that support up to the age of 25. The Bill addresses and promotes high aspirations. That is what we need to focus on to help these young children secure the best outcomes, taking account of their views, wishes and feelings. We need to make sure that they feel safe and have stability as we prepare them for adulthood and independent living. I also welcome further support for innovation in children's social care by allowing local authorities such as mine to pilot new, innovative approaches. We must embrace and learn from other areas where it works well.

Finally, we will help every child in care to build a better life. I welcome the Bill, particularly the steps to help strengthen our social work profession to make social workers feel valued and supported, as well as delivering a valued and personalised service. We should also test different ways of working to achieve better outcomes, and also the same outcomes more effectively.

Lord Watson of Invergowrie (Lab): My Lords, when I first studied the raft of amendments tabled to this important Bill it seemed likely that we would have a high quality of debate and of argument. Certainly, what we have heard in the last 36 minutes bears that out. I thank the noble Baroness, Lady Howe, for moving the amendment. I shall speak to Amendment 7 in my name and that of my noble friend Lord Hunt.

[LORD WATSON OF INVERGOWRIE]

Some noble Lords may have been present in the Chamber about an hour ago when the Minister responded to a Question on care leavers and my noble friend Lady Kennedy of The Shaws asked—I paraphrase her remark—what life had come to when we had to have corporate parents. I certainly echo the view that it is unfortunate that there has to be such a term, but the Minister answered the point well when he established that the term "in loco parentis" is very important in these situations. I believe that corporate parents have a duty to do no less for children in their care than do birth parents for their children. That is a very important role indeed—perhaps one of the most important roles of a local authority. I know from experience that elected councillors take their responsibility in this regard very seriously. Corporate parenting should mean the full and active involvement of the formal and local partnerships needed between local authority departments and services and associated agencies responsible for working together to meet the needs of looked-after children and young people as well as care leavers. Recognising that different component parts each have a contribution to make is critical to success.

One challenge of being a good corporate parent is to help each individual child. In many cases it is not recognised that every child is an individual. Often the only thing that they have in common is that life has not been easy for them and that perhaps at some stage a local authority or a court has decided that compulsory intervention was necessary. The noble Lord, Lord Ramsbotham, also made the important point that whenever possible, corporate parents should prevent children coming into contact with youth justice. The Government have recognised many of these sentiments in the seven corporate parenting principles outlined in Clause 1, but principles must reflect duties established by existing legislation and it seems that, in some instances, the principles in Clause 1 actually confer fewer responsibilities on local authorities than currently exist in social care legislation.

I sit somewhat in awe when I hear noble and learned Members of your Lordships' House pronounce on legal matters, and I would not for one moment seek to question them, so I was very pleased when the noble and learned Lord, Lord Mackay of Clashfern, talked about the "having regard to" in Amendment 7, to which I am speaking. If I picked him up correctly, he said at one stage that it would be difficult if a local authority decided to set aside those responsibilities in full. I would be more concerned if there were situations where a local authority concluded—there could be reasons many why—that it could not or would not meet those responsibilities in full. Anything less than that would potentially steer that local authority into difficult waters in terms of the service it was providing as a corporate parent.

I am not going to comment on the detailed legal principle of that, but there seems to be further ground to be tilled in that respect. I am sure that we shall do that and perhaps the Minister can respond, having taken appropriate advice. Just talking about "having regard to" seems rather weak. That is why I hope the Government will recognise that Amendment 7 is put forward in a positive and constructive manner. It seeks to strengthen the Bill and the support provided by making it a requirement that local authorities must ensure that these principles are met in full.

There were other notable contributions, in particular that of my noble friend Lady Armstrong, who talked from experience not just in her own working life but as a Minister in this important sector. I would be very concerned if there were situations where, as she suggested, corporate parenting was used as an excuse for not trying to achieve what should in many cases be the desired outcome: settling the child with his or her family, if that is at all possible. When children and young people become looked after, it is essential from the outset that there is robust and flexible planning for their future. Certainly stability is crucial to a child's development and happiness, as the noble Baroness, Lady Walmsley, said. The system should support stability through minimising moves and seeking permanent solutions wherever possible.

For that reason, I believe that the wording in Clause 1 needs to be strengthened in order to demonstrate that we all want our children and young people to have successful and productive lives—and, to ensure that that happens, that we will provide the services and support in every form which will help them succeed, particularly when they have problems to overcome. The amendments in this group offer considerable opportunities to contribute to that and I would not take issue with any of them. I hope that the Minister will respond in a positive manner.

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, I am grateful to the noble Baronesses, Lady Howe, Lady Walmsley and Lady Pinnock, and to the noble Lords, Lord Ramsbotham, Lord Bichard, Lord Hunt and Lord Watson, for their amendments relating to the corporate parenting principle set out in Clause 1. The noble Lord, Lord Ramsbotham, commented on timing and I can assure him that the usual channels, as he so comprehensively described them, will be made aware of his point.

In designing the seven principles, the Government have set out the key decisions that young people tell us are of fundamental importance to being a good corporate parent. Given their importance, it is absolutely right that we should debate the principles to ensure that when they are enacted, they do what is intended—namely, to change the culture within local authorities so that they take into account the needs of looked-after children and care leavers when discharging their functions.

At the outset, I want to be clear that the Government intend that the corporate parenting principles will have a life beyond the statute book. My honourable friend the Minister for Children and Families tells me that he wants every social worker, housing chief, leaving care adviser and council leader to have those principles on the wall of his or her office. He wants them to be discussed at council meetings, at looked-after children review meetings, and by foster carers when they talk to their children's teachers. In short, he wants to drive a culture of good corporate parenting across the whole local authority and not just through the children's services team. We cannot change culture through legislation alone, but we can legislate to influence how

people talk about their responsibilities and how they discharge those responsibilities in relation to looked-after children and care leavers.

4.30 pm

Amendment 1 seeks to broaden the corporate parenting principles to relevant partner agencies and to strengthen the emphasis that local authorities place on them. I understand why the noble Baroness, Lady Howe, seeks this change. The thrust of Amendments, 6, 8, 11, 12, 13, 15 and 20 tabled by the noble Lords, Lord Ramsbotham and Lord Bichard, and the noble Baroness, Lady Walmsley, is in a similar vein. Amendment 7, from the noble Lords, Lord Watson and Lord Hunt, also seeks to strengthen the way in which local authorities would be required to apply the principles. Amendments 18 and 19 from the noble Baronesses, Lady Walmsley and Lady Pinnock, and the noble Lord, Lord Ramsbotham, look to strengthen how local authorities keep safe children in care and care leavers and promote stability in their lives.

Much of what I say in response to this group of amendments applies as a whole, and I shall therefore speak to them as a whole. There is already a comprehensive set of duties on local authorities required by the Children Act 1989 in regard to looked-after children and care leavers. This is further supported by statutory guidance. Interagency co-operation is also vital for providing coherent services for looked-after children and care leavers. Under Section 10 of the Children Act 2004, local authorities must make arrangements to promote co-operation between themselves and partner agencies, including health agencies.

We are about changing culture and spreading good practice, as the noble Baroness, Lady Howarth, said, and putting the local authority in loco parentis—I am grateful to the noble Lord, Lord Watson, for supporting this view—and not, as my noble and learned friend Lord Mackay said, having a range of bodies with responsibility. We do not want to create a complicated and confusing tick-box approach, burdening local authorities with a whole raft of extra duties. I am grateful to the noble and learned Baroness, Lady Butler-Sloss, for her comments in that regard. Quite rightly, noble Lords want to ensure that looked-after children and care leavers can access services beyond those provided by local authorities, particularly in relation to mental health. Indeed, this Government, too, want to ensure a far greater attention to the mental health of those in care who have suffered abuse and neglect.

Noble Lords will recall the publication last year of the Government's mental health strategy, *Future in Mind*, which marked our commitment to transforming child mental health and well-being services. This landmark publication seeks to end the frustration of having to fight for help or be in crisis before anybody acts. Our £1.4 billion investment will go a long way in establishing accessible child mental health services, and nowhere is that more important than for looked-after children.

I would like to speak briefly to Amendment 8, proposed by the noble Lord, Lord Ramsbotham, which seeks to ensure that the behaviour of children in care is viewed and managed in the same way that a reasonable parent would manage the challenging behaviour of their own children. I wholeheartedly agree that local authorities should adopt a restorative approach whenever possible, so that police intervention is viewed not as a first but as a last resort. I stress, too, that the vast majority of looked-after children do not get into trouble with the law, so I would not want to give undue emphasis to criminalisation by adding an explicit reference in the principles. I am also mindful not to pre-empt Sir Martin Narey's review into children's residential care, or the review of the youth justice system that Charlie Taylor has been commissioned to carry out. Both reviews will be published in due course, and I know that both are looking into the issues of criminalising children.

Principle (f) requires the local authority to have regard to the need for children in care and care leavers,

"to be safe and for stability in their home lives, relationships and education or work".

That is an important principle, and I understand why the noble Baroness, Lady Walmsley, and the noble Lord, Lord Ramsbotham, seek to strengthen it. We all agree that it is essential that local authorities act in a way that ensures that children in care and care leavers are kept safe. Protecting children from harm is the reason why children are taken into care in the first place, and safety should be a central consideration in all subsequent decisions about the child or young person—for example, regarding who cares for them and where they are placed. That is what principle (f) provides for, and I believe it achieves that aim. I am not convinced that the amendments tabled by the noble Baroness and the noble Lord alter the effect of the clause, or that the proposed changes would drive local authorities to act any differently from how they would in order to adhere to the principle as it is currently drafted.

I also remind noble Lords that the Children Act 1989 sets out a range of specific duties that local authorities must discharge in respect of looked-after children and care leavers, including a duty to safeguard and promote the welfare of looked-after children under Section 22.

With regard to care leavers, local authorities also have duties in relation to ensuring that they are housed in suitable accommodation, defined as accommodation that is safe, secure and affordable. I also reassure noble Lords that the associated statutory guidance will set out how local authorities might apply these principles in more detail. This will include how a local authority might keep looked-after children and care leavers safe and provide stability in their lives. For instance, a local authority might decide not to apply the "intentionally homeless" rules as strictly for care leavers in some circumstances.

I recognise why noble Lords may wonder whether the phrasing of the legislation—to "have regard to" the principles—is sufficiently strong. They will ask whether instead local authorities should have to ensure that they meet the need to carry out those principles. Amendments in this group, in various ways, seek to change that terminology. In establishing the seven principles, we seek to articulate the kinds of things that a local authority must have in its mind and

[LORD NASH]

culture when it exercises its functions in relation to this vulnerable group. Our intention is to provide a clear and helpful point of reference, and to drive a shift in approach where necessary.

Given that the principles are about how local authorities carry out their existing functions in relation to looked-after children and care leavers, the principles should not, and were never intended to, be about limiting the discretion of a local authority in how they are applied. The corporate parenting principles build on the 1989 Act, and the wording of the clause means that local authorities must have regard to the principles—they cannot disregard them—but they have flexibility in terms of how they carry them out. The guidance will inform how that works in principle and in practice.

As I said when I began my response to these amendments, the Government seek to embed a strong corporate parenting culture in every local authority. We need to strike a balance between a top-down and a grass-roots approach. In other words, particularly if we want to avoid unintended consequences and a tick-box approach to parenting by the state, the legislation needs to be sensible and proportionate. We want to give local authorities the freedom to meet the needs of looked-after children and care leavers in the way that works best for them. For example, it might be that the local authority decides to waive council tax for care leavers under 22 or under 25 as they do in North Somerset.

On the point made by the noble Baronesses, Lady Lister and Lady Armstrong, about parents in poverty and the particular stress that that may involve, local authorities have duties under Section 17 of the Children Act 1989 to help families who are struggling to prevent children being taken into care. Once they are taken into care, though, under the existing care planning and review system the local authority must involve the parents and guardians in the care planning for children taken into care, unless that is not in the best interests of the child.

The noble Baroness, Lady Benjamin, talked about children having all the skills necessary for adult living, including the skills of parenthood. That may be something that, hopefully, can be covered in the local offers from local authorities. The noble Earl, Lord Listowel, made a very important point about keeping siblings together. This is something that I will cover in a later amendment, if I may.

With regard to the very good point made by the noble Baroness, Lady Armstrong, about learning from what goes on in other countries, I agree that we in this country often take rather myopic approach to what happens. I will go back to see whether we have looked enough at other countries' experiences.

I hope that I have been able to provide enough reassurance to the noble Baronesses, Lady Howe and Lady Walmsley, and the noble Lords, Lord Bichard, Lord Watson, Lord Hunt and Lord Ramsbotham, on the corporate parenting principles and that they will feel able to withdraw and not move their amendments.

Baroness Walmsley: My Lords, just before the noble Baroness, Lady Howe, replies, the Minister mentioned on several occasions the 1989 Act, which has a very strong and clear set of principles and duties in it. The Minister has heard from many noble Lords that we feel that the way in which Clause 1 is worded is nowhere near as strong. Does the Minister agree that it is not as strong as in the 1989 Act? Which set of duties has supremacy? To have the duty on Clause 1 worded in a much weaker way than in the 1989 Act can benefit only lawyers; it introduces confusion.

Lord Nash: With respect to the lawyers present—including myself from many years ago—I will not comment on the last point. We are trying to set out principles and not put local authorities under any more duties than necessary or into any kind of straitjacket. But the noble Baroness makes a point about a number of duties and we will go back and look at this in more detail.

The Earl of Listowel: I thank the noble Lord for answering my point about siblings. I look forward to the debate on the amendments. I also thank him for his clear reply to the important point made by the noble Baroness, Lady Armstrong of Hill Top. He said that the care plan process must involve parents. However, the experience so often is that parents do not get the help they need with their addictions or mental health support. So I hope that the noble Baroness will consider bringing back an amendment on this on Report. In the interim, I look forward to having discussions with colleagues to get their advice on whether anything more can be done to ensure parents get the support they need.

Baroness Howe of Idlicote: My Lords, I am sure that noble Lords will agree that this has been an interesting and wide-ranging debate. It has opened up many other areas that we will need to address as the Bill progresses.

We are all grateful to the noble Lord, Lord Nash, for the way in which he has dealt with the comments made. Clearly, he will take into account many of the points made and will consider whether changes can be made in the right direction to satisfy us so that we all know the right way forward.

I gather that there is probably something substantially wrong with my amendment which might cause problems at a later stage. Certainly, at the moment, I do not wish to press it. I will look at it again and, unless other Members of the Committee wish to press the amendment at this stage, I suggest that we withdraw it and think about the next stage. We should think about the other amendments we shall be going on to in Committee, but we should also consider how we might reframe them to meet the problems we may still have on Report.

Amendment 1 withdrawn.

Amendment 2

Moved by ***Lord Ramsbotham***

2: Clause 1, page 1, line 7, after "England" insert "and its relevant partners"

Lord Ramsbotham: My Lords, Amendment 2 is a probing amendment. After all the things that have been said about laying out too many details on what the responsibilities on local authorities are, I am conscious that by raising the question of relevant authorities I am also raising the spectre of spelling out what those relevant authorities may be. I am aware of the danger of being accused of teaching my grandmother to suck eggs but I plead that, in research carried out recently, it was discovered that only 17% of the community commissioning groups in this country realised that they had a responsibility for funding healthcare support for probation. Therefore, it is worthwhile considering whether the Bill should not include, at least in general terms, the partners whom the local authorities will need to consult and work with if they are going to achieve the aims set out in the corporate parenting list.

Who are they? They are children's social care, mental health and health services commissioning bodies, the education services, the police and the criminal justice agencies. The purpose of my probing amendment is to find out how the Government intend to ensure the co-operation of other departments and agencies in the delivery of services for looked-after children. We look out at a silo-ridden world and one thing that has been pointed out in report after report on children's services is the lack of consistency between local authorities, which therefore introduces a postcode lottery—which we cannot do. The aim of the Bill is to establish consistency and therefore I hope that, in spelling out the relevant partners in more detail, it may be possible to ensure that consistency by helping local authorities to set up a tick list, if you like, of who they ought to consult in looking after these children. I beg to move.

4.45 pm

The Earl of Listowel: My Lords, I rise to speak to my Amendments 3, 31A, 36 and 37 in this group. They would all have the effect of extending duties to government departments, going beyond local authorities, in recognition of the role they play in the lives of looked-after children and care leavers. I should like to advance this by creating a comprehensive and tangible national offer for care leavers to lay the strongest foundation for their transition to adulthood.

With all the uncertainty in this country, in Europe and in the world at this time, there may be a silver lining; it may help us to gain some insight into the uncertainties experienced by these children. Their Chancellor and Prime Minister are either absent or unable to function. They have no idea from one day to the next where they are going to be. So when we feel uncertain about the leadership of our parties in this country and of our future, or if we fear that we have alienated our friends and neighbours, it may give us some understanding of what it feels like for a three, five or 10 year-old who is in a family in which the parents simply do not function; there is no leadership or guidance and tomorrow they may be we know not where. Perhaps we know to some extent the fear and anxiety that these children feel. If we do not intervene effectively by giving them guidance, leadership and a clear structure to their lives, they may go through their whole lives experiencing fear on a daily basis, unable to form relationships and function in the world. To some degree we are experiencing a lack of structure at the moment.

I welcome the commitment of the Government to putting for the first time corporate parenting principles into law. I see it as an important step in making sure that children's best interests, life chances and future prospects are put at the core of decision-making processes. The Minister will be aware, however, that the corporate parenting role does not stop with local authorities, because all levels of government are corporate parents to children in the care system. My first amendment seeks to extend the scope of corporate parenting responsibilities to include central government departments. I heard what the noble and learned Lord, Lord Mackay of Clashfern, said about corporate parenting responsibilities, and perhaps it is unfortunate that I am using these terms. But I go back to what he said earlier in the debate today. What I am seeking, and I think what we all want, is to extend the duties more widely than just to local authorities. That will ensure that we all work together to get the best outcomes for these children.

Welcome steps were taken in the 2013 cross-departmental Care Leaver Strategy, which brought together for the first time government departments to consider the impact of their policies on care leavers. For instance, care leavers in the employment system are now flagged up to workers in jobcentres and employment agencies so that the staff know that they are dealing with a care leaver and need to exercise particular care. I pay tribute to the Government for that. The amendment provides us with an opportunity to further advance that progress.

My noble friend Lord Ramsbotham spoke of the need to work across different agencies. I would like very briefly to quote from my noble friend Lord Laming's recent report on preventing the criminalisation of young people in care, *In Care, Out of Trouble.* He takes forward the theme of how we must work better together to improve outcomes. For instance, he says:

"The work must be driven by strong and determined leadership at national and local levels, taking a strategic multi-agency approach to protecting children in care against criminalisation".

His first recommendation is that,

"commissioning and disseminating a cross-departmental concordat on protecting looked after children",

is vital. So he very much embraces the principle of ensuring that all departments work together to protect and promote the welfare of these children.

Noble Lords engaged in this debate will be aware that more than 10,000 children aged over 16 left the care of a local authority last year to begin the difficult transition into adulthood. Not only are these young people beginning this journey but they are also finding themselves independent and often without the support network afforded by a family. This rapid accession into independence, coupled with a lack of a close support network, means that many care leavers are at particular risk of debt and financial hardship—two things that no parent would wish on their child.

[THE EARL OF LISTOWEL]

In subsequent groupings my noble friend Lady Howarth of Breckland and I will discuss a national offer so that these children get better support as they move forward from care and face fewer financial worries. In the meantime, I commend these amendments to your Lordships and I look forward to the Minister's response.

Baroness Tyler of Enfield (LD): My Lords, I have Amendment 5 in this group and lend my support to Amendments 4 and 31, which are in very similar territory. The purpose of my amendment is simple and has already been alluded to—the new corporate parenting principles should apply also to commissioners of physical and mental health services for children in care and care leavers.

As we have already heard, Clause 1 introduces a set of principles to which all local authorities must "have regard" when carrying out their responsibilities in relation to children in care and care leavers. Like other noble Lords today, I very much welcome the introduction of these principles. They should help to ensure that, when local authorities make decisions about services and what is best for children, they have the children's best interests—their health and well-being, their wishes, feelings and aspirations—at the forefront of their mind.

It was argued very strongly at Second Reading and has already been mentioned today that parents will always seek the best for their children and that the state should be no different. I do not think it is an exaggeration to say that most parents would move heaven and earth to ensure that their child is either in good health or receiving the treatment they need if they are physically ill or in mental distress. I believe that the corporate parenting principles should be extended to health commissioners, reflecting the vital role that these bodies play in shaping the lives and outcomes of children in care and care leavers. As we know, these children are much more likely than their peers to have poor physical, mental and emotional health. To give one example, children in care in England are four times more likely than the average child to have an emotional or mental health problem. That is an issue we will return to in a subsequent group.

As the Education Select Committee identified in its recent inquiry, health services are often not organised in a way that makes it easy for children in care to access. There is already evidence of targeted support being decommissioned because of financial pressures. Child and adolescent mental health services tend to be reluctant to assess or treat a young person until they believe that they are stable in their placement and that there is little risk of them being moved to another area. It is a similar problem, I have heard, with GP registrations. It very much affects access to the services that these children need. It is a vicious circle. Placement instability leads to poor access to services, higher levels of unmet need and poorer outcomes. We simply have to do something to break this vicious cycle. That is the purpose of this amendment.

I will finish by saying that I have listened very carefully, both at Second Reading and, indeed, to the noble and learned Lord, Lord Mackay, today about the need to ensure that the local authority responsibility as corporate parent is sharp, clear and undiluted, and is not made too complicated. I will not mind at all being told that I do not have the wording of my amendment right or that it is not in the right place and should be in a different part of the Bill; I just want these principles to apply to health commissioners, without in any way diluting the core, central responsibility and accountability of local authorities.

Baroness Lister of Burtersett: My Lords, I support Amendments 3, 31A and 36, which, as the noble Earl, Lord Listowel, said, seek to extend corporate parenting principles to central government departments in recognition of the role that they play in the lives of looked-after children and care leavers. I am grateful to the Children's Society for its briefing on this.

Like other noble Lords, I welcome the Government's commitment to placing corporate parenting principles into law for the first time, and see this as an important step in making sure that children's best interests—a key principle—life chances and future prospects are put at the core of decision-making processes. Statistics for looked-after children highlight a situation requiring leadership from central government to improve life chances through accepting their responsibility as corporate parent. The Prime Minister has emphasised this a lot recently. I think that we were going to have a life chances strategy announced tomorrow, but that has been rather derailed now. For instance, we know that at least 38% of care leavers aged 19 to 21 are not in education, employment or training. Research by the Centre for Social Justice showed that 59% of care leavers found coping with the mental health problems referred to by the noble Baroness, Lady Tyler, very or quite difficult. The same survey by the Centre for Social Justice found that 57% of care leavers found managing money and avoiding debt difficult.

This cocktail of poor educational attainment mixed with mental health difficulties, low-paid work and difficulty with managing money should alarm us all. More importantly, it should compel us to do better for these young people by ensuring that all levels of government which make decisions about their lives should be required to consider their responsibilities as corporate parents.

Welcome steps were made in the 2013 cross-departmental Care Leavers Strategy, which for the first time brought together government departments to consider the impact of their policies on care leavers—so in a sense the principle has been established. Extending corporate parenting principles to central government is, I would suggest, the next logical step. I hope that the Minister will agree that there is no argument against this in principle. We might question the practical ways of doing it, but this is an opportunity which we must seize for central government to do its bit for care leavers by adopting the very corporate parenting principles that it is now rightly laying down for local government in recognition of the pivotal role that central government policies play in the everyday lives of care leavers.

Lord Warner: My Lords, I very much support the spirit of this group of amendments, but not necessarily the wording. I also very much agree with the point made by the noble and learned Lord, Lord Mackay,

about being very clear and crisp about the responsibilities and principles that we require the corporate parent—the local authority—to adhere to. That is absolutely right. I say to the Minister in a spirit of helpfulness that in other legislation such as the Care Act 2014 we have joined other agencies and given them a duty to co-operate with a primary agency with regard to that primary agency's responsibility to discharge a set of obligations placed in legislation. We had many debates similar to this one as the then Care Bill went through Parliament. The Bill had to deal with the issue of the primary responsibility on the local authority in relation to adult social care, but, at the same time, required other people to help discharge those obligations.

5 pm

It should not be beyond the wit, if I may so, of parliamentary draftsmen and the department to construct a clause that identifies those particular service areas that need to be under a duty to co-operate with the responsible local authorities in discharging the principles in whatever version of Clause 1 that we settle on. I have to say to the Minister that this Government are very keen to emphasise that we are all in this together. It would be very nice to apply that principle in discharging the obligation on local authorities in Clause 1.

I go back to what I said earlier about my six years as a corporate parent. I spent a lot of my time working with the chief officers of these other agencies to get them to do their stuff. But this was at a time when money was much more easily available within local authorities. It was not in a period of really tough financial circumstances.

The noble Lord, Lord Ramsbotham, described a silo mentality. That silo mentality is alive and well. People have to protect their budgets and they look at ways of doing so. If we do not place these other agencies under some obligation and duty to co-operate in protecting these children and working with the local authority, we will find in some parts of the country that people take a narrow interest point of view of what their obligations are, because the financial circumstances in which they are placed as a local authority are too tough to do otherwise.

We have seen what has happened where local authorities have had their budgets cut for adult social care. They have reduced their eligibility criteria. We will see some of the same patterns of behaviour in these other authorities if we do not take the opportunity in this legislation to require the other agencies—and I suggest to the Minister that we should name them in the Bill—to have a duty to co-operate with the responsible local authority in discharging their obligations.

Baroness Howarth of Breckland: My Lords, I have some difficulty in the way that this clause and the next clauses are drafted. There are some overlaps, and I think that that is what is causing some of the debate.

In my Second Reading speech, I emphasised the importance of relevant partners, including government departments and wider. Whether we can specify them, I do not know. But where we can specify them is in the local offer, which is what comes next. That is why it is difficult to debate one part of this Bill without debating the other.

In the local offer, the local authority and its partners should be able to provide young people with the assurance that they can be exempt from council tax, which we will debate again later; that they can get proper accommodation; that they will not have another agency or department evict them if they run into arrears; and that they will get proper help, if they need it, with any benefit system. Those things need to be available to them in the local offer through the partners. I am not much good at drafting, but I hope that the Government will take back what I have said and look at how those two things knit together.

As I said earlier, "leaving care" is a very unfortunate phrase. It implies that you are leaving the services that you need. These youngsters are "moving on" from one stage of their care life into, we hope, another one, if we manage to see them through to the age of 21 and possibly 25. That is the time when the government partners will be most important. Earlier on, the local authority will need to work closely with different partners such as the police and health—that needs to be clear. I hope that the drafting can be looked at again so that the partners can be specified crisply and clearly—like the noble and learned Lord, Lord Mackay, I think that that is the only way to get good legislation—and somehow be included.

Lord Mackay of Clashfern: My Lords, I agree with what the noble Lord, Lord Warner, said. The spirit of these amendments strikes me as very appropriate. What we need is a duty that is appropriate to people who are not corporate parents but have a duty and a responsibility to do what they can within their sphere of responsibility to help the corporate parent to carry out the corporate parent's responsibility. Of course there is another area where in a sense this happens: in ordinary families. These authorities may well have a duty as well to try to help the ordinary parent, not just the corporate parent, to fulfil their responsibilities. That is not so easy these days for many. So while I entirely agree that this is a proper course to take, and I suggest, along with the noble Lord, Lord Warner, that it should be drafted along the lines of the Care Act, we ought also to have at the back of our minds the fact that there are other children who sometimes need special care, too.

Baroness Scott of Bybrook (Con): My Lords, I speak as a corporate parent. I am a corporate parent for the nearly 400 young people in the care of Wiltshire Council. I have concerns about the amendment. I believe that I am responsible as the corporate parent for such a child's life chances—so I am responsible for the plans for the child's health and for challenging the local commissioning group and the local GP who is responsible for looked-after children in our county to give that child the right services. I believe that that is my responsibility, as it would be my responsibility as a parent.

I am concerned that if we move some of the responsibility to another body, it will not do it as well as it would if we were pushing it to do it. So I welcome the strengthening in the Bill of the responsibility of the corporate parent, but that corporate parent is

[Baroness Scott of Bybrook]
responsible for not just health but life chances, including apprenticeships, traineeships and jobs into the future. That is my responsibility as a corporate parent, just as it is to give support to my own children as they move on through their life chances—not, I have to say, just up until 18.

I very much look forward to debating looking after a looked-after child for many years into their future. I am still looking after mine; a couple of them are in their 40s and they still come home for advice and support. In Wiltshire we are looking at how we might use volunteers, the voluntary sector, mentors in the communities and people who are special in those young people's and young adults' lives to help us to do that. So please strengthen our role and allow us to be the ones to strongly challenge other departments to deliver the services that our children require.

Baroness Howarth of Breckland: My Lords, perhaps I may say that those of us who also have been corporate parents do not disagree at all that somebody clearly has to be a corporate parent. What we would like to see in the Bill is for other departments—particularly government departments, which are nowhere in other legislation—to have a responsibility to work with that corporate parent in legislation, and to give that support. That is what I think everyone who has spoken means.

Baroness Lister of Burtersett: To add to that, the danger is that government policy will undermine what local authorities are trying to do. That is why we need government policies that will work with and support local authorities in their corporate parenting, rather than working against them.

Lord Watson of Invergowrie: My Lords, I shall speak to Amendments 4 and 31 in this group. Clause 1(1)(d) refers to "relevant partners" but, as the noble Lord, Lord Ramsbotham, stated, that is too vague. I want to emphasise some of the benefits of explicitly including health and housing services in that framework of support.

As my noble friend Lady Lister said, looked-after children, young people and care leavers historically experience poorer health than their peers and are also more likely to need specialist health services than the general population—whether that be mental health services, help with addictions or sexual health advice. Looked-after children, surely, must have access to mental health services and the speech, language and communications support that they need.

None the less, as the Local Government Association has pointed out in briefings sent to noble Lords, children's services are already overstretched and any new duties must be fully funded so that they do not have an unintended detrimental impact on other services for vulnerable children and young people. Expansion of corporate parenting duties took place in Scotland in 2014 and, for the most part, has been a success without requiring any additional investment from central government. Perhaps there are lessons to be learned there.

Currently, looked-after children are supported by a social worker, an independent reviewing officer, a carer and a personal adviser who advocate for their interests. The most important thing is to ensure that there are good outcomes, and for that to happen there should be a focus on continuity and building strong relationships, not simply adding an additional member of care staff to the structure.

For the NHS to contribute effectively to the corporate family, health services must be able to identify looked-after children and young people accurately, and local authorities must help it to do this. The NHS provides services to assess individual need and provides access to therapeutic services resourced to meet those needs.

Where children are not within mainstream education provision, access should be co-ordinated to make sure that they receive health promotion advice and appropriate health checks, including, most importantly, mental health checks. A lead clinician could be appointed to co-ordinate mental health support in each local authority area.

The days when social housing was provided mainly by local authorities is long gone. Housing services provided directly by councils or in partnership with housing associations remain an integral part of the corporate family. Throughout the country there are many housing associations with close links to local authorities in terms of providing housing for groups of people with specific needs, and care leavers are clearly one of those groups. Homeless people are another and, without proper support, young people in the first of those categories can easily slide into the second one. Care leavers are particularly vulnerable to homelessness, and preventing homelessness among care leavers should be recognised in local strategies and plans.

Moving into independence involves more than simply finding a roof. Corporate parents should satisfy themselves that young people leaving care have the necessary life skills and confidence to cope with independent living. Some young people will need more support than others, and that is why a range of services needs to be made available—and this should include the type of tenancy offered. A single person's tenancy may not be the best option for a young care leaver striking out into the big, and possibly bad, world for the first time.

The noble Baroness, Lady Howarth, talked about this transitional period. She urged us not to talk about people leaving care but to people moving on. That is a very apt description. Health services as well as housing services must support people as they make the difficult and inevitably demanding move into independent life.

The local offer made to care leavers will lack both authority and effectiveness if it is restricted to the list appearing in Clause 1. Given the debate that we have had within this group, that is unlikely to remain the case. If the corporate parenting principles were applied to health agencies, it would encourage them to take greater responsibility. The same would be true of housing.

In closing, I will say that the call of the noble Lord, Lord Ramsbotham, for consistency is important. He suggested that that could be achieved through some kind of tick list of what agencies are required to be involved. I hope that I do not do them a disservice by

saying that my noble friends Lady Lister and Lord Warner support the principle of extending the agencies involved—and so do I.

I hope that the Minister, having heard the various comments in this debate, will accept the amendments in principle and come back on Report with an amendment that broadens the scope of Clause 1.

5.15 pm

Lord Nash: My Lords, Clause 1 introduces for the first time seven principles to which local authorities must have regard whenever they exercise their functions in relation to looked-after children and care leavers. The principles are applicable to all local authorities in England and they apply to all parts of the local authority, not just children's services. These principles are important because they create an overarching framework to guide everyone, not just social care teams, in all local authorities in the way that they carry out their key functions in relation to looked-after children and care leavers.

The noble Lords, Lord Ramsbotham, Lord Watson and Lord Hunt, and the noble Baroness, Lady Tyler, seek to apply these principles additionally to the "relevant partners" of local authorities, as defined by Section 10 of the Children Act 2004, so that they, too, would have to have regard to them. In particular, there is a desire to ensure that health and housing bodies must have regard to the principles in exercising their functions. The noble Earl, Lord Listowel, has sought to apply these principles to other organisations, including central government, and to the United Kingdom as a whole.

Let me first respond to Amendments 3 and 31A. These would require every government department in England, Scotland, Wales and Northern Ireland to have regard to the corporate parenting principles. They would require government departments in these countries to have regard to any guidance issued by the Secretary of State for Education in respect of the corporate parenting principles which are placed on English local authorities only.

The reason Clause 1 seeks to apply the principles in law only to local authorities in England is that it is they that are corporate parents for looked-after children and care leavers in England. It is the local authorities in England, and not central government departments, that are charged with carrying out functions in relation to looked-after children and care leavers, such that they are the corporate parents of those children and young people.

The clause does not extend to other parts of the United Kingdom. So even if we wished to apply the principles to central government departments, I expect that the devolved Administrations, which have their own legislative frameworks determining the arrangements for looked-after children and care leavers, would have something to say about that.

The noble Lord, Lord Watson, made a point about corporate parenting principles being applied widely, as in Scotland. The Children and Young People (Scotland) Act 2014 applied corporate parenting to 24 bodies. It has been in force for only a year and so it is a bit early to say what its impact will be.

Lord Watson of Invergowrie: I was just suggesting that that should be looked at and that lessons could be learned.

Lord Nash: The noble Lord makes a good point: we should look at it and see what lessons can be learned, as Scotland is at least a year ahead of us on this.

To focus on England, we absolutely acknowledge that there is a role for central government—but it is a different role. Central government departments are not the corporate parents of the children taken into care or accommodated by local authorities. The role of government is to set the broader policy framework.

That is not to say that government departments across Whitehall do not recognise that looked-after children and care leavers need more support and assistance. That is why, if we take health services as an example, the *NHS Constitution for England* makes clear the responsibilities of clinical commissioning groups and NHS England to looked-after children and, by extension, care leavers. It is also why looked-after children are mentioned specifically in the mandate to NHS England.

The noble Baroness, Lady Tyler, made a point about CAMHS not being willing to treat children not in a stable placement. Child and adolescent mental health services should treat children according to level of need, irrespective of the stability of their placements. The expert group set up to look at care pathways for looked-after children will specifically address this point, with a view to ensuring that access to treatment is according to clinical need and in line with existing statutory guidance.

There are other examples where central government in England has championed looked-after children and care leavers. That is why they now attract pupil premium at a rate of £1,900 per pupil—higher than for other eligible pupils. That is why they also get priority in school admission arrangements.

In 2013, the first cross-government Care Leaver Strategy was published. It recognised the need to work coherently across government to address the needs of care leavers in the round. As a result, a number of changes were made, including measures to better identify care leavers so that they got tailored support—for instance, through the introduction of a "marker" by Jobcentre Plus so that care leavers could be identified and offered additional help. This work continues. We are now working on a refreshed strategy, and have been working closely with seven other government departments in England. The development of the strategy, which will be published shortly, has the backing of the Social Justice Cabinet Committee.

Amendments 36 and 37 seek to require government departments to publish information about services that will help care leavers prepare for adulthood and independent living. As with Clause 1, Clause 2 is about local authority services. The local offer is a manifestation of what it means for each local authority to be a good corporate parent. I agree that central government has responsibilities to looked-after children and care leavers alongside local government. The work we have been doing with each government department at both ministerial level and involving senior officials meeting regularly to discuss what more can be done to

[LORD NASH]
support care leavers at the level of national policy represents a significant step forward in increasing the understanding of and commitment to care leavers across Whitehall. Guidance of course is incredibly useful and we shall be consulting fully on what the guidance on corporate parenting should include. But although—quite rightly—central government can and is setting the framework for good corporate parenting, the biggest impact on the lives of looked-after children and care leavers will be made at local level.

We have not extended the principles beyond local authorities in England because it is their duty to both looked-after children and care leavers—and I am grateful to the noble Baroness, Lady Scott of Bybrook, for her remarks in this regard. These principles will guide local authorities in how they should exercise their existing functions and duties in relation to these vulnerable children and young people. As I have said, through these high-level principles we want to embed a corporate parenting culture across the whole local authority.

I recognise that looked-after children and care leavers need more support and assistance from a variety of public bodies. They will need to be able to make best use of services provided by other bodies, including clinical commissioning groups, NHS England, schools, housing and sometimes youth offending teams. That is why the fourth principle sets out a requirement to have regard to the need to help looked-after children and care leavers gain access to and make best use of services provided by the local authority and its relevant partners.

Of course, one could seek to apply these principles to a whole range of other public bodies. However, I believe that in doing so we would risk creating an overly bureaucratic tick-box approach that would do little to improve the life chances of looked-after children and care leavers. Instead, we need to embed a cultural shift. As I have said, the duty to co-operate with the relevant parties is already on the statute book in Section 10 of the Children Act 2004, where there is a duty to co-operate to improve the well-being of children and care leavers.

I emphasise that though we do not believe that extending the principles in law to other bodies is the way forward, we recognise that there is more to do to raise the awareness of these young people. Indeed, the consultation which local authorities will undertake with their local practitioners on developing the local offer being introduced under Clause 2 will ensure that access to NHS services and housing is inevitably brought into the process without the need for further prescription. To reinforce this, the department will also set out in statutory guidance how the corporate parenting principles should be applied in practice. Partnership working and commitment to care leavers is at the heart of the sea change that is needed to transform their lives.

Last month the Prime Minister signalled the Government's intention to create a care-leaver covenant. This will provide a means through which public, private and voluntary sector organisations will be able to demonstrate how they support these young people and improve their lives. I would expect partners such as police and health bodies to consider how they can contribute to supporting care leavers. I also hope that many organisations in the private and voluntary sectors will commit to supporting young people leaving care through the care-leaver covenant.

I hope that noble Lords are reassured and that the noble Lord can be persuaded to withdraw his amendment.

Lord Warner: Can the Minister explain what part of Section 10 actually requires other agencies to co-operate? It looks to me as though Section 10 is all about combined authority functions, which is not the same as the point being made in this debate about other agencies. Can he also respond to the point that both the noble and learned Lord, Lord Mackay, and I made about looking at the Care Act to see the way in which the coalition Government took account of the need to require agencies to co-operate with the primary responsibility given to local authorities to deliver the health and well-being of people covered by the Act? We are asking the Minister to consider that and I did not hear anything in his speech that suggested he would take away the proposition that he should look at requiring a duty from these other agencies to co-operate with the local authority as the corporate parent.

Lord Nash: My Lords, I am advised that the relevant clause does actually promote co-operation between these agencies, but it might be better if I write to the noble Lord and we will publish the letter.

Lord Warner: I am sorry but I want to pursue this. The clause is clearly—

The Earl of Listowel: I think that the Minister was referring to Section 10 of the Children Act 1989, not to a clause in this Bill. I hope that that is helpful.

Lord Warner: That certainly was not what he said.

Lord Ramsbotham: I am grateful to all noble Lords who have spoken. Many issues have come up during the course of the debate, not least those raised by the noble Lord, Lord Warner. I suspect that this subject will reoccur on Report and I hope very much that, unlike the period in the lead-up to Committee, it will be possible to have meetings with the Minister and his officials to discuss it. I suspect that at least the Local Government Association and local authorities will wish to be consulted on what actually appears in the Bill. So in the hope that that may happen—

Lord Nash: I am very happy to hold a meeting.

Lord Ramsbotham: I am most grateful to the Minister. With that, I beg leave to withdraw the amendment.

Amendment 2 withdrawn.

Amendments 3 to 8 not moved.

Amendment 9

Moved by ***Lord Ramsbotham***

9: Clause 1, page 1, line 10, after "interests," insert "prevent the unnecessary criminalisation,"

Lord Ramsbotham: My Lords, this is where I can offer an explanation to the noble and learned Lord, Lord Mackay, about what I am seeking in terms of prevention. The report of the noble Lord, Lord Laming, was by no means the first to raise these concerns. What I am aiming at is not protection for children who commit serious offences, but protection for children in care whose minor offences would not attract police attention if they had been committed in a normal parental home. There is nothing new about this issue; it was the subject of a thematic inspection in 2012 by Ofsted and the Inspectorate of Probation, and was examined by the Justice Committee in another place in the same year. It was also the subject of a report by the Department for Education in 2013. Moreover, the National Police Chiefs Council identified this as a major problem and stated that every effort should be made to avoid the unnecessary criminalisation of children in care by making sure that the criminal justice system is not used for resolving issues that would ordinarily come under the umbrella of parenting.

The evidence produced by the noble Lord, Lord Laming, in his report about the importance of prevention through the operation of good parenting, whether corporate or natural, showed that the offending rate for looked-after children was six times higher than that for normal children, but that the rate of their movement into the criminal justice system was not inevitable, as was proved by some very good work undertaken in Surrey over four years which reduced the rate by 45%. That shows that it can be done through good joint working.

The Department for Education issued statutory guidance in 2015, which is generally sound, but the noble Lord, Lord Laming, has shown up once again that there is a lack of consistency—we come back to that vital word—in the way that the guidance is applied in local authorities up and down the country.

5.30 pm

What are cited as driving these children into the hands of the criminal justice system include multiple changes of social worker, placement moves and placements far from home, all of which make children feel angry and isolated and can have a negative influence on their behaviour. The authorities can have some influence over that if they really take seriously the principles that we have already discussed. I therefore hope that the Bill will emphasise the responsibility of local authorities for the prevention of this "unnecessary criminalisation", particularly as in the phrases brought to our attention by the Police Chiefs Council. I say that in relation to Amendment 9.

Regarding what I seek to do in Amendment 14, which is to do with making certain that they have legal advice, it is unfortunate that my amendment has got mixed up with Amendment 28A, in the name of my noble and learned friend Lady Butler-Sloss. Again, that is a casualty of what happens if you try to do things during a Recess. I am seeking to amend Part 1 to include a duty on local authorities to promote access to legal advice and representation for children in care. The sort of activities that they would need help with are assessing appropriate education in an area, having a voice in family law proceedings, regularising immigration status and claiming compensation when they are victims of trafficking. It is not good enough merely to provide access; there must be a duty to provide the access itself, which is what my amendment therefore seeks.

If there is one other group of children I am concerned about it is those people who are listed as unaccompanied asylum seekers, of whom there are 2,630 currently around. Nobody appears to have parental responsibility for them and I am worried about the effects of the recent Immigration Act, which says that any responsibility for care ceases at the age of 18 for an unaccompanied asylum seeker. They then have to go home, wherever that may be—and for some who were born in this country that means their country of origin. Only when they are back in their country of origin, according to the Immigration Act, can they appeal against being sent back. That must be a denial of every sort of right, which is why I asked the Minister earlier at a Cross-Bench meeting whether there had been any form of liaison between the Department for Education and the Home Office over the clauses in this Bill.

When we have child victims of trafficking being left to navigate the immigration system, the criminal and family justice system and the national referral mechanism without support and without any parental responsibility for them being cleared, it seems that we are not exercising our national responsibility towards these children. That is why I have tabled these two amendments and I beg to move Amendment 9.

Baroness Butler-Sloss: My Lords, first, I apologise for Amendment 28A. That is my fault because, having been asked to table the amendment in something of a hurry—I endorse very much what the noble Lord, Lord Ramsbotham, said about this all coming rather quickly—I am afraid I did not read through the list of amendments sufficiently carefully. Nor, I have to say, did the Public Bill Office, which happily tabled it. I have apologised to the Minister's Bill team for the fact that two identical amendments have been tabled. However, I would like to speak briefly to it.

Various groups of children, such as those under the age of 18 or children who are leavers from care, may need legal advice. One such group are English children caught up in their parents' unhappy divorce or separation proceedings, where they, or one parent—usually the mother—may be the victim of very serious domestic abuse. Currently, there is absolutely no legal aid in private law family proceedings. The judge or magistrates have to try to find out what is going on. A report, the name of which escapes me, talks about this great concern in relation to the private and public law sectors. On the nub of those two areas, some children who are the victims of what is going on in the family are not discovered, so their problems come up in the private law sector where their parents are not entitled to legal aid and there may or may not be good CAFCASS

[Baroness Butler-Sloss]
support because CAFCASS may or may not be asked to become involved until a very late stage. The welfare of such children is paramount under the Children Act, yet at the moment they are unlikely to get proper representation in proceedings where their parents have no representation and where their manifest needs may be overlooked because the judge or the magistrates do not have the information that is needed. That is one group who need this legal representation for children and young people.

As many Members of this House know, I spend a lot of my time involved in combating child trafficking. The children involved in this are a very special group. Generally, they come from overseas and many lack much, if not all, English. They may or may not go through the national referral mechanism. Some of them emerge on the streets of London and other places. They very much need all the help they can get. One of the things they need is legal representation to fight their way through the absolute maze of the various aspects that may hit them. Immigration is the most important but is by no means the only one. They need someone to help them. They need an independent trafficking advocate, who we have talked about. The Minister in the Commons has said that that issue is being looked at again with further pilots. However, these children also need legal representation.

I remind the Minister that the Government have now said that they will look after some at least of the 26,000 or 28,000 unaccompanied children who are stuck somewhere in Europe, although they do not seem to have begun to implement this policy. There has now been a promise to have some of them in this country. They perhaps more than almost anyone else will need the help of lawyers. This is therefore a very important amendment. I commend it to the Committee.

Baroness Massey of Darwen (Lab): My Lords, these are extremely important amendments from the noble Lord, Lord Ramsbotham, and, by default, the noble and learned Baroness, Lady Butler-Sloss. I too want to talk about child migrants and children who are trafficked. I am not a lawyer but I know that there are lawyers in the Room, so I hope that they will be able to reinforce these issues if I am right about them. It seems to me that child victims of trafficking from abroad are often left entirely on their own to navigate the immigration system, the criminal and family justice systems and the national referral mechanism mentioned by the noble and learned Baroness, Lady Butler-Sloss, without the support of anyone with parental responsibility for them. There seems to be no further announcement on the second pilot for independent child trafficking advocates, so I would like to know what is happening there.

UNICEF has pointed out that for children who have been trafficked there are apparently no monitoring systems to track outcomes for them once they leave care. Therefore, it is difficult to review cases and analyse long-term outcomes. Recent evidence presented to the Refugee Children's Consortium suggests that there is not enough access to legal advice in a child's care plan. There should be an active duty to promote this access for these children, who are extremely vulnerable.

Currently, the guidance on unaccompanied asylum-seeking children sets out that social workers should understand how to access specialist immigration legal advice. However, this advice is often sought too late for children. Further, it is important that children in local authority care are able to access legal advice on other areas of law. Children can require a broad spectrum of legal intervention to ensure that their best interests are represented: for example, to stay in education, to access support for their special educational needs or to gain compensation from a perpetrator.

The UN Committee on the Rights of the Child's concluding observations on the UK Government's fifth report noted that some children in care do not feel listened to and that unaccompanied migrant and asylum-seeking children may not receive independent legal advice. Figures gathered by the Children's Society show that almost all unaccompanied children's immigration cases would be out of the scope for legal aid. This is not a satisfactory picture, and I would like reassurance from the Minister that it will be looked at. We may well need to bring it back at a later stage of the Bill.

Baroness Pinnock (LD): My Lords, I thank the noble Lord, Lord Ramsbotham, for raising concerns about the legal aspects of children and care leavers, and in particular for extending that to children who have come here as refugees, and perhaps as unaccompanied minors. There has been a commitment from the Government that 20,000 such children will be accepted into this country by 2020. I know that my local authority in West Yorkshire has already been asked to accept 70 such children.

The difficulty that has been raised is one that we all ought to be aware of: we are in danger of creating two tiers of care leavers. On the one hand, there are those who are rightly included in this Bill, and we all praise the direction of travel. We are rightly saying that local authorities and corporate parents generally ought to take greater responsibility for those care leavers up to the age of 25. Therefore, in this Bill we are saying that young people aged 18 are not yet fully prepared and need help in the transition to adulthood. On the other hand, however, in the Immigration Act, which was debated in the last Session, the decision was made that, unless their asylum application is successful, young people aged 18, who have had some of the most harrowing experiences that any of us can imagine, not only will not receive any further care and support but will be sent back to their country of origin.

5.45 pm

Noble Lords will probably not know, but the noble Baroness, Lady Massey, and I do, that the European Union Sub-Committee on Home Affairs, having spent many months on unaccompanied migrant children in the EU, has just drafted what I think both of us regard as an excellent report. I hope we can give a draft to the Minister so that he can see the evidence that the committee had from unaccompanied minors and can see the consequences of not extending the support that we are going to give care leavers in this country to unaccompanied minors.

I shall read one section from the evidence of the British Association of Social Workers, which said:

"The fear of removal upon turning 18 is so overwhelming for many young people that they run away from care and live in an underworld of street life, so essentially the system itself is putting these young people at risk of exploitation and abuse. The current Immigration Bill",

as it was then,

"will 'rubber stamp' this abusive process by making all unaccompanied asylum seeking young people whose case fails destitute".

Baroness Lister of Burtersett: My Lords, I support Amendments 14 and 28A, with particular reference to unaccompanied asylum-seeking children and the regularisation of immigration status. I look forward to reading the EU sub-committee's report. I want to refer back to a report by the Joint Committee on Human Rights, of which I was then a member, on the human rights of unaccompanied migrant children and young people in the UK. We took a lot of evidence about the position of unaccompanied migrant children and young people, including questions around legal provisions—this was before the LASPO provisions were fully effective. We said that the picture painted of the legal landscape in this area was deeply troubling, and we called for an immediate assessment of the availability and quality of legal aid and legal representation for unaccompanied migrant children in England and Wales. I suspect it is going to emerge that the position is even more troubling today than it was then.

Like the noble Lord, Lord Ramsbotham, I spent many hours wrestling with the Immigration Bill. One of the issues raised by the noble Lord, Lord Alton of Liverpool, and myself, following representation from Amnesty and the Project for the Registration of Children as British Citizens, was the position of an estimated 120,000 children in the UK subject to immigration control and without leave to remain, over half of whom were born in this country and many of whom were in the care of a local authority. We drew attention to the evidence of the failure of local authorities to support these children in making a timely application to regularise their immigration status, or to register as British citizens.

As the Refugee Children's Consortium, to whose important work in this area I pay tribute, pointed out, a child without a way to regularise their immigration status in local authority care becomes a young person without support at 18. As some of us pointed out then, you do not magically become an independent adult when you turn 18; when the clock passes midnight, you are not suddenly able to look after yourself. We do not expect any other children to be able to do so, so why should we expect it of the most vulnerable children in care—unaccompanied asylum-seeking children?

Finally, a recent briefing from the UNHCR and UNICEF sets out what the UK can do to ensure respect for the best interests of unaccompanied and separated children. One of the recommendations is on the need to strengthen procedural safeguards for assessing and determining a child's best interests, including by ensuring high-quality legal representation and advice for unaccompanied and separated children. I hope that the Government will take that on board because it is not too much to ask. They should consider what a difference it could make to an extremely vulnerable group of young people.

The Earl of Listowel: My Lords, the report *In Care, Out of Trouble: How the life chances of children in care can be transformed by protecting them from unnecessary involvement in the criminal justice system*, an independent review chaired by my noble friend Lord Laming and sponsored by the Prison Reform Trust, was published about a month ago. Can the Minister tell us how the report has been received and when it is likely that a response to the recommendations made in it will be forthcoming?

I too share the concerns about the status of young people in the immigration system as they leave care. I would like to emphasise the point that has been made on all sides, most recently by the noble Baroness, Lady Lister, that these young people need advice early on when they enter care about their immigration status so that they can make early applications in order that when they leave care, it has been sorted out. Often they do not get that support and everything is up in the air for them. This is such an important point.

Lord Warner: My Lords, I too support Amendments 14 and 28A, but I want to speak mainly in support of Amendment 9 tabled by the noble Lord, Lord Ramsbotham. I do so from the background of having been the architect of youth offending teams and as a former chairman of the Youth Justice Board. One of the most depressing things about the report of the noble Lord, Lord Laming, is that we continue to find that the same number of children, if not more, who have been looked after and have left care are in the criminal justice system. My responsibilities as chairman of the Youth Justice Board related to the under-18s. If noble Lords go to Feltham, as I did recently, or look at young offender institutions for 18 to 21 year-olds, they will still see very disproportionately represented young people who have been in care. It is worth giving this special consideration, without distorting and overcomplicating Clause 1 too much; the point made by the noble Lord, Lord Ramsbotham, in Amendment 9.

These children are a special case. Many of us have tried to ensure that they get a better deal so that they do not go into the criminal justice system. Progress has been made among the under-18s in diverting them away from it, but there is still a long way to go. That is particularly the case among young people who have been in care and then are taken into custody. It is the case that when they leave custody, a depressing number of these young people quickly get on to the escalator of reoffending and they are back where they started. Many of the sentences are short. I should say that I am not advocating longer sentences for people in these circumstances, but they are usually not long enough to enable those running the custodial institution to change the behaviour of these young people and provide them with support. Typically, when they come out of custody, whether they are under 18 years of age or aged 18 to 21, for many there is no one in their lives to support them, they have accommodation problems and they do not have any employment. They then go back into

[Lord Warner]
the kind of environment which led them to get into the criminal justice system in the first place. Many of them offend outside the area where they were in care, so we have some problems about whether those local authorities always pick up the background of these children.

It is very difficult in today's world for a youth offending team working with a young offender in one area to get the host local authority, if I might put it that way, to take responsibility for that young person who had been in their care. We have to look very seriously at Amendment 9 from the noble Lord, Lord Ramsbotham. It gives focus to the importance of trying to do our best to stop these young people who have been in care, or who have left care, going through the revolving door of the criminal justice system—particularly those who end up in custody and then fail again when they leave custody.

Lord Mackay of Clashfern: My Lords, first, I very much support the amendments that wish to provide legal assistance to children who are in need. It is extremely important that they should have such help. I suggest for consideration setting up an advice centre because the problems that unaccompanied minors who come from abroad face include the intricate law in relation to immigration. If you go to a high street solicitor, it is difficult to get the kind of advice that you might wish for in that situation. It would be important to have a small team of specialists set up by the Government, or by anyone whom the Government could persuade to set it up, which would be available to provide that kind of help to children in that situation. That would be children who are in care or unaccompanied minors who come into our system otherwise than by the ordinary ways of care. It may be a good idea to bolster this type of amendment with a suggestion as to how it might be carried out efficiently and at reasonable cost.

My second point is in relation to Amendment 9. I understand the problem broadly in terms of the report of the noble Lord, Lord Laming, and other reports—for example, the chief officers' consideration of it. To ask people to do this is a great aim, in a sense, but I feel that if we are to do this we should offer them some assistance on how they go about it. Is the main way of approaching it to try to prevent the children in care committing criminal offences, small or large, or is it saying that if the children commit small offences we should persuade the police to do nothing about it? In other words, we should not commit these people to the organisation that deals with complaints generally. As has been said, ordinary children may find themselves in a disciplinary situation in their own families which does not involve the police and it may be that something of that kind is required. I am not at all certain how this problem can be dealt with but I am very much aware of it, and of the point of view that it should be dealt with. I would like to give more help to the people who we are asking to deal with it in how they go about it.

Baroness Howarth of Breckland: My Lords, I want to make two small points, the first of which was introduced quite well by the noble and learned Lord, Lord Mackay. The one report not mentioned was that of the All-Party Parliamentary Group for Children, which reported on an inquiry jointly with the police about children and the police. One thing that came clearly out of that inquiry was that when children kick off—to use a phrase that children would use—and create a disturbance because of difficulties in a children's home, if the police are called to help deal with that disturbance they have to record it as an offence. But if it happens at home in a domestic situation and the police help out, it is not recorded as an offence because the people concerned cannot be pressed to press charges. We must look at the spectrum of these things because once a child has a criminal record we know that they are likely to feel fewer inhibitions about starting on that road.

6 pm

In my day we had something called IT. It was nothing to do with technology. It was called intermediate treatment. The noble Lord, Lord Warner, will remember it well. It was a different sort of order where a child was not criminalised but had to go into a programme which sometimes related to the offence they had committed, so children who took away cars were sent off to learn how to manage cars properly and it took all their leisure time. The IT programmes were immensely successful. There are things that could be done in the future but certainly I think chief constables are keen not to have to prosecute. They have to because statistics are kept and the people who keep the statistics say that they have to be consistent. The noble Baroness, Lady Massey, and I heard this explanation with some disbelief. Surely the Government can do something about it quickly to stop that kind of intervention.

The second point I want to make is slightly different and is about asylum-seeking children and children who find themselves in this country at 18 and then discover that they have an immigration status that they did not know they had. Why can youngsters get to that point? The noble Earl, Lord Listowel, was right about that. I do not know why in this day and age a school does not discover that a child has an uncertain immigration status. Schools are doing so well at the moment. The Minister knows that. Surely we can tackle this issue. I would like to be sure that there is a plan from when a child enters the system right through and that we do not wait until the day the child finds themselves cast out. We must have a plan on that day for what is going to happen to them with the proper legal support and advice. I cannot think why we should take these children in at all if we cannot promise that we can give them hope for a future that does not mean being returned to the terror that they have just left. We have to make those decisions sooner rather than later. If there is proper planning I am not against children being returned. In the Vietnamese programme children were returned successfully because the planning was done properly. It is when we do not have plans that problems arise. I met a young man recently who found himself with no status on the day of going to college and he did not go.

The Earl of Listowel: It may interest the noble Baroness to know that one of my first jobs with children was working in an intermediate treatment centre.

The teacher was a woman. The social worker was a man. They worked very well in partnership. The youngest boy was eight—a Traveller boy. The oldest was 15, going on to do a mechanics course. It certainly seemed to me a humane and effective way of working and I hope that we can go back to using more of that kind of approach.

Baroness Evans of Bowes Park (Con): I am grateful to the noble Lord, Lord Ramsbotham, and the noble and learned Baroness, Lady Butler-Sloss, for these amendments —Amendment 9 regarding the unnecessary criminalisation of looked-after children and Amendments 14 and 28 concerning access to legal advice and representation for looked-after children. The first of the noble Lord's amendments seeks to make it a requirement, linked to the principles, for local authorities and their relevant partners to prevent the unnecessary criminalisation of looked-after children. I understand why the amendment has been proposed and strongly agree that we must avoid children in care being unnecessarily criminalised. Local authorities should adopt a restorative approach wherever possible so that police intervention is viewed not as a first but a last resort. As noble Lords have said, children's life chances can be badly affected by unnecessary involvement with the criminal justice system. Existing guidance requires local authorities to have clear strategies in place to help protect and divert children from the justice system. As the noble Lord, Lord Ramsbotham, said, in some areas the police, local authorities and children's homes have worked very well together to ensure that restorative approaches are used wherever possible.

The framework of corporate parenting principles in the Bill already makes clear what it means for a local authority as a whole to act as a good parent. Good parents will not hesitate to safeguard their children from the risks of offending or involve the police unnecessarily. However, it is an important issue and we intend to cover it in the new statutory guidance that will underpin the principles. For instance, the guidance will stress the importance of co-operation and joint working between local authorities, the police, children's homes and foster carers, and it will emphasise the importance of keeping a sense of proportion in relation to challenging behaviour.

The noble Lords, Lord Ramsbotham and Lord Warner, rightly raised a number of the very important issues highlighted by the Laming report. They will also be aware that Sir Martin Narey is currently carrying out a review of residential care which also looks at this issue in detail. In addition we have Charlie Taylor's review of youth justice. All three of these reports and their findings will help and support us in developing guidance in this area and will give us a clear picture of other actions that we may need to take.

The noble Lord and the noble Baroness also proposed inserting a new corporate parenting principle to promote access to legal advice and representation for looked-after children. I agree that it is vital that we hear the voice of the child being cared for rather than simply treating them as part of an administrative process. Under the existing arrangements there are a number of adults who children in care can talk with and turn to. They include court-appointed guardians, their social worker and a named independent reviewing officer who will follow their case long term and can also advise the court.

Under the existing requirements, local authorities are required to make looked-after children aware of potential advocacy support to make representations or complaints, most significantly the advocacy services clause set out in Section 26A of the Children Act 1989, from which various pieces of guidance flow. An additional legislative clause is unlikely to impact further on either children's or local authorities' awareness. The associated statutory guidance will make clear that local authorities should consider how they can best listen to and hear from looked-after children and care leavers.

A number of noble Lords raised a range of issues relating to unaccompanied asylum-seeking children. The majority of these children will continue to receive support under the Children Act 1989 if they have a legal right to remain. Once that right is exhausted, they then get accommodation, subsistence and other social care support under the Immigration Act until they leave the UK. The Department for Education has been working closely with the Home Office to ensure that children receive appropriate support. However, in the light of the detailed points raised by noble Lords raised today, I would be very happy to arrange a further meeting to find out what has been happening. Given the depth of our discussions today, that would be better than me attempting to respond, not very well, to their points today.

I hope that on that basis the noble Lord will be happy to withdraw his amendment.

Lord Ramsbotham: My Lords, I am grateful to the Minister, particularly for her closing remark because many noble Lords would welcome such a meeting. Although there has been mention of liaison between the Department for Education and the Home Office, it does not appear so in the legislation before us.

Once again I am very grateful to noble Lords who have spoken. As the noble and learned Lord, Lord Mackay, was speaking, I was reminded of an inquiry I conducted into the unlawful killing of Jimmy Mubenga, an Angolan asylum seeker who died on an aircraft. One of the witnesses who came before us was the Immigration Services Commissioner. She told us that one of her problems was trying to get some form of control over the people who were allegedly advising asylum seekers on their legal rights. She was looking for a job, as it were. She is an official; she is there. It seems to me that if anyone is going to get a grip on this, she will do so as someone already in the system with a responsibility to the asylum seekers who might be involved.

I absolutely agree that something needs to be done to co-ordinate all these activities. How the prevention is going to be done is probably by picking up good practice from somewhere and applying it to other places. I mentioned the work that has been done in Surrey, but it is not alone. As the noble Lord, Lord Warner, knows, there are many good things going on in various parts of the country that could be adapted with advantage. However, I have another concern over

[LORD RAMSBOTHAM]

the Rehabilitation of Offenders Act 1974. An extremely good report on this was produced by the Standing Committee for Youth Justice, which recommended that offenders should have their offending looked at at the age of 18 and that anything other than the most serious offence should be expunged so that they start with a clean slate. I have put forward a Private Member's Bill and I hope to include that as priority number one.

I return to something the Minister said which gives me slight heebie-jeebies, which is that yet more statutory guidance is needed. I mentioned at Second Reading that there was concern over the number of Henry VIII clauses already in this Bill; we want to be very careful about adding yet more, not least in view of the remarks made previously by my noble and learned friend Lord Judge in the House. I hope that what comes out in the discussions that we will have between now and Report can lead to further consideration of these two very important issues and I look forward to taking part in them. In the meantime, I beg leave to withdraw the amendment.

Amendment 9 withdrawn.

Amendment 10

Moved by ***Baroness Massey of Darwen***

10: Clause 1, page 1, line 10, after "health" insert "(including mental health)"

Baroness Massey of Darwen: My Lords, in the last hour or so we have heard a lot of talk about prevention, and the Minister latterly talked about life chances. My amendments today cover both prevention and life chances, and I wish to speak to Amendments 10, 16, 22 and 80A in this group.

Amendment 10 calls for mental health to be included in the definition of health. Amendment 16 comes in the part of the Bill on the best interests of children and supports the development of high aspirations in promoting "social and emotional" outcomes. Amendment 22 comes within the guidance for staff members for looked-after pupils and would reinstate issues for child welfare that were in the Children Act 1989. I agree with the noble Baroness, Lady Walmsley, about this; I do not know where that Act has gone but it had such a lot of good things in it and was complete. I shall talk later on about the importance of taking into account certain things in that Act, such as age, gender, vulnerability and so on. Amendment 80A would add the category of,

"returning home to the care of a parent",

to those looked-after children who have ceased to be looked after by the local authority.

Amendments in this group tabled by other noble Lords come in between my amendments and are to do with respecting the background of children and promoting well-being, prevention and life chances. I leave it to the capable hands of other noble Lords to talk about those issues.

Amendment 10 is about mental health. I remember that at Second Reading the issue of mental health came up over and over again. I want to emphasise the importance of attending to mental health here. The Royal College of Nursing, together with other notable organisations, has pointed out that the mental health needs are higher in looked-after children—I think one would expect that. Mental health must be addressed in the early years by carers, social workers and schools so that it does not deteriorate as children age.

6.15 pm

Amendment 16 is about adding social and emotional outcomes to promoting "high aspirations". The reason for this is that young people need to aspire. To express their views and feelings and to make the best use of services, they will need social and emotional skills and not simply information about what they should do. A strong body of research suggests that children need a strong base of resilience and confidence to succeed in personal relationships, academic achievement and communication skills. I shall come on to this again much later in Amendment 86.

Amendment 22 recalls the 1989 Act. It requires a local authority, in supporting children, to take into account issues such as gender, vulnerability, religious persuasion, racial origins and linguistic background; it should also take into account the trauma and suffering that children may have experienced. This is also important. It does not appear in the Bill but it should take into account that different children have different needs. There should be a special place for children who have gone through trauma, as we know some migrant children have.

I spoke at Second Reading of the important needs of migrant children in care. I declare an interest as a Member of the EU Home Affairs Sub-Committee, which is just completing an inquiry on unaccompanied migrant children in the UK. It is a lengthy report but it will be very useful. One of our witnesses spoke of the high level of trauma in asylum-seeking children from conflict zones and the lack of attention that some local authorities give to their mental health needs. Trafficked children, too, have horrendous stories to tell and their support needs are very great. I know that many children who are not migrants or trafficked children also have had horrendous experiences and need a lot of support.

Some authorities are responsible for far more child migrants than others and need extra help to cope with the numbers. I wonder what will happen to the cash situations of local authorities helping these children, particularly crowded authorities such as Kent. We should spell out the specific groups of children who are the most vulnerable and need the most help. I hope that the Minister will look seriously at the issues relating to the prevention of life chances. I beg to move.

Lord O'Shaughnessy (Con): My Lords, I shall speak to Amendments 17 and 21. In doing so, I draw attention to my various educational interests as set out in the register. I thank the officials who were generous with their time between Second Reading and now in helping to answer a number of points for me.

I support the noble Baroness, Lady Massey, on her Amendments 10 and 16, which deal with mental health and social and emotional well-being. Those seem essential

in the essence of what we are trying to do here. I support wholeheartedly the corporate parenting principles. Earlier today my noble friend the Minister described them during Oral Questions as bringing together what it means to be a corporate parent for the first time. Clearly, we want to make changes and improvements to them but it surely must be the right ambition to build on the Children Act 1989. I am conscious that the noble Baroness, Lady Evans, and I are the only two people speaking in the Committee who were affected as children by that Act. For me, it had the happy consequence that I went from a primary school that had corporal punishment to a secondary school that did not. I am deeply indebted to my noble and learned friend Lord Mackay for that.

The purpose of my first amendment takes up what the noble Baroness, Lady Massey, was saying about the driving forces behind this group: prevention and having ambition for children. Amendment 17 is really about ambition and would insert "educational" before "outcomes" into the fifth of the corporate parenting principles. I gave the reasons for doing so at Second Reading because it seems odd to me that while health is rightly mentioned in the first of the principles, education is not mentioned explicitly in any of them. Yet the life chances agenda which is commendably at the heart of the Government's legislative programme shows that there is no better way to improve a child's long-term life chances than to give them a great education.

We know that for many looked-after children, the education they receive is sadly not yet good enough. The noble Baroness, Lady Howe, has already referenced the gap in performance at key stage 2. At the end of primary school just 52% of such children reach level 4 in their English and maths SATs, which is the expected standard, as compared with 80% of other children, and indeed boys do even worse than that. Previously looked-after children do not do much better, so we really have a problem here. That is not to say that lots of bodies are not engaged in trying to solve it, but the reason for the amendment is to ensure that there is absolutely no doubt whatever that all the agencies and institutions involved in the lives and improving the life chances of these children should be focused on dramatically raising those unacceptably low standards. That is why I believe that "educational" should be included.

To complement the insertion of the word in the principle, I continue to urge the DfE to commission the two relevant What Works centres, the Education Endowment Foundation and the Early Intervention Foundation, as well as Ofsted to commission reviews of interventions that are particularly effective in raising the educational standards of these vulnerable pupils. If we are to achieve our ambitious goals for them, it is only right that we equip teachers and schools with the tools to do so.

The aim of Amendment 21 is to bring to the fore my own and indeed the department's belief in the power of developing "character, grit and resilience", to use the department's words, in order to help young people to live happy, successful and independent lives. This clearly complements Amendments 10 and 16. One of the great benefits of character education—and I speak as someone who has set up two schools which have this philosophy at their heart—is that its effect is greatest on those who start from the lowest point. The Nobel Prize-winning academic James Heckman found that character strengths, which are sometimes called non-cognitive skills, are malleable. The leopard can change its spots, and this is especially true of younger children. Developing in these children from an early age character strengths such as self-control, gratitude, compassion and so on has a positive impact on life chances that continue to have effects as they grow up.

The benefits of having these strengths are clear. For example, a 2011 study from New Zealand found that children with strong character skills are less likely to be involved in crime, while equally children with weaker self-control have poorer outcomes. However, we know that this can be changed with judicious intervention. A working paper from Harvard University has shown that children affected by violence can be taught courage and self-control to help turn off toxic stress. What a powerful intervention that could be for some of the children under discussion today—not only children who are in care but also refugees, trafficked children and others. Many other studies show similar benefits. In his book *How Children Succeed*, Paul Tough talks about the KIPP charter schools in the US which have been incredibly effective at getting young people into college by developing their character strengths so that they can escape poverty. I visited one of those schools in the South Bronx area in New York, which had a graduation rate from high school into college of 8%. But that school had a rate of more than 80%, which is a really extraordinary improvement in life chances.

I think that all in this Room agree that the Government are serious about improving the life chances of vulnerable people and about putting character development at the heart of their educational approach. Amendment 21 seeks to connect the dots between these two ambitions, which in my view would undoubtedly have a positive effect on the future success and happiness of looked-after and previously looked-after children.

Baroness Hodgson of Abinger (Con): I shall speak to Amendments 23 and 25, and I support the amendments of the noble Baroness, Lady Massey.

The noble Earl has raised the issue of siblings. For children separated from their parents, siblings may form their next-closest relationships and therefore, wherever possible, we must also seek to avoid the separation of siblings. This can have devastating effects on those who have already undergone the suffering of being removed from their homes and filtered through the social care system. Many describe knowing they have a sibling that they are separated from as having a piece of themselves missing.

Your Family, Your Voice, which briefed me, states that currently 50% of sibling groups in care are split up. I find that an astonishing statistic. We sometimes read stories in the papers about siblings who were adopted and find their brother or sister later in life. Do we really think it is acceptable to be creating situations like that in this day and age? I accept that from time to time there may be a case for splitting up siblings, where one is very disruptive or has a detrimental effect

[Baroness Hodgson of Abinger]
on other siblings. However, the normal situation should be that priority is given to keeping siblings together—and, if it is considered desirable to split them up, the local authority needs to explain the reason why it is doing so.

It is important that we listen to what children want, and facilitate it. With regard to Amendment 25, where it is clearly unsuitable for a child to remain with their parents, relatives or close friends may be able to step in to prevent them having to be taken into care. For a child, being taken away from their home, whatever their circumstances, must be highly traumatic. However, where they are going to live with a friend or relative who is already known to them, this will lessen the strain and upset, and in many cases will mean that the child is raised within their family.

There are an estimated 200,000 children being raised by kinship carers, 95% of whom are not classified as looked after. The briefing that I received from the Kinship Care Alliance, which I understand is serviced by the charity Family Rights Group, stated that,

"children in kinship care are doing significantly better than children in unrelated care, despite having suffered similar early adverse experiences—in particular they feel more secure and have fewer emotional and behavioural problems and are doing better academically".

So this approach also has the economic benefit of savings for the state if the child is not taken into care, although I understand that at present kinship carers are not being given any financial help. This aspect needs to be looked at. Having an extra child or children in the house may create financial hardship in terms of both needing bigger accommodation and having more mouths to feed. I understand that a large percentage of kinship carers have to give up work to take on the extra children. It would therefore be helpful to give them some support. I understand that local authorities often seek close relatives and friends to look after the child, but I would like to see in the Bill that this has to be done and considered, because it seems to be a much preferable outcome for the child.

Baroness Walmsley: My Lords, I am afraid that my Amendment 24 in this group would add further corporate parenting principles to Clause 1. Like the noble Baroness, Lady Hodgson of Abinger, I want to add the principle that siblings should be kept together as far as possible. If they cannot be fostered or even adopted together, at least they should be located as close as possible to each other and arrangements made for them to have contact if they want it. That last point, made by the noble Baroness, Lady Hodgson, is absolutely right: we have to take account of what the child wants in relation to his or her siblings.

Many children who suffer the trauma of the break-up of their family and being taken into care rely very much for their emotional well-being on the support of their siblings. I know that most local authorities do their very best to ensure that they can be together as much as possible, but it is not easy to find foster parents who will take more than one child, or a group of two or three. If we are laying down corporate parenting principles, it is vital that sibling issues are in there. Emotional well-being is important for educational attainment and success in life, and we let children down if we ignore it. Although it is mentioned in Clause 1(1)(a) of the Bill, we need to be more specific about how that well-being should be achieved on a matter as important as siblings.

6.30 pm

My second point is that children's backgrounds, personalities and interests should be valued in decisions about their care. Children are people and should be treated as such, not just as a number or a cost. When decisions are made about where to place them, they should be treated as unique human beings.

Thirdly, I want children's rights and entitlements to be recognised in the corporate parenting principles so that they can play their full part in society. I will come on to other amendments about rights later in our debates, but they should be up-front in Clause 1.

Finally, my amendment supports the move of my noble friend Lady Tyler to ensure that children have a proper physical and mental health assessment from a properly qualified professional, and that their needs are promoted. They must have appropriate treatment or therapy to help them to recover from whatever trauma has contributed to them coming into care. Of course, we know that around 20% to 35% of sexually exploited children have been in care. My noble friend will say more about that issue later.

As I said at Second Reading, this assessment and treatment should include any speech and language needs because, if not detected and addressed, this lack of ability to communicate freely can not only hold the child back in their education but cause such alienation that they may find themselves in trouble with the law. That would be a terrible disaster, as we heard when discussing the previous group. It can also prevent children engaging fully with their own care and expressing their views. It is so important that those views are heard when decisions are made about their care, so we must ensure that children are equipped with the skills and abilities to make their views known. So I hope that the Minister will look kindly on these additional principles and agree to their incorporation.

Baroness Howe of Idlicote: My Lords, my amendment in this group is Amendment 28. But before I turn to it I should say that, having listened to all the points that have been made, whether on speech and language difficulties, referred to by the noble Baroness, Lady Walmsley, the kinship carer issue mentioned by the noble Baroness, Lady Hodgson, or the splitting up of siblings—all these issues are so important. The fact that they have not been addressed effectively does not speak well of what we have achieved so far. We must ensure that we achieve more appropriate success in future.

My Amendment 28 stresses the need for a recovery principle to guarantee therapeutic support for looked-after children. Amendment 1, to which I spoke, also proposed that relevant bodies must also ensure the provision of appropriate support to advance looked-after children's,

"recovery, happiness and emotional stability".

As many as six in 10 children in care are there because they have experienced abuse or neglect, yet our support offer often falls woefully short. Between 60% and

90% of children who have experienced sexual abuse will not get access to therapeutic support. NSPCC research has also found that as many as one in five children are turned away from CAMHS after referral to a service. While the average waiting time between referral and assessment is two months, unbelievably many children are waiting up to six months.

Around 100 children contact the NSPCC's ChildLine service each week about mental health concerns and abuse. This has profound implications for children. Looked-after children are four to five times more likely to attempt suicide than their peers outside the care system. Research from the United States also indicates that nine out of 10 children who are abused go on to develop a mental health condition by the time they are 18.

Young people who worked with the NSPCC to provide evidence for the Education Select Committee's inquiry into the mental health of looked-after children said that the traumatic reasons that caused them to enter care are often never really dealt with. One said:

"Wounds turn into scars that will never heal".

Another child, describing her care experience, explained to the committee that she had just accepted that she did not deserve the best in life. No children should ever have to carry these burdens with them throughout their lives.

It is therefore vital that the Government accept this amendment. Some £1.25 billion is on the table to improve mental health provision in the UK, and we must ensure that this reaches looked-after children. A robust legislative framework that puts the needs of looked-after children first is a vital way of achieving this.

Lord Mackay of Clashfern: Amendment 33 in this group is mine. In the natural parent system there are normally one or two people who are linked to the child, and that link continues. When children go into care, the difficulty is that the staff looking after the children are apt to be different from day to day and week to week, and certainly from month to month. My proposal is that when a child comes into care, a member of the local authority care staff should be appointed with a responsibility for the well-being of that child. When I use the phrase "well-being", I am thinking of course of the Care Act and the wonderfully large coverage that that phrase embraces. It is extremely important that this should happen.

Inevitably, there will be a need for change from time to time. I have therefore proposed that where it has to be changed, a new appointment is made so that there is always some individual responsible for the well-being of that child. An example of where this can happen and be important is in relation to the provision for the child. If a child is being provided for in a certain situation and it appears that a more inexpensive arrangement can be made for that child's care, the idea might be to move that child from the more expensive arrangement to the less expensive. It is important that someone with responsibility for the well-being of that child should have an opportunity to be involved in that kind of decision. That seems to be well worth while.

The noble Lord, Lord Harris of Haringey, in his report on deaths in custody, suggested that where a vulnerable person came into the custody system it was important that a single person should have responsibility for looking after the well-being of that vulnerable person. I do not think the Government have actually refused to accept that particular proposal but they have not accepted it as yet. What lies behind that proposal is very much the same as what lies behind mine and I hope the Government will accept both.

Baroness Tyler of Enfield: My Lords, I have Amendments 34 and 87 in this grouping. I shall deal with Amendment 87 first, for reasons that I hope will become obvious. Both amendments are to do with the mental health and emotional well-being of children in care. I support much of what has been said and proposed in this very wide-ranging grouping; there are many very important issues being dealt with here.

At Second Reading I argued that the bedrock of promoting the mental health and emotional well-being of children in care should be the introduction of an improved system of mental health assessments for children entering care, throughout their time in care and indeed when leaving care. I acknowledge the work that is going on. The Minister has already referred to the current pathway that is being developed by the Department for Education's expert group. It is indeed promising. However, that does not negate the need for a statutory strengthening of current mental health assessments.

Current statutory guidance states that children must receive a physical health assessment when entering care, whereas it is recommended that their emotional well-being should be evaluated by what is called a strengths and difficulties questionnaire. That is widely regarded as inadequate. The latest figures I saw suggested that around only 70% of children in England entering care had these questionnaires completed for them. As we have already heard this afternoon, children entering care often exhibit challenging behaviour resulting from their experiences before entering care, usually to do with abuse and neglect. Moreover, these questionnaires are completed by foster carers, who I am sure are doing their absolute best but who may have little or no training in mental health.

The point of my amendment is that these assessments really should be conducted by professionals with specialist knowledge of the therapeutic needs of children in the care system and how they should be met. The point I most want to emphasise is that the introduction of these mental health assessments for children in care is the first and most basic step towards improving their mental health. However, it is only that. They are a mechanism and not an end in itself. We want to see that these assessments ensure that children in care receive the right support and interventions to deal with their mental health and emotional needs.

This could include a range of things, such as peer support, group working, play or art therapy, counselling or a referral to CAMHS. I was encouraged to hear the Minister say earlier in the debate that access to CAMHS should be based on clinical need. That is absolutely right. However, at the moment, there is precious little evidence that that is happening.

[BARONESS TYLER OF ENFIELD]

The Minister also quite rightly raised *Future in Mind*, an excellent report that holds much promise if it is implemented properly. However, recent research by the NSPCC about the local transformation plans, which are the mechanism for implementing *Future in Mind*, reveals that just 14% of plans contained an adequate needs assessment for children who had been abused or neglected. There is a lot more to do.

As to Amendment 34, much of what I have already said applies. The amendment would introduce a duty to promote children's physical and mental health and emotional well-being, including a requirement for a designated health professional. Currently, clinical commissioning groups are required to have access to the expertise of a designated doctor and nurse for children in care, whose role is to assist commissioners in fulfilling their responsibility to improve the health of children in care. However, this is not underpinned by primary legislation.

The duty to safeguard and promote the welfare of children in care should also include a particular duty to promote that child's physical and mental health and their emotional well-being in line with the existing requirement to promote the child's educational achievement. The two are inextricably linked; a point that was made very clearly by the noble Lord, Lord O'Shaughnessy. All the research tells us that levels of well-being impact on educational attainment and can predict future health, mortality, productivity and income outcomes. There is an awful lot at stake here.

The effect of this amendment would be that all clinical commissioning groups must appoint at least one person who is a registered medical practitioner or registered nurse who will be required to discharge this duty, building on the existing role of the designated doctor. This would put the requirement for the appointment of a designated health professional on the same statutory footing as the requirement for local authorities to appoint a virtual school head and a designated teacher. I see this as another piece of parity of esteem.

6.45 pm

Lord Warner: My Lords, I support Amendments 10, 16, 34 and 87 and the separate issue that is Amendment 33. I am not going to rehearse all the arguments about why looked-after children and children taken into care are a very special case in relation to access to mental health services, but they are. The noble Baroness, Lady Tyler, made the point about the inadequate assessment of the state of their mental health and the trauma they have suffered. It is pretty intolerable. Some of us who are veterans of the discussions on the Health and Social Care Act 2012 spent a very long time trying to persuade the Government to deal with parity of esteem between physical and mental health in that piece of legislation. Finally, the Government gave way and it is in there. It is part of the way the mandate has been changed for NHS England.

That is fine in terms of that piece of legislation but there needs to be some follow-through in this legislation as well. That is why Amendments 34 and 87 are so important because not only do they deliver parity of esteem in terms of physical and mental health, they lead to some practical ways of making that happen. We all know that access to CAMHS is extremely variable around the country. There is no equivalent access in different parts of the country. That is why we should start to really push the boat out on this issue in this legislation. I hope the Government will recognise the seriousness of the issue of proper mental health support in the Bill for these children who have very special needs. They have gone through particular sets of trauma in getting to the point where the state has had to intervene and bring them into the care system.

I wish Amendment 33 from the noble and learned Lord, Lord Mackay, had been on the statute book when I was a director of social services. I would like to have been put in the position of having to address that issue. I became the Children's Commissioner in Birmingham in 2014-15. There is a deeply depressing familiarity for me when talking to children in private meetings about their experiences in care. They would readily tell you how many social workers they had had, not just in their time in care but in the last 12 months. There is massive turnover for a group of people who have already lost a lot of confidence in the adult world. These are young people who have often had very bad experiences at the hands of adults. They have often had a transition of adults through their lives with no consistency.

The noble and learned Lord has raised an important issue and I wish we had had more time as I would have added my name to his amendment. The Government should take this amendment very seriously. It will of course be difficult always to get that right in the present circumstances, but at least it should be clear in law that that is what the corporate parents should be trying to do as soon as the child comes into the care of the local authority.

Baroness Benjamin: My Lords, I visited my GP last week and she expressed her concerns about the number of care leavers coming to her surgery with mental health issues—anxiety, depression, self-harming, suicidal emotions and erratic behaviour. She said: "Floella, if only we could do something about this when the child is entering care. If only we could identify that they are suffering from mental problems it would save the NHS resources and save them suffering and long-term unhappiness." That is what many Peers have said this evening, while charities such as the NSPCC have said it for a long time. I, like others, strongly believe that we need to adequately identify the issue and that children should receive assessment for their mental and emotional well-being by professionals with specialist training in the mental health of looked-after children. This is necessary because the children are suffering long-term. We spoke earlier about corporate parenting. I believe that the principles should include the responsibility to ensure that children are offered the support they need to recover from psychological harm caused prior to their entry to the care system. That should be paramount when we have to look after those children.

There must be provisions made to guarantee that the children in care will never be denied access to, or disadvantaged when trying to access, mental health services. They are finding that this is a problem. They must never be told that they cannot get professional

help because they are not in a stable placement, or disadvantaged because they have moved out of an authority placement. We know that a high percentage of children in care end up in prison or are homeless, and that many suffer from mental problems while in prison. During my prison visits, I often speak to young people who say. "If only things had been different for me when I was a child"—a phrase repeated over and over again. Children who have been abused or neglected could face serious long-term mental problems throughout adulthood because of the lack of support, so it is essential that we are able to deal with difficulties early and offer the right support to children.

Children need that support but the NSPCC has found that there are not enough therapeutic services for those who have been abused or neglected. This has to stop. There is cause for concern because more and more children are reporting sexual abuse, which is occurring every hour of the day, and because we have almost 70,000 children living in care in England. This has to stop and we have to help these children. We must not let them down. That is why I am supporting and have put my name to Amendment 87.

Baroness Howarth of Breckland: My Lords, nothing has been said during this debate that one could reasonably disagree with. My only question is: would it help if we had it all in the Bill? I would draw attention to the Local Government Association's concern, which is that if all these things are in a Bill they restrict the capacity to think through the targeting of where there is greatest need. In some communities, the greatest need may not be for the in-care community.

We know, as I said this afternoon during Questions, although I was rather interrupted, that the children who are on the list of those in greatest need are likely to have a greater need for intervention than some of the children in care. We should not do anything that inhibits local authorities and their partners from making proper assessments and being able to direct those services. I know, having talked at length to the noble Lord, Lord Warner, and to other people who have been in poor authorities, that there is some despair about whether some local authorities will ever reach that point of being able to make good assessments. I also know from work that I am doing with the All-Party Parliamentary Group for Children that some remarkable work and turnaround is happening in other local authorities. We should try to work with the best towards the best and enable a local authority to do that.

I am interested that the noble Lord, Lord Warner, is so sanguine about the suggestion of the noble and learned Lord, Lord Mackay. I can see a million difficulties in having his suggestion on the statute book. Again, much as the bit of me that was a director of social services would have liked to have had that, the other bit would know how impossible it is to get one person. What is the role now of the independent reviewing officer, for example? We know that IROs have not been particularly successful, yet those are the people who we have identified as the ones to focus on the children. There must be alternative ways.

This is where the two parts of the Bill come together. If we are able to get the social work bit of it right and develop really good social work, it seems that the other issues will not be so pressing—apart from the ones raised by the noble Baroness, Lady Tyler. The mental health issues of children in care are of particular concern and I would support her. This is because CAMHS is in such disarray, probably in greater disarray than some other areas in local authorities, and although I think that the Government have good intentions to put money into the service, we know how hard it is to get that funding properly directed. However, we could make a real difference to young people's progress if we ensure that their therapeutic needs are met early on, not when they are developing serious mental disorders and personality conditions. We know that behavioural work with children at an early stage works very well. While I am finding it difficult to support a wide range of the amendments, again because I want to keep the Bill as simple and implementable as possible, we should look seriously at these mental health issues.

Lord Watson of Invergowrie: My Lords, undoubtedly many telling points have been made on these wide-ranging amendments. I cannot offer my support for all of them, but I certainly can in respect of those tabled by my noble friend Lady Massey and the noble Baroness, Lady Tyler of Enfield, concerning mental health. My noble friend urged the promotion of mental health, something that we might imagine was not necessary but unfortunately it is. Current statutory guidance requires that children entering care should receive a physical health assessment by a trained clinician, yet mental health and emotional well-being are assessed only through a strengths and difficulties questionnaire. That is not an alternative to a full assessment conducted by someone with the appropriate qualifications in mental health, which should be instituted as a matter of urgency. The noble Baroness, Lady Tyler, sets it out clearly in her Amendment 87. This is not a new demand. I can recall asking for it on several occasions during our consideration last year of the Education and Adoption Bill, and I was not alone. Noble Lords from all sides of the House expressed the same call.

It is now well past the point when Ministers should get it, by which I mean the fact that 45% of children entering care have a diagnosable mental health condition. Their needs should be identified early and clearly. The noble Baroness, Lady Tyler, referred to the plans that form part of the implementation of *Future in Mind*, and I hope that I am quoting her accurately when she said that only 14% of children entering care receive proper mental health assessments despite the proposals in the document. I would suggest that the time for that situation to change dramatically is now long overdue. We missed the opportunity in last year's legislation, so I hope that will not be allowed to happen again.

Lord Nash: My Lords, I shall speak to Amendments 10, 16, 17, 21 to 25, 28, 33 and 34, 80A and 81A, 84A and 87 regarding the promotion of the mental, physical, emotional and social health and well-being of looked-after children and care leavers, as well as their educational outcomes, along with the educational outcomes of children who leave care and return to their parents. I fully agree that promoting the mental health and social and emotional well-being of looked-after children and care leavers and promoting positive

[LORD NASH]

educational outcomes for these groups is critically important, and I shall deal with each of the amendments in turn.

I thank the noble Baroness, Lady Massey of Darwen, for her Amendment 10 and the noble Baroness, Lady Tyler, for her Amendment 34. The Government have made clear in Section 1 of the Health and Social Care Act 2012 that a comprehensive health service is one that addresses mental as well as physical illness. The Government's intention is to ensure that the first corporate parenting principle, which refers to promoting the health and well-being of looked-after children and care leavers, is interpreted as covering both the physical and mental aspects. We think that this is clear in the Bill as currently drafted, but we will clarify the position in associated statutory guidance.

7 pm

I turn now to Amendments 16 and 21, tabled by the noble Baroness, Lady Massey, and my noble friend Lord O'Shaughnessy, which focus on social and emotional outcomes and character strength. I completely agree with the noble Baroness, Lady Massey, that we want to see children in care achieve and excel in all areas of their lives, including social and emotional outcomes. I assure the noble Baroness that the word "outcomes" is wide enough to include social and emotional outcomes, but we will make that clear in statutory guidance. Children's care plans already include the need to identify appropriate outcomes for health, education, family and social relationships, social identity, social presentation, self-care, and emotional and behavioural development.

I am grateful for the amendment of my noble friend Lord O'Shaughnessy which focuses on character strengths and improving mental health in preparation for adulthood and independent living. I agree that these are very important elements of support, but we do not believe that central government should mandate exactly how local authorities should prepare their young people for independence. However, it could well be set out in local offers. It is also important to allow flexibility.

We expect local authorities to have regard to the views, wishes and feelings of looked-after children and care leavers and to respond to their individual needs. We will produce statutory guidance to steer them through this process and will of course consult on the guidance while it is under development.

We would like local offers to cover all the skills that young people leaving care should have developed, a point made very forcefully to me by a young girl in care with whom I recently had an interesting discussion.

I am grateful to the noble Baroness, Lady Tyler, for Amendment 87, which proposes an amendment to the Children Act 1989. I can confirm that Section 22 of that Act already prescribes the general duties of local authorities in relation to looked-after children. Existing regulations also require the authority to make arrangements for a registered medical practitioner to carry out an assessment of the child's state of health and provide a written report of the health assessment. The aim of the assessment is to provide a comprehensive health profile of the child to identify those issues that had been overlooked in the past and that may need to be addressed in order to improve the child's mental, physical and emotional well-being, and to provide a basis for monitoring a child's development while having looked-after status.

Our investment of £1.4 billion over the lifetime of this Parliament will go a long way in establishing accessible child mental health and well-being services. Nowhere is that more important than for looked-after children. However, it is an important principle that entry to the care system should be based on need rather than because of the circumstances of children's upbringings.

The noble Baroness, Lady Benjamin, made the point about the lack of therapeutic support for abused children. We agree that it is essential for children who have been abused to be able to access support, as stated in the NSPCC report. The investment of £1.4 billion, to which I have already referred, will lead to a significant increase in access to high-quality, evidence-based services. We also need to ensure that this funding is used to improve preventive and early intervention, including through more support in schools and foster care training.

The noble Baroness, Lady Tyler, and the noble Lord, Lord Warner, made the point that there is little evidence that access to CAMHS is based on clinical need. We agree that many looked-after children are currently unable to access services. The local transformation plans show how every area will address these issues and, we are assured, the basis on which they address the needs of all children, particularly those who are vulnerable.

We know that approximately half of all looked-after children do not show signs of mental health difficulties following the strengths and difficulties mental health questionnaire that is completed for all looked-after children. However, it is right that we should ensure a timely and effective response for those who need help and support. Automatic mental health assessment on entry to care would not be an effective nor efficient use of our healthcare resources.

However, a universal approach to assessment and need cannot be justified, regardless of financial pressures. Existing preliminary screening, which can be followed by more targeted assessment and support, is what current arrangements deliver and is the right thing to do. Approaches that use screening can capitalise on the carer's views as the child starts to settle in the placement and mental health and emotional well-being needs start to emerge. Indeed, Teresa Latham, a foster carer who gave evidence at the Education Committee recently, said that a child on day one is not the same child six weeks later. So many areas develop in that period of time.

It is right that we should continue to review whether our approach is the right one. That is why we have established an expert group on the mental health of looked-after children, those adopted from care and care leavers. Led by Professor Peter Fonagy and Alison O'Sullivan, its role is to develop care pathways and models of mental health care for these children, meaning that all professionals will be working to the same agreed standard of care. Their work is expected to take about 18 months, and we will be looking at their outcomes and recommendations with great interest.

I would now like to turn to Amendments 22, 24, 28, and 33 proposed by the noble Baronesses, Lady Massey of Darwen, Lady Walmsley and Lady Howe of Idlicote, and my noble and learned friend Lord Mackay of Clashfern. The first three amendments concern the corporate parenting principles proposed in the Bill, while Amendment 33 would place a new duty on local authorities to appoint a member of staff to be responsible for the well-being of each looked-after child. Underpinning all is a concern that care should be child-centred and take account of the different needs and circumstances of individual looked-after children. These are concerns that I am sure are shared by all across the Committee.

When a child enters care, the statutory process of assessment and care planning requires that the child and their needs are considered carefully and holistically. The child's background, the community they come from and any support needs they have as a result of past experiences such as abuse and neglect must be taken fully into account. The child's placement and support around the child should then be tailored accordingly. This includes helping children to continue any religious instruction they may be undertaking, or allowing them to take part in festivals or ceremonies of significance to their culture.

Effective assessment and care planning should already take account of contact with the family, including siblings, where this is in the child's interests. Section 34 of the Children Act 1989 sets out clear expectations on where reasonable contact should be considered, and gives powers to the court to order contact. Assessment and care planning should also identify and ensure appropriate responses to trauma. It sets the framework for action, and children's social workers and care leavers' personal advisers are the key professionals to ensure that the response happens.

The key ingredient of addressing the effects of early-life trauma is to promote stability in children's lives. The changes in decision-making for long-term care placements in Clauses 8 and 9 of the Bill, and the regulations that we introduced in 2015, which promote the effectiveness of long-term foster care placements, all support the stability of looked-after children. We recognise that effective support for the most vulnerable and traumatised children also requires strong partnership between social workers and mental health professionals. As I have said, the Government's children and young people's mental health strategy, *Future in Mind*, marks our commitment to transform child mental health and well-being services.

The amendment from the noble Baroness, Lady Walmsley, also references the importance of promoting children's rights and entitlements. I reassure her that principles (1)(b) and (1)(c), which would require local authorities to have regard to the need to encourage children to express their views, wishes and feelings, and then to take those wishes and feelings into account, were designed expressly to ensure the promotion of the child's rights and entitlements and to put their individual personalities, talents and interests at the heart of their care. That is a child-centred approach.

I turn to the amendment proposed by my noble and learned friend Lord Mackay of Clashfern. We share his concern to strengthen accountability within local authorities and to ensure that every child in care receives the services and support that they deserve. The first of the corporate parenting principles—to act in the best interests and promote the health and well-being of looked-after children—is central and will apply across all local authority functions. It will embed a culture of good parenting across the whole authority, complementing the responsibilities that individual social workers and independent reviewing officers already have in relation to each looked-after child. I do not believe that appointing one individual in a local authority will achieve the better outcomes for looked-after children that we are seeking. Indeed, it could work against everyone in the local authority accepting mutual responsibility.

I am grateful to my noble friend Lady Hodgson for the two amendments that she has tabled. Amendment 23 concerns keeping siblings together and Amendment 25 would require local authorities to have regard to the need, wherever possible, for a child to be looked after by a relative, friend or other connected person.

In relation to siblings, the Government agree that it is vital, wherever possible and consistent with children's welfare, that brothers and sisters are able to live together. We all know that close sibling relationships can be an important source of support throughout life. They can also be a protective factor for vulnerable looked-after children. I am pleased to say that there are already extensive measures in place to ensure that sibling relationships are protected and prioritised wherever possible. Section 22C(8)(c) of the Children Act 1989 requires local authorities to find a placement for looked-after children such that siblings can live together. In addition, volume 2 of the Children Act 1989 statutory guidance and its associated regulations make it clear that wherever it is in the best interests of the child, siblings should be placed together.

If, for whatever reason, the local authority is unable to place siblings together, the Government's statutory guidance is clear that the active involvement of all parties is needed to facilitate contact between siblings in a way that supports the development of healthy sibling relationships. Moreover, IROs should ensure that care plan review meetings consider whether sibling contact commitments in care plans have been appropriately implemented and that the child is happy with the quality and frequency of the contact they have.

Looking beyond siblings to wider relationships, the Government recognise how vital it is that children and young people are helped to maintain family and other close relationships. Section 22C of the Children Act 1989 already sets out a clear hierarchy of placements for looked-after children. Local authorities must give preference to placements with an individual who is a parent, a person with parental responsibility, a relative, a friend or another person connected with the child. My noble friend Lady Hodgson mentioned kinship care. As I say, looked-after children are placed according to a hierarchy. Priority is given to kinship care. Local authorities must place looked-after children with kinship local authority foster carers in preference to non-kinship foster carers. Local authorities are required to publish a policy setting out their approach to supporting the needs of children living with family and friends, and we have provided a grant to grandparents to develop

[Lord Nash]

an early help model for kinship carers. We will of course ensure that these issues are factored into the statutory guidance that will underpin our new corporate parenting principles.

The noble Baroness also raised the issue of safeguarding welfare. Local authorities are already under a direct duty to safeguard and promote the welfare of looked-after children by virtue of Section 22 of the Children Act 1989.

I turn to Amendment 17, tabled by my noble friend Lord O'Shaughnessy. The amendment proposes to amend principle (1)(e), the fifth principle, so that local authorities would have to have regard to the need to secure the best educational outcomes for looked-after children and care leavers. The Government are committed to achieving educational excellence for every child, including looked-after children and care leavers. My noble friend referred to the 50% key stage 2 figure. That obviously is nowhere near good enough, but it has risen by 10% over the past few years. Still, obviously we have a long way to go.

I can understand why, when we mention promoting health and well-being, not to include in the principles an explicit mention of education appears to be an oversight. I assure the Committee that that is not the case. The Children Act 1989 already provides for a range of duties that local authorities must discharge in respect of the children they look after. This includes a specific duty to promote the educational achievement of the children it looks after. Every looked-after child must have a care plan, which includes a personal education plan. We have made the role of virtual school heads statutory, while corporate parenting principle (1)(f) specifically mentions education. Looked-after children also attract pupil premium funding worth £1,900, and pathway plans for care leavers should also include information about how the local authority will support care leavers in their educational aspirations and career ambitions. They are a priority for the 16-19 bursary, worth £1,200 annually, and they also receive a one-off bursary of £2,000 if they progress to higher education.

Support is also available to help care leavers to access higher education. They are a target group in the Director of Fair Access guidance to universities in writing their access arrangements. Support from a personal adviser up to the age of 25 is already available to those in education and training, and we propose to extend that.

I turn to Amendments 80A, 81A and 84A, put forward by the noble Baroness, Lady Massey, which seek to extend the duty of the virtual school head and the designated teacher, in both academies and maintained schools, to promote the educational achievement of children who ceased to be looked after because they returned home to the care of their birth parent or parents. I agree with the noble Baroness that children taken into care but who later return to their birth parent or parents may also be vulnerable and need extra support in education. Many of these children come from disadvantaged backgrounds, and it is important that they and their families are given all the support they need.

7.15 pm

Where a child ceases to be looked after because they return home, the child will be a "child in need" and a plan must be drawn up to identify the support and services that will be needed by the child and family to ensure that the return home is successful. Like other children who are disadvantaged, these children's needs should be met by mainstream educational services. Many will be eligible for additional educational entitlements, such as free early education from the age of two and the pupil premium.

I agree that we must take care not to dilute the role of the virtual school head to the extent that they are spread too thinly. Many of them already operate flexibly and extend their support to former looked-after children, ensuring that their advice, support and advocacy role is targeted in proportion to the needs of the children whose interests they are responsible for. That is already happening and will continue.

We have covered a lot of issues in this group of amendments. In the light of my comments and those made by the noble Baroness, Lady Howarth, about how putting all these things on the face of the Bill would restrict local authorities' ability to think through where there is greatest need and how we should share good practice, I hope that noble Lords will be prepared to withdraw their amendments.

Baroness Tyler of Enfield: Given the strength of feeling that has been expressed on all sides about the mental health amendments in particular, would the Minister be prepared to agree to a meeting for those of us who tabled those amendments, and other Peers who have spoken with such passion on the subject, between now and Report?

Lord Nash: With pleasure.

The Earl of Listowel: Before the noble Baroness withdraws her amendment, I want to say how very pleased I was to hear that Dr Peter Fonagy, director of the Anna Freud Centre, an institution with such an illustrious history in the treatment of abused children, is being appointed to run a working group looking at how mental health professionals can better work with children in care. The Minister might consider taking to Dr Fonagy, at the beginning of his research, the concern about children's homes. In his report in the 1990s, *Choosing with Care*, the noble Lord, Lord Warner, highlighted the fact that best and widespread practice on the continent had psychiatrists or relevant mental health professionals working in partnership with staff in children's homes, as much to support staff as in meeting the mental health needs of these children. Only about half of our children's homes have a connection with mental health professionals in that way.

This issue is so important. Although there has been progress in terms of the qualifications of staff in children's homes, still we have a long way to go. They need the best mental health professionals supporting them. I would be most grateful if the Minister could flag that up to Dr Fonagy.

Baroness Massey of Darwen: My Lords, I thank the Minister for that very complete response. This has

been a varied group of amendments and the debate has raised issues that I know the Government will take on board.

The noble Baroness, Lady Howarth, raised a very interesting issue about what goes into the Bill. I agree with her, of course. It seems to me that some of the issues raised today would be very easy to slot into the Bill. However, we need more discourse, perhaps with outside agencies, as the noble Baroness, Lady Tyler, suggested, to condense other issues that might be reinforced in the Bill.

I am very glad to hear that there will be a review of mental health and looked-after children. The three issues that came out very strongly for me were mental health, prevention and assessment, the last of which was brought up by the noble Baronesses, Lady Tyler, Lady Walmsley and Lady Benjamin.

I thank the noble Lord, Lord O'Shaughnessy, for his support. We have talked about this before. To respond very quickly to him, I think character education does link with personal, social and health education. I do not care what you call it but it is important, although I will not accept the name "grit" education, because it is very American and it sounds like a film. As far as I am concerned, that is out, but we can talk about that some other time. The noble Lord, Lord Warner, and others mentioned CAMHS. CAMHS has borne the brunt of funding cuts since 2010 and cannot be relied on to do all the work that we expect of it.

I return to the very interesting remarks of the noble Baroness, Lady Hodgson, on kinship care. I suggest to the Minister that this may be an area where we would benefit from a discussion with the Kinship Care Alliance because those of us who are old enough to have been here for a while—there are one or two familiar faces present—will remember that over the last 10 years, or possibly longer, the issue of kinship care has come up in three or four Bills but we have never resolved it. We have never resolved what kinship carers need or how they should be recompensed for the service they provide. They save the state millions of pounds but they still often live in poverty with no support. I hope we can crack this issue with this Bill and achieve some sensible way forward on this.

I hope the Minister accepts that this is an important issue. My comments are linked with what the noble and learned Lord, Lord Mackay, said because we tried with one such Bill to have a person appointed in every local authority who would support kinship carers and the relevant children. Sometimes children cannot be happy and healthy unless their carers are happy and healthy. Many kinship carers are not happy and healthy but are struggling under tremendous financial, physical and mental burdens. That is another issue to which we may well come back, but in the meantime I thank noble Lords for their contributions and beg leave to withdraw the amendment.

Amendment 10 withdrawn.

Amendments 11 to 25 not moved.

Baroness Evans of Bowes Park: Before the noble Lord, Lord Watson of Invergowrie, moves Amendment 26, it may be helpful for the Committee to hear that we intend to adjourn at 8 pm. If we have not finished this group of amendments, we will continue the discussion on Monday, but we shall adjourn at 8 pm, wherever we get to.

Amendment 26

Moved by ***Lord Watson of Invergowrie***

26: Clause 1, page 2, line 4, at end insert—

"( ) to promote early intervention in meeting the current and future needs of those children and young people."

Lord Watson of Invergowrie: I thank the noble Baroness for that clarification. In moving Amendment 26, I wish to speak also to Amendment 50.

We on these Benches believe that the Bill as a whole would be much strengthened by adding another corporate parenting principle: early intervention. Prevention is of course better than cure, but the earlier that children at risk of harm or in need of additional support can be identified, and the earlier that those children can access services, surely the better their chances of overcoming the challenges they face, having a healthy life and forging a more positive future.

Many of the 10,000 young people leaving care in England each year have poorer outcomes than their peers in terms of education, work, mental health and well-being. Early intervention is crucial in addressing this and should include, for example: support at school and beyond to help children in care overcome barriers that can prevent them progressing in education; financial education; careers advice; and an introduction to the workplace and familiarisation with the world of work to help to build a successful transition into employment, so preventing debt and poverty. Perhaps most important of all is the need to identify and overcome trauma and past harm to prevent more significant mental health needs developing later on, a subject that was referred to in depth on the last group of amendments.

It would be wrong to suggest that local authorities and social workers are unaware of these issues or do not attempt to address them but, for whatever reasons, not enough is being achieved in terms of outcomes for looked-after children, young people and care leavers. An additional corporate parenting principle promoting early intervention would highlight the imperative of meeting these needs, and I hope that the Minister will accept that important principle.

Amendment 50 focuses on the need to even up the provisions for young people in care up to the age of 21. The staying put offer makes provision for children to stay with their foster parents; this amendment would make provision for other care leavers also to have suitable accommodation. We believe that there should be comparability of provision in place for all types of care.

Many young people these days stay at home long after they turn 18, often indeed into their thirties. This is usually for financial reasons but it also reflects the support that comes with being in a stable home. How ironic it is that care leavers do not have a home to fall back on, yet are even more likely to need one. The problem is that, like so many aspects of care leaver

[Lord Watson of Invergowrie]
policy that we are debating, it benefits only a proportion of those who need it. Many of the most vulnerable young people in care will not be in a stable foster placement, meaning that they will not benefit from staying put. Instead, they are often expected to live independently without appropriate support and without any experience of doing so. We all remember leaving home for the first time and what a dramatic change that involved. Most of us will have been fortunate enough to have had a stable family home to fall back on if things got too difficult. Care leavers have no such cushion and have to deal with situations that can be stressful at best and dangerous at worst.

At present, there is no central funding and no requirement on local authorities to provide accommodation that meets their needs. We know that care leavers are much more likely than their peers to become homeless. Accommodation is at the heart of improving life chances for this group. Without a safe and stable home, how can we expect young people to go to college, gain skills, get a job or even in some cases attend healthcare appointments? Indeed, why should we expect these young people, many of whom are vulnerable and recovering from past abuse or neglect, to know how to live on their own? They often require a supported form of accommodation to give them the basic foundation they need to cope with other challenges.

The Children and Families Act 2014 introduced a special duty on local authorities to support some young people to remain with their foster parents up to the age of 21. This is welcome but it creates a disparity between those young people and others in care who cannot benefit from these arrangements. There are many reasons for providing accommodation up to the age of 21 but, critically, it must be appropriate to the young person's needs and requirements. It could be residential or supported accommodation; it could be foster care as well. There are course costs to this but the Government should accept that funding needs to be provided to local authorities to meet the cost of this important provision.

In recent years, there has been political consensus that early intervention is key but the austerity Budgets imposed by the Government since 2010 have created an economic climate that has made that difficult to take forward. The Bill offers a real opportunity to send a clear message from government that early intervention should be a guiding principle in everything done to support children and young people in care, and care leavers. I beg to move.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I shall speak in particular to Amendments 27, 49 and 88. I spoke at Second Reading about these issues and referred to the Children's Society report, *The Cost of Being Care Free*. As we have heard today, young people in the care system suffer inadequate preparation for the financial implications of independent living. Care leavers are already vulnerable and deserve proper support to prevent them falling into poverty. Rent, council tax, electricity, gas, food and general household bills are all a black art and a mystery to them.

The key findings in *The Cost of Being Care Free* included that young people leaving care alone and with no family to support them are falling into debt and financial difficulty, due to insufficient financial education from local authorities. Almost half of local authorities in England failed to offer care leavers financial education, support and debt advice, leaving vulnerable young people unprepared for the realities of adult life and at risk of falling into dangerous financial situations. Many care leavers receive financial advice only once the situation has reached crisis point. Such dangerous financial situations could be prevented through financial education and advice, so it is important that we should do everything we can to make sure that this happens.

Young care leavers who have spoken to the Children's Society stress that they would have welcomed more financial education and support prior to leaving care. They said that due to insufficient preparation on the part of the local authority, they had to figure out what bills needed to be paid and what their responsibilities were when they turned 18. Many young care leavers become destitute and homeless, as we have already heard.

On access to the benefits system, out of 4,390 decisions taken by jobcentres to apply for sanctions on care leavers, only 16% challenged them and 62% of those challenges were overturned, which means that 3,960 sanctions were applied to care leavers, meaning that there was one sanction for every 13 care leavers. It is simply unacceptable that care leavers should be sanctioned in this way.

I turn now to Amendment 88. I should say that I have tabled it on behalf of the Joseph Rowntree Foundation, which is extremely concerned about the life chances of young people leaving care—in fact, it is more about the lack of life chances. All the information and advice that could be made available to care leavers should be made available, and I fully support these amendments.

7.30 pm

The Earl of Listowel: My Lords, I shall speak to Amendment 48 tabled in my name and to Amendments 49 and 50 in this grouping. Amendment 48 would provide a national offer for young people leaving care and would help to address the concerns that have just been raised about them entering poverty and social exclusion. It would build on what we were discussing earlier; that is, placing duties on departments in very specific ways to work to promote good outcomes for these young people. The national offer would include a council tax exemption, for which the noble Baroness, Lady Howarth of Breckland, will make the case shortly, as well as an entitlement to income support to reduce the risk of sanctions and help to support care leavers into work. There should be an extension of working tax credit to care leavers under the age of 25 to ensure that work always pays for them, along with an extension of the shared accommodation rate of local housing allowance, again until the age of 25.

I recognise that this is a very difficult time financially, and of course some of these proposals would have financial implications. While I am reluctant to burden

the public purse still further, as the Minister and noble Lords will know, the cost of failing to intervene effectively on these young people is huge, including criminalisation and many becoming pregnant early in life. They will have young families and be struggling as it is, and yet they will have additional financial burdens and so on, although I understand that a couple of the provisions would be unnecessary for the mothers of young children. There are the knock-on costs, and of course there is the absolute misery for young people who are struggling in life and then perhaps having their own children taken away from them. I hope that noble Lords will bear that in mind.

On income support, which is covered in the first amendment, research undertaken by the Children's Society has found that care leavers are three times more likely to have sanctions applied to them than other adults of working age, with 4,000 sanctions applied to care leavers between 2013 and 2015. Where these sanctions were challenged, although care leavers are less likely to challenge them, some 60% were overturned. This implies that the sanctions are being misapplied. Fewer than 16% of care leavers challenge benefits sanctions as opposed to 23% of the general population. Care leavers are particularly vulnerable to the effects of benefits sanctions, which currently can last for between four and 13 weeks for a low-level infraction such as being late for an appointment at a jobcentre. One young person told the Children's Society that she was sanctioned in the lead-up to Christmas. She said:

"Don't know why … it caused a lot of issues … I wasn't able to sustain myself".

Allowing care leavers to claim income support would ease their burden. Income support is still a sanctioned benefit, for groups who should be preparing for work. Currently care leavers are not eligible to receive income support by virtue of their status of having been in care. Extending the entitlement to be on income support to care leavers would be a recognition by central government of the need to be more supportive to this particularly vulnerable group during their search for gainful employment. This amendment is very much focused on reducing the impact of sanctions on care leavers, rather than providing them with a higher level of income.

The second part of the amendment applies to working tax credit. Care leavers currently cannot claim working tax credit under the age of 25 unless they have a child or disability. This amendment seeks to extend eligibility to claim working tax credit to all care leavers in full-time work of more than 30 hours a week in recognition of their risk of falling into debt as a result of being liable for household expenses such as rent, energy bills and basics, where many young people would not cover these costs in full if living with family members. It would also recognise the particular need to provide clear incentives to this group to move into, and stay in, work.

I understand that there may be some rationale behind restricting access to working tax credits until a person reaches 25. Younger workers on low wages are likely to be living with their families and not have the full financial liability of running a household. Those over 25 may be less able to fall back on their families for support. However, care leavers take on the full financial burden of adult life as soon as they begin independent living, yet are not able to claim the national living wage. Regulations by the Children's Society show that they are £42 a week worse off than an equivalent older non-care leaver. Extending working tax credits to care leavers under 25 would be a significant step forward in ensuring that work paid for care leavers, and would secure the surest financial footing for them at the beginning of their adult lives.

The final part of the amendment is on the shared accommodation rate. That rate sets maximum local housing allowance entitlements for most single people under the age of 35 in line with the reasonable rent in their local area for a room in shared accommodation. Currently care leavers are exempt from this until the age of 22. The amendment seeks to extend this exemption up to the age of 25. Until the age of 22, care leavers receive the single bedroom rate, providing them with sufficient support to rent a single-bedroom flat rather than a room in shared accommodation. This should be extended until the age of 25.

With the current situation, care leavers receive a significant cut in their local housing allowance at the age of 23 as they transition from single-bedroom rates to the shared-accommodation rate. At this point, leavers may find that they fall into rent arrears, leaving their home to live in shared accommodation, which may put them at risk. Those in foster care leaving care under staying put arrangements of the age of 22 may find themselves transitioning immediately into shared accommodation. These are serious problems that the amendments would address, so I hope the Minister will consider a favourable response.

I turn to the next two amendments. I have spoken for far too long so I will not say anything more, but I strongly support them and I look forward to the Minister's reply.

Baroness Howarth of Breckland: I thank the noble Earl. I thought briefly that he was going to make my speech for me, and I was having a doubtful moment.

These are probing amendments, looking at how other agencies could benefit the long-term care of young people. These are crucial areas. It is difficult to see this from the way in which the groupings list is put together, but these amendments are linked to Amendment 38, which I know we will come to but I need to make a comment about it before moving on because it is all about financial knowledge and education. The Government can be given credit for the general progress that has been made in financial education, but it is not enough, certainly not for children in the care system.

Schools have a mandate to include financial education lessons as part of mathematics and citizenship at key stages 3 and 4. Academies, free schools and independent schools have no obligation to teach it, although many do, but many schools do not have it high on the curriculum so children could miss out on this essential life skill. At a time of taking on more financial responsibility and having to make long-term financial decisions, only 28% of 17 to 18 year-olds received lessons on money management before joining university

[Baroness Howarth of Breckland]
or the world of work. How much more difficult is it for the population of young people who are moving on from care who have very little backing from their own families for this? I am really probing this amendment because currently a paradox exists between a local authority's duty of care to care leavers and its enforcement methods on council tax arrears. This paradox does not level with the corporate parenting principles set out in Clause 1 as it exposes care leavers to the risk of debt and potential court summons, does not promote their well-being, act in their best interests or seek to find the best outcomes for them.

Links between debt and poor emotional well-being are becoming increasingly clear and links between poor mental health and emotional well-being and future life chances have been well established. We are very grateful to the Children's Society which has done a great deal of work on this and has shown that debt can influence a young person's willingness to start university education due to the worry about the debt they may further accrue. One care leaver living independently told the Children's Society that council tax arrears severely impacted on her well-being. She said:

> "I was late making a payment and they sent me a reminder letter and they said if they had to send me any more reminder letters then I have to go to court and they stopped my instalments. I got really worried and really panicky because I didn't understand, I didn't want to go to court".

Another speaking with reference to the reactive chasing debts and emergency support as opposed to proactive financial education and council tax exemption focus of local authorities said:

> "They're setting you up to fail".

This is not the approach that any parent should take, especially a corporate parent. There are good areas of practice and I think the Minister knows about Cheshire East Council which has set the precedent in recognising its role as a corporate parent by introducing a full exemption from council tax for care leavers until the age of 25. This will cost about £17,000 per year, including out-of-area care leavers. Cheshire East anticipates this will reduce the number of emergency payments it will be required to pay to care leavers who are in financial crisis, as well as further reducing the dependency of these young people on other services. This is to be welcomed. However, we must take the opportunity presented to us with this amendment to make sure that all care leavers receive the full exemption from council tax until they are 25; otherwise we are back with a postcode lottery again, with some children getting it and others not.

It would be good if the Government could show leadership on this issue and make sure that as a corporate parent central government departments work with local authorities to extend the best practice as seen in Cheshire East across the country. The Minister may see this as an issue for local areas but the precedent is a national government one as the authority applies blanket exemptions to certain groups such as students through tax legislation. Does the Minister agree that as a corporate parent the Government have a duty to support care leavers in their transition into adulthood, and that council tax exemption is a tangible and meaningful way of doing this?

7.45 pm

Baroness Pinnock: My Lords, I support what the noble Baroness, Lady Howarth, has said about council tax exemption. The point she made was absolutely right. I would like to add that the report *The Wolf at the Door*, again by the Children's Society, showed just how quickly care leavers could get into financial difficulties, and often the trigger is the council tax that they are required to pay. One young person quoted by the Children's Society said:

> "I kept on being charged for council tax"—

I guess we all feel like that—

> "I couldn't pay it. I was just falling further and further behind … I tried telling them that I couldn't pay that per month, they weren't having none of it … and then I ended up just leaving it. Even though I didn't have any money, they weren't willing to do anything".

Care leavers need a better package of financial support so that they do not get into the situation where they fail to pay their council tax, and then obviously there are legal consequences from that. The point that the noble Baroness, Lady Howarth, made was right, but on behalf of myself and my noble friend Lady Bakewell I would like to add that we should not leave this to the discretion of local authorities. Given the circumstances at their end, it is much less likely that that would be implemented. We would like to see a requirement on local authorities to do what a good corporate parent would do, which is to ensure that a young person's council tax is paid up to the age of 25.

Baroness Lister of Burtersett: My Lords, I will speak briefly. Amendment 27 seems to underpin the other amendments with regard to protection against poverty and destitution. This is pivotal to the life chances of this particularly vulnerable group of young people. The Government's own Care Leavers Strategy points out that when you do not have a supportive family to fall back on, particularly when having to meet the challenge of independent living at a much younger age than your peers, having access to timely financial help is crucial. Care leavers have told us that they often find it difficult to navigate services and work out what financial support they are entitled to, and we have heard how sometimes the financial support is not very much. I am not going to restate the case—and anyway the Minister may well have been briefed on this.

Amendment 48, which refers to income support and working tax credit, will be overtaken by events with the introduction of universal credit. For example, with regard to sanctions, the Children's Society has suggested that under universal credit this group should be made subject to the work preparation requirement under Section 21 of the Welfare Reform Act 2012. That seems very reasonable to me.

The Minister himself referred earlier to one or two local authorities that provide exemption from council tax, when he was giving an example of how local authorities can support care leavers. I can only reiterate what has been said: this is so important that it cannot be left to the vagaries of local authority discretion. It has to be looked at again.

I hope that the Minister will be able to take away these practical suggestions for how local authorities and central government can support local authorities in their corporate parenting responsibilities. I realise that they sit in other government departments, so what would be helpful would be to have a commitment from the Minister today to take away these ideas and discuss them with his colleagues in the relevant departments, so that he can come back on Report. Possibly he could even hold informal discussions before then so that we might be able to make some progress on this set of eminently sensible suggestions.

Lord Nash: My Lords, I am grateful to the noble Baronesses, Lady Bakewell and Lady Howarth, the noble Earl, Lord Listowel, and the noble Lords, Lord Watson and Lord Hunt, for their amendments in this group, which focus on improving the life chances of children in care and care leavers and helping them to avoid poverty and debt. I share the concerns raised by noble Lords and can confirm that reducing poverty and debt will be one of the key themes in our forthcoming Care Leavers Strategy, which we plan to publish shortly.

Amendment 26, tabled by the noble Lords, Lord Watson and Lord Hunt, seeks to add a new corporate parenting principle to Clause 1 requiring local authorities to promote early intervention. I agree with the noble Lords that we should support measures that enable professionals to identify and intervene in cases where children are at risk of poor outcomes. We have launched a number of initiatives to encourage early intervention and have backed this up with increased funding, with government spending on early years and child care rising from £5 billion in 2015-16 to over £6 billion by 2019-20. Early intervention and support should benefit all children, not only looked-after children or those on the edge of care. Our plans for the early years demonstrate our clear commitment to universal services such as free childcare, alongside targeted support for the most vulnerable.

Amendment 27, tabled by the noble Baroness, also seeks to add an additional corporate parenting principle to Clause 1 which would require local authorities to have regard to the need to protect children in care and care leavers from poverty and destitution. We know that care leavers often face challenges with debt. We have heard from them that they worry about how they will be able to pay their rent and that they often feel they lack the relevant budgeting skills to be able to manage their money effectively. We have heard several examples of that today.

I recognise the importance of the issues raised by the noble Baroness. Care leavers already receive support to help them to manage their finances but all young people should receive financial education. I am pleased to confirm that we will include further information in the guidance that we plan to publish under Clause 1 on how, by working within the spirit of the corporate parenting principles, local authorities can help care leavers to avoid poverty and debt. We should cover in the local offers the importance of financial education and we will cover this in our guidance.

During the last Parliament we introduced junior ISAs and encouraged all local authorities to increase the leaving care grant, which care leavers can use to furnish their first home, to £2,000 or more, but we need to back that up with educating them on how to manage those monies. We also provide financial support to enable care leavers to access and participate in education, to which I referred earlier.

Turning to the amendment of the noble Earl, Lord Listowel, I understand that its effect would be to extend the category of persons eligible for income support to all care leavers up to the age of 25 and to extend the exemption to the local housing allowance shared accommodation rate from 22 to 25, when their entitlement to housing benefit is assessed. I have consulted with honourable and noble Members elsewhere in government about the noble Earl's amendment to relax entitlement conditions for receipt of working tax credit for care leavers working at least 30 hours per week. It has been a condition of entitlement to the working tax credit since its introduction in April 2003 but, other than for individuals, including care leavers, who are responsible for a child or who are disabled, a person claiming working tax credit must be aged 25 or over and work at least 30 hours per week. There are already a number of existing provisions within the benefits system aimed at helping care leavers, and I would be happy to write to the noble Earl setting these out in more detail.

On the noble Earl's suggested change to housing benefit, it is right to say that the rate of housing benefit to which care leavers are entitled changes when they reach the age of 22 and they move to the shared accommodation rate. However, as he will be aware, discretionary housing payments continue to be available via local authorities if additional financial help with housing costs is needed. The Government have already committed £870 million in discretionary housing payment funding over the next five years. Noble Lords will appreciate that this is a significant sum of money to help those who are vulnerable and require additional help with their housing costs.

The amendment tabled by the noble Baroness, Lady Howarth, supported by the noble Baroness, Lady Pinnock, would amend the Local Government Finance Act 1992 so as to disregard care leavers from liability for council tax up to the age of 25, ensuring that dwellings occupied solely by care leavers are exempt from council tax. This amendment would provide a blanket exemption for all care leavers under the age of 25 irrespective of their personal circumstances or their ability to pay. If we did so without taking their ability to pay into account, we could find that a lower income tax payer could be supporting a care leaver with a higher income. I am sure that is not the intention behind the amendment.

The Government have been clear that such decisions are much better taken at local level instead of mandating exemptions or discounts from the centre. We have given local councils wide powers to design council tax support schemes, including scope for discounts for particular groups of people. It is therefore a matter for local authorities, which must consult with local communities on their proposals. Concerning the corporate parenting principles, they would impact on all local authority functions, including those relating to council tax or housing, and the guidance will set out

[LORD NASH]
how local authorities must ensure that they take holistic decisions in relation to looked-after children and care leavers.

I turn now to Amendment 50, tabled by the noble Lords, Lord Watson and Lord Hunt, which would place a new duty on local authorities to provide suitable accommodation for all care leavers in their local authority area until the age of 21. There are already a range of measures in place that help young people secure suitable accommodation when they leave care. The government's statutory guidance states that when a young person leaves their care placement the local authority must ensure that their new home is suitable for their needs and linked to their wider plans and aspirations.

I would expect a local authority's leaving care team to work closely with housing services to help care leavers access supported lodgings or semi-independent accommodation—or, if they are ready, secure and maintain an independent tenancy. Where care leavers struggle to find and maintain accommodation, they have a priority need within the homelessness legislation until age 22, and they are also a priority group within statutory guidance on the allocation of social housing.

We have also introduced, as the noble Earl will be aware, Staying Put to enable young people to remain living with their foster carers where that is what they both want. This provides both suitable accommodation and the sort of gradual transition to adulthood that is enjoyed by the majority of young people. We want to maximise the number of young people who can stay put with their former foster carers and I am delighted—and I am sure that the noble Earl, Lord Listowel, will be pleased to hear—that for the year ending March 2015, almost half of those who were eligible to stay put did so.

The noble Lord, Lord Watson, raised the issue of Staying Put for those care leavers who have been placed in residential care. We are committed to helping all young people successfully move to adulthood but we would need strong evidence before introducing Staying Put on any alternative residential care. Sir Martin Narey's independent review into children's homes will set a direction for how we improve children's experience of residential care, including transition to adulthood. We will publish this report shortly. We have also been trialling innovative approaches to providing care leavers with suitable accommodation. We are also keen to test new ways of supporting those who leave residential care and will set out our plans on this in the forthcoming Care Leaver Strategy.

Finally in this group I will respond to Amendment 80 tabled by the noble Baroness, Lady Howarth. The amendment would place a new duty on local authorities to appoint a person to make advice and information available to previously looked-after children with a view to improving their life chances. This Government share the noble Baroness's belief that society should do all it can to ensure that a difficult start to a child's life does not set them on an inevitable path to poor educational outcomes, homelessness or imprisonment. However, we do not consider that it is necessary or desirable to place a new burden on local authorities to appoint officers to support these children and young people.

There is a clear difference between this group of children and looked-after children or care leavers for whom the local authority is their corporate parent. These previously looked-after children will have parents or persons with parental responsibility who can provide a stable and loving family, support them to do well at school and provide extra help through the transition into adulthood and living independently. Most local authorities also already provide specific ongoing support for those who leave care under an adoption, special guardianship or child arrangement order. To help them in this role, we have already extended the adoption support fund to children who leave care under a special guardianship order. This is helping to ensure that their parents and local authorities are able to provide them with the therapeutic services they need to overcome their early disadvantage.

The noble Baroness, Lady Lister, asked me to take back these points and discuss them with my colleagues across government, which I will do, and, in view of the points that I have made, I hope that the noble Lords will feel sufficiently reassured to enable them to withdraw their amendment.

The Earl of Listowel: My Lords, I thank the Minister for his helpful replies. They give us plenty of food for thought. I am clear that he has given very careful thought to these issues and I am grateful to him for that. It was very encouraging to hear that half of those young people eligible for Staying Put have taken up the offer. Of course, we both want it to go further, but it is encouraging. Staying Put is a very important step forward. I am glad that the Minister is listening to young people in care. We talked about that earlier. Listening to young people with experience of Staying Put is a very salutary, encouraging experience.

There is a concern about ISAs. The Minister may correct me, but I think that they represent a large sum of money being given to very young people. There is a risk that they may not use it well and that they will not be supported in using it. There is also a concern about the sums given by local authorities to care leavers. Some social workers will insist on receipts and manage the money carefully while others will just give them the money. At best the young people may waste that money, but some may use it to their own detriment. Perhaps the Minister could write to me to clarify what support there is for young people leaving care to manage those sums well. I would much appreciate that. I also thank him for his response.

Lord Watson of Invergowrie: My Lords, I do not share the enthusiasm of the noble Earl, Lord Listowel, for the Minister's response, because he seemed to say that this is all down to councils. These are the same organisations which have had their resources cut and cut and that are going to face more cuts. There would be no concerns if councils were able to deal with the problems, but that is not the case. I am sure that we will return to these issues on other days, but for the moment I beg leave to withdraw the amendment.

Amendment 26 withdrawn.

Amendments 27 to 28A not moved.

Committee adjourned at 8.01 pm

Volume 773
No. 18

Wednesday
29 June 2016

CONTENTS

Wednesday 29 June 2016

Questions
HMRC: Call Waiting Times **1555**
Care Leavers: Life Chances **1557**
Poverty **1559**
EU Nationals in the UK **1562**

Haberdashers' Aske's Charity Bill [HL]
Third Reading **1564**

Joint Committee on Statutory Instruments
Membership Motion **1564**

European Council
Statement **1564**

Hate Crime
Statement **1579**

Bus Services Bill [HL]
Committee (1st Day) **1591**

Zero-hours Contracts
Question for Short Debate **1624**

Bus Services Bill [HL]
Committee (1st Day) (Continued) **1640**

Grand Committee

Children and Social Work Bill [HL]
Committee (1st Day) .... **GC 25**