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OFFICIAL REPORT

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

Friday 24 November 2017

10 am

Prayers—read by the Lord Bishop of Coventry.

Equality Act 2010 (Amendment) (Disabled Access) Bill [HL]

Second Reading

10.06 am

Moved by ***Lord Blencathra***

That the Bill be now read a second time.

Lord Blencathra (Con): My Lords, I have pleasure in moving the Second Reading of this innocuous little Bill to amend the Equality Act 2010 to grant 800,000 wheelchair users access to 70,000 shops and public buildings to which we are denied access at the moment. The Bill makes a tiny addition to the 2010 Act, would cost business very little to implement but would make a huge difference to wheelchair users. Let me assure your Lordships that my Bill does not touch in any way the protected characteristics in the Equality Act 2010 of age, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sex and sexual orientation. It is concerned only with one aspect of disability: the requirement for public buildings to make "reasonable adjustments" so that wheelchair users can access them.

My Bill is identical to one which received a Second Reading in November 2014 but was rejected by the Government. At that time, the Government could say that I and noble Lords who supported my Bill were on our own and that we had no evidence to back up our case. Ironically, within one month of rejecting my Bill, the then Minister for Disabled People published a joint Department for Work and Pensions and DisabledGo report. The press release stated:

"DisabledGo study shocks the Government with evidence of inaccessible British high streets … The Minister of State for Disabled People is urging shops and restaurants to improve their accessibility".

What a pity the Government did not take that view a month earlier when they dismissed my Bill.

Since then we have had the authoritative Lords Select Committee report, *Equality Act 2010: the Impact on Disabled People*. The committee was chaired by the noble Baroness—indeed, I may say "my noble friend"—Lady Deech, whom I am delighted to see is speaking today, along with other noble Lords who served on the committee. The committee found that there were severe difficulties with the "reasonable adjustments" provision of the Act, in that no one was enforcing it and disabled people had to take cases to court themselves in order to get access improvements.

The noble Baroness, Lady Campbell of Surbiton, cannot be with us today, but she wrote and asked me to say:

"It is easy to tilt a pram or pushchair up a step but impossible in an electric chair. My chair weighs 90 kilograms alone and takes 3-4 strong people to lift with me aboard!".

So this time it is not just old Blencathra with a bee in his bonnet; we have the evidence of the Department for Work and Pensions survey, the overwhelming weight of evidence given to the Lords Select Committee and the committee's own conclusions.

What are the facts and figures about the problem? The NHS estimates that there are 800,000 regular wheelchair users. By "regular", it means people who are permanently in a wheelchair and, at the other end of the spectrum, those such as me who can stagger around a little bit. That figure is supported by other organisations.

The number of public buildings in the UK comprising shops, fast food outlets, restaurants and pubs is about 355,000. In addition, there are post offices, banks, churches and all the other buildings to which the public have access. The Department for Work and Pensions and DisabledGo study visited and assessed a massive sample of 30,000 shops and restaurants. Its findings were that 20% did not have wheelchair access—and, if wheelchair users did get in, 30% of the places had no disabled changing rooms or toilets. If you extrapolate that 20% of 30,000 shops to the total of 355,000 public retail premises, you get a figure of 71,000 shops, pubs and cafés which wheelchair users simply cannot access. That is a scandalous number in this day and age.

The Equality Act 2010 lists nine characteristics that are all protected against discrimination, including disability. The Act has replaced all separate disability discrimination legislation. It is an offence under the Act to fail to make "reasonable adjustments" to premises so that disabled persons are not discriminated against. What is a "reasonable adjustment" naturally varies between the needs of different disabilities, persons, buildings and circumstances, but it can be enforced only by a person taking a service provider to court to compel that provider to make the adjustment.

The Lords Select Committee found that most disabled persons and disabled organisations felt very strongly that disability issues had taken a retrograde step in the 2010 Equality Act, because all potentially discriminating characteristics were now being treated equally. What is the problem with equal treatment, you may ask? The committee pointed out that people with other characteristics such as sex, colour, sexuality and ethnicity needed to be treated equally to avoid being discriminated against—but, for disabled people to achieve equality, they needed different treatment. That is an absolutely crucial distinction which was never considered when the 2010 Act was passed—and that is the motivation behind my Bill: to try to get equality for wheelchair users.

I turn to the clauses in my Bill. Section 20 of the Equalities Act defines "reasonable adjustments" as,

"(a) removing the physical feature in question,

(b) altering it, or

(c) providing a reasonable means of avoiding it".

My Clause 1 states that, if a public building has a step of six inches or less, a ramp suitable for wheelchairs has to be provided. If a building has a step of less than 12 inches, a ramp has to be provided. If the building has more than one step, my Bill does not apply. The difference between a six-inch step and a 12-inch step is

[Lord Blencathra]

simply revealed by Clause 2, my commencement clause, which states that the requirement to remove a step of six inches comes into effect on Royal Assent and the requirement to remove a step of 12 inches comes into effect a year later. That is simply an acknowledgement that removing or replacing a 12-inch step is a slightly bigger undertaking than getting rid of a little six-inch step. Like the Equality Act itself, my Bill would apply to England, Scotland and Wales.

In a nutshell, that is what my Bill does. If noble Lords will permit me, I need to set out why the Government Equalities Office is adamantly opposed to making specific adjustments, is opposed to my Bill and wishes to reject it—and I shall try to persuade noble Lords why it is actually wrong. I and the Select Committee agreed that keeping the general principle of "reasonable adjustments" is sensible, and I do not seek to amend that principle at all in the Bill. However, when we have clear evidence that something is not working in a select, specific area of the Act, and after seven years of experience of the Act, it is not good enough to take the GEO line that the principles of the Act are sacrosanct and cannot be amended.

The Select Committee was highly critical of the failures of the 2010 Act to assist disabled people. On launching the report, the chair, the noble Baroness, Lady Deech, said:

"Over the course of our inquiry we have been struck by how disabled people are let down across the whole spectrum of life. Access to public buildings remains an unnecessary challenge to disabled people … When it comes to the law requiring reasonable adjustments to prevent discrimination, we found that there are problems in almost every part of society, from disabled toilets in restaurants being used for storage … to reasonable adjustments simply not being made".

The GEO members were the only people giving evidence to the Select Committee who though that there was no problem. The Government Equalities Office head lawyer, Tracey Kerr, said that the concept of reasonable adjustments is well understood because of case law. She said:

"We have found that as the case law has developed it becomes clearer and clearer for people to understand what a reasonable adjustment might be in certain cases. So we think that that has been a successful development of case law".

But the vast bulk of evidence to the Select Committee was that that was not the case.

Of course, a Government lawyer specialising in this work would lead herself to believe that everyone knew the case law and would be granted their rights—but that is not happening on the ground. The Select Committee said:

"It is worrying, therefore, that evidence of problems in obtaining this right have emanated from almost every part of society. We heard of problems in gaining reasonable adjustments from employers and education providers, on buses and trains, and in taxis, shops, restaurants and hospitals. We were told of sports grounds and other entertainment venues that failed to make necessary adjustment".

It added that,

"witness after witness told us that, contrary to the Government's view, the provisions were neither well known nor well understood".

In evidence to the committee, the Law Centres Network said:

"There is a crucial difference between, on the one hand, awareness of the phrase 'reasonable adjustments' or the understanding that a duty exists and, on the other, an understanding of what the duty entails or how to comply with it in practice".

The committee agreed with that, and said that the evidence suggested that,

"even where there was awareness, understanding was often poor".

Thus all the evidence to the Lords Select Committee, and its findings, indicate that the duty to make reasonable adjustments is simply not happening. My Bill will not change the duty but will provide additional clarity.

What about the cost? I did my own survey of shops and cafés within half a mile of this Parliament. I looked at public retail buildings on Victoria Street, Strutton Ground, which is a lovely little shopping street, and Horseferry Road. The vast majority of big chain stores and shops on Victoria Street have level access from the pavement or a lip of about an inch at most. New-build shops nearly all have level access. However, in those three streets, within a few hundred yards of this building, there are three premises with multiple steps, two with steps of less than 12 inches, three with steps of less than nine inches, 26 with steps of less than six inches, and 28 with steps of less than three inches. Implementing the six-inch rule provision of the Bill would immediately make 54 of those 62 shops accessible to wheelchair users—an 87% improvement.

I reference the shops in this location because they are right on the doorstep of Parliament, but they are representative of the 71,000 others with the same lack of access in every street of every town and city of this country. The cost of a ramp, either lightweight aluminium or fibreglass, to access premises with a step of up to six inches, is generally less than £100. One-third of the inaccessible shops had a little step of less than three inches, which does not need a special ramp at all, but £10-worth of concrete to make a little slope—then the wheelchairs can get into them, as some shops have done. That is why we are so steamed up about this. We can see tens of thousands of buildings that we could easily get into with less than £100 of investment—and you cannot get a more reasonable adjustment than that.

Some of my noble friends who will follow me will make the case that we should be removing steps of whatever height. I agree that sooner rather than later we should do that, but I do not want cost to be used as another excuse not to get us access to 87% of the premises that we cannot get into now, when the adjustment would cost less than £100. I accept that, in a minority of cases, where the step is 12 inches and the shop door is right on the pavement, a ramp cannot protrude on to the pavement, and that the shop would have to recess its doorway a bit, which could cost possibly £2,000 to £3,000. But many retail premises already have a recessed doorway, and the step could be replaced with a ramp without altering the door or shop facade at all.

So if we cannot get in, what do we do? The government response from the Despatch Box to my last Bill was:

"They should first approach the service provider to discuss why … they cannot access the service or function in question, and discuss what adjustments they require. If, following discussion, the service provider fails or refuses to make a reasonable adjustment,

the disabled person could take their custom elsewhere; alternatively, they might decide to bring a case of alleged disability discrimination before the … courts".—[*Official Report*, 21/11/14; col. 664.]

That was the Government Equalities Office's official response.

Imagine that you are out shopping and you cannot get in. How do we discuss it? Do we sit in our wheelchairs on the pavement and shout for the shopkeeper to come out to discuss it? If he does not have a ramp, what good is discussing it going to do? If he decides to buy one next week, it does not help us very much when we are shopping today, does it? Disabled people are told by the Government that if they cannot be served they should just take their business elsewhere. Would they say that to a black person, a gay person or anyone else in the protected categories? I hope to God that they would not.

The Select Committee concluded, based on the evidence of everyone except the GEO witnesses, that enforcement had failed. It was highly critical that disabled people had to go to court to get access. The following exchange took place during the Select Committee inquiry. Tracey Kerr, the head of legal services at GEO, said:

"We think it is most appropriate and it is quite unusual and it gives claimants quite a lot of power in relation to going to the courts and explaining … what is reasonable … for the courts to decide".

The chair, the noble Baroness, Lady Deech, interrupted:

"How long is it going to take for something to go to court? Surely you cannot expect a disabled person to go through the whole judicial procedure just to get that determination. It is too late".

The lawyer replied:

"One would hope that the employer, the service provider … would be aware of the need to make sure that they were taking into account the issues and the person before them … they should be building that into their thinking about how they are going to provide their services".

What a ridiculous answer. The reason the disabled person has to take the service provider to court in the first place is that the provider has failed to do all the things which the government lawyer wished, hopefully, that they would be doing. It was quite an incredible answer.

Although I cannot understand the complacency of that answer, it was exceeded by the deputy director of the equality framework of the Government Equalities Office who, giving evidence in the same session and in answer to the noble Baroness, Lady Thomas, about the failure of enforcement, said—and noble Lords should listen to this on Parliament TV to get the full flavour:

"Clearly where the difficulty comes … the nub of the issue and an extremely difficult one is trying to get some kind of handle on enforcement at the very earliest stage before in effect there has been any kind of dispute and that is the $64,000 question and the element that is invariably the most difficult to solve".

I am not making this up. I do not have the imagination for such an extraordinary answer. When asked what the Government will do about the 800,000 wheelchair users who cannot get into public buildings because the Equality Act is failing, the official Government Equalities Office answer is that,

"that is the $64,000 question".

Well, my Bill is a £100 answer to that question.

I am willing to do a deal with the Government. I acknowledge that six inches and 12 inches are arbitrary figures and we could have different heights—and of course they would have to be in centimetres. I acknowledge that businesses may need more time than Royal Assent or 12 months to implement any change. If we get to Committee, I am willing to fillet the specific details in my Bill and replace them with an order-making power for the Minister to specify in regulations the access requirements that I have outlined today. That would give the Government the chance to correct any errors they may perceive in my Bill. It also removes the excuse to do nothing about this problem. This time we are not just going to go away and shop elsewhere. Passing my Bill, or something like it, will not undermine the principle of "reasonable adjustments" in the 2010 Act—but it would grant 800,000 wheelchair users access to about 60,000 of those 71,000 shops that are currently inaccessible. It is little wonder that the Select Committee concluded:

"Government inaction is failing disabled people".

I had an excellent meeting yesterday with the new Minister for Disabled People. Like her predecessor, she is caring, compassionate and determined to do all she can to help disabled people. But she has no power to change one comma of disability legislation because it is not in her department. I commend what she is doing with disabled champions and seeking to get an accessibility category added to the Great British High Street Award. I commend the city of Chester, which she told me about and which has excellent disabled access. These are all jolly good things—but we must have an amendment to the law if we are to get fair treatment for disabled people now rather than in the distant future.

I anticipate that the Government will dismiss the Bill. That is why I have tried noble Lords' patience a bit this morning by setting out in detail why I think the GEO is utterly wrong. Wheelchair users are getting the runaround and being discriminated against multiple times. We cannot get into buildings in the first place; the Government will not change the law to assist us; the ECHR, which can do something about enforcement, does nothing to help; and disabled charities that would like to help are not allowed by law to help. My Bill does not tackle the problem of taxis and buses, or the failure of trains or platforms to have level access. It does not demand government expenditure or great private sector investment. It is confined to tackling one gross inequality which can be fixed cheaply, easily and quickly. I beg to move and commend my Bill to the House.

10.25 am

Baroness Meacher (CB): My Lords, I rise to support the noble Lord, Lord Blencathra, and his splendid Bill. I am embarrassed to stand up at this point, I have to say. I had in mind just to add a few comments right at the end of this debate, just to show another voice of support. But I applaud the noble Lord, Lord Blencathra, for his superb presentation of the case; it was truly outstanding, with his usual clarity, intellectual rigour and his delightful sense of humour. I think that we will all want to thank him for the pleasure of listening to him.

[Baroness Meacher]

It seems obvious to me that those of us who are lucky enough to be able to run up a step into a pub or a shop—including the Minister, who I am sure would have no difficulty running up a step into a shop or pub—have a duty to ensure that those people who are unlucky enough to be locked out of so many of these buildings have the right of access. I have to confess that I had assumed, as a rather ignorant person, that when Alf Morris's Bill went through Parliament, the discrimination against disabled people due to lack of access had basically been dealt with. I was shocked and very surprised to learn that, for 800,000 wheelchair users, it is still a major problem and that they are locked out of 71,000 shops, pubs and restaurants simply because of a little step. It was not something that I had expected. Quite clearly, the requirement under the 2010 Act for businesses to make "reasonable adjustments" to enable access for disabled people is simply too vague and not working. We need to applaud the noble Lord, Lord Blencathra, for this very simple proposal to deal with such a massive inhibition for so many people.

Cleverly, the noble Lord includes two clauses, the second of which on first sight appears to cover the first. I had to reread them because I thought, "Hang on, why these two clauses?". He of course distinguishes between a reform covering steps up to six inches and that covering steps up to 12 inches. He makes very clear the really quite significant difference in cost between these two levels. As he said, one could talk about different levels of step, but these two are quite interesting because the six-inch step can be sorted out with a spend of a mere £100. Thinking of smaller businesses, it seems to me that they really would not have a problem with that, so the big question is: why not?

The briefing makes it clear that if you are talking about 12-inch steps, that is much more significant, which I for one certainly would not have thought about. It would cost something like £3,000 or £5,000, and I can think of small businesses that would really struggle to cover that cost, certainly in one year. There is no question that we need greater access for wheelchair users, but I wonder whether the noble Lord, Lord Blencathra, would consider it an appalling diminution of his Bill to limit it to the six-inch step, with its smaller demand.

I was particularly struck by the noble Lord's personal research—it was rather delightful, I thought—looking at Victoria Street, Horseferry Road and Strutton Ground, and his finding that, in these streets, 87% of steps would be covered by the six-inch rule. He went on to say that all the evidence suggests that that 87% figure probably applies throughout the country. I find that reassuring. Maybe it would be worth implementing that provision to eliminate 87% of the problem. Surely no Government could refuse to do that. Why would they when the cost to a business would be £100? The bigger spend might be an issue, but that would not be the case here. Therefore, there are two possible approaches: one is to exempt small businesses below a certain level of turnover; another is simply to eliminate the provision on the 12-inch step and limit the Bill to the six-inch provision.

In conclusion, I hope that the Minister will be in a position to support the Bill—at least the 87% of it. I hope, as I am sure everybody in this Chamber does, that the whole Bill will be passed, but I implore the Minister to do all she can with her colleagues to support it.

10.30 am

Baroness Brinton (LD): My Lords, I was lucky enough to serve on the Select Committee on the Equality Act 2010 and Disability, and I am very grateful for the quotations that the noble Lord, Lord Blencathra, provided from it. I look forward to the contribution from the noble Baroness, Lady Deech, and I am sure that she will focus on the detail of the work of that committee.

I have been a wheelchair user for the last six years. I have an electric wheelchair which, without me sitting in it, weighs over 100 kilograms. Many people say, "We'll just lift you in", and when I explain its weight, they pale. It is also why I say, "Lifting me in is not an option under health and safety rules because you'll damage yourself and I don't want to be responsible for that".

I am also grateful to the noble Lord, Lord Blencathra, for suggesting to those of us he thought might speak in this debate that we should consider our real-life experience over the last two or three weeks. I was in Barnes and East Sheen visiting family and I needed to get into a pharmacy. The first three local pharmacies that I came to all had steps. None had a bell and one had an enormous sign in the front window saying, "Disabled? We're here to help". How could I tell them?

I was asked to speak at two events in a rural market town. One had a step of under six inches and the next one had a step of just under 12 inches. The organisers had rung me and said, "We've just discovered the steps. What can we do?". They went out and bought one of the lightweight ramps that the noble Lord, Lord Blencathra, referred to, and I got into the first venue with absolutely no problem. However, at the second venue, the step was just too high for the length of ramp they had. Unfortunately, with a heavy wheelchair, you just get grounded at the bottom and cannot get in. That is why I have immense sympathy for the principles that the noble Lord outlines in his Bill but there definitely has to be guidance about the angle and length of ramps; otherwise, people will buy ramps and believe that they are fulfilling their obligations, but those of us in electric wheelchairs will find that we still cannot get into the building.

Last week I was asked to speak at a university. The organisers had booked me in March to launch a conference. On the Monday before I was due to speak on the Wednesday, they rang to say, "We've just discovered that there is a stage. You're going to be on the stage, except that we don't have the facility to get you on to it". I did not want to be the only speaker not on the stage, so I said, "Sorry. Go away and find another solution". The response came back, "This building is about to be remodelled. Maintenance have broken the ramp and they're not prepared to repair it because the building's going to be vacated soon". They found another lecture hall where all the members of the panel were on one level, which was fantastic.

I apologise for the fact that my next example is not about a building but I think that it illustrates a wider point. I was picking up a cab just around the corner from here. It was one of those larger cabs—not a black cab but one that has doors that open automatically and no built-in ramp. The driver wound down his window and said, "I think my ramp's a bit small for you. You can see it—I'm just pushing it out now". He was referring to the automatic step, not the ramp. I said to him, "If you open the boot, I think you'll find there is a ramp in there". He got out and found it, but it took him five minutes to assemble it because he had never had to do it before.

Those last two examples raise one of my other key concerns, which I speak about a great deal, and that is training. It is about the attitude of the organisation and training the people who need to use the equipment. The problem in that last case would have been resolved simply by the driver knowing his way around the vehicle—he had clearly rented the cab and it was the first time he had come across the ramp.

That brings me to a further point. I am going to name and shame a couple of organisations. WHSmith is on both my name and shame and credit lists. You can get into most WHSmith shops if you are in a wheelchair, but unfortunately it has a new policy of cramming extra bits into the aisles—the hanging baskets from which you can pick your crisps. That means that if you are in a wheelchair in many WHSmith shops, especially in places such as stations where space is tight, you cannot get round the store. So a ramp might solve the problem of accessibility but the layout does not make me want to visit the shop.

When we read the Government's response to the Select Committee report, many of us were as open-mouthed as we were when we heard some of the evidence during the committee's hearings. I believe that this is still very much the Government's stance. Paragraph 2 of their response says:

"Disability rights cannot be delivered by regulation alone. Forcing people to change their behaviours … will not … change their hearts and minds and changing hearts and minds will lead to better attitudes, better access and better outcomes for disabled people".

I cannot disagree with that at all. However, the response then goes on to say that,

"Government has achieved more by initiating conversations between disabled people and the public, private and voluntary sector than by the … instrument of regulation".

In paragraphs 15 and 16, they talk about the Minister holding,

"a roundtable with leaders of the hospitality industry, trade bodies and disabled people",

and say that in the autumn—this would be 2016—they will provide an,

"accessibility 10 top tips guide",

being developed with the British Hospitality Association. I have searched high and low through the web but can find no mention of any such launch. That, I am afraid, is why odd conversations with people, although held with the best intent, do not change the culture. There are times when regulation is needed and this is now one of them.

I am very aware that the noble Lord, Lord Blencathra, has referred in the past to the idea of the bag of concrete resolving the problem. There are some people with disabilities—particularly those with prosthetic limbs—for whom a very short ramp might make a building inaccessible. I am more than happy to push the idea of ramps but we need to be careful that we do not make a building inaccessible for a different group of people.

I said earlier that I wanted to name and shame companies, but I have said in your Lordships' House before, and I want to repeat, that the Institution of Civil Engineers, which is just around the corner on Great George Street, is a wonderful example of how to deal with a listed building and accessibility. It has two sets of front steps. One will retract and a lift comes up on to which you can position your wheelchair and move easily into the building. Only civil engineers could develop something like that. Two doors down, the Institution of Mechanical Engineers has not done the same thing. The last time I went in, I had to enter via an outside stairlift through somebody else's conference room to get to the event that I was attending.

I want to end with two other examples located very close to your Lordships' House. The first is the Marriott County Hall Hotel, just over the road. The management says that it is a listed building and that no adjustments can be made. An organisation with which I am involved stopped using it for special events. A couple of weeks ago they said that they had now changed. I was pleased to hear that and asked them to explain exactly what had changed. They said, "You still have to go round the corner to the back, up in a scissor lift and doors have to be unlocked, but you no longer have to go through the sea life centre; you can now go straight through to the back of the hotel". That is not good enough for a five-star hotel.

I shall end on a really good example of an organisation that trains its staff to understand its attitude. The lingerie chain Bravissimo has ramps, bells and staff who understand their job. I would like to nominate it for the award for good high-street access.

10.39 am

Baroness Morris of Bolton (Con): My Lords, it gives me great pleasure to be able to support my noble friend Lord Blencathra in his important Private Member's Bill. I applaud his tenacity, and that of other noble Lords who are speaking today, in seeking to improve access to public buildings for wheelchair users. That this duty—to take such steps as is reasonable to remove physical features which disadvantage disabled people—is already enshrined in law but is not being fully implemented, should make all of us pause for thought and ask how we can ensure that this duty is taken seriously.

When I was 17, I broke my back in a riding accident. I was lucky. After many months, I was able to walk again, but not before being bedridden and spending considerable time in a wheelchair. My wheelchair was not like the modern wheelchairs today; it was not very grand. It was rented from the charity Hospital Saturday, and although it made a huge difference and I was enormously grateful, I think it must have been related

[Baroness Morris of Bolton]
to a supermarket trolley because it certainly had a mind of its own. On my first outing my mother started to push me down a hill and then panicked as she lost control. "I'm just going to have to let you go!", she shouted. Luckily, plan B came along in the shape of a hedge, and she simply rammed me into that instead.

Even to this day I remember vividly the way that she and I struggled with the little things, such as the kerbs and the steps—the things that able-bodied people do not give a second thought to, as the noble Baroness, Lady Meacher, said, but which are massive obstacles to those with the inability to overcome them. My wheelchair did not even have the added problem of the weight of an electric chair. Wheelchairs are marvellous things; they give great freedom and independence. That makes it all the more frustrating when you simply cannot get to where you want to go.

A couple of weeks ago, I was flipping between channels on the television when I came across a repeat of the documentary about your Lordships' House, "Meet the Lords". My immediate instinct was to change the channel, except I saw that it was the rather moving part of the programme where the film crew followed my noble friend Lord Blencathra as he tried to find different ways of steering his wheelchair through this beautiful Palace to reach his destination. In his Bill, my noble friend is not asking for monumental changes on the accessing of public buildings. He is simply seeking a way of ensuring that the duty to make reasonable adjustments to buildings to allow access for those with a disability is taken seriously. He has found a sensible and practical way to accomplish that.

I have known my noble friend Lord Blencathra for many years, so I know that it goes against the grain of his political DNA to impose unnecessary costs and regulations. That is why his proposals in the Bill are modest and proportionate, and why they deserve to be supported.

10.42 am

Lord Haworth (Lab): My Lords, I welcome the Bill and I thank the noble Lord, Lord Blencathra, for his opening speech, which was a veritable tour de force. I have no wish to repeat the catalogue of facts and figures which he evinced—the case is compelling, and I think that was the view of your Lordships' House in response to the noble Lord's opening speech.

When I was preparing for the debate, I of course read the relevant sections of the report from the Select Committee on the Equality Act 2010 and Disability, chaired by the noble Baroness, Lady Deech, who we will be hearing from later. I will not seek to repeat many of the points in the report but will merely say that it is very impressive work. My confession is that, at the time of its publication last year, it entirely passed me by. That is my fault, but I am probably not alone in having failed to appreciate the significance of the report. It makes it abundantly clear that the overwhelming evidence received was that the Equality Act has been a retrograde step for disabled people, who had been better served by the Disability Discrimination Act and the previous, separate Disability Rights Commission. This is a quite shocking finding. One has to suppose that it is one of those examples of well-intentioned legislation having unforeseen perverse consequences. In his briefing notes for the debate and in his speech, the noble Lord, Lord Blencathra, clearly highlights the shortcomings of the Act for disabled people and, in particular, the failures of subsection (9) and the concept of reasonable adjustments.

Some people are born with their disabilities, many others become disabled due to accidents or through developing medical conditions. In our extended family, my wife's late brother-in-law endured myotonic dystrophy, a progressively wasting illness, for over 25 years. His mobility progressively reduced, and for many years he could only get about in a wheelchair.

Others perhaps come into a fourth category: those of us who have come close to being disabled but got away with it—the "there but for the grace of God" category. I am one of those people. I have lived an active life: I am a mountaineer and a climber. I have often accepted that there are risks involved in those sorts of sports. A few years ago, doing a not very high-risk activity, I broke my back. It happened in a Zodiac accident off the coast of the Faroe Islands, in rather choppy and troubled sea. The Zodiac went down a hole in the sea and hit a standing wave and there was a tremendous thump, which broke a vertebra in my back. At the time, I was paralysed for a short period and then there were weeks of recovery, and my back got progressively better. I had not realised how close I had come until I was being investigated for a completely different condition and had a series of MRI and CT scans. That was relatively recently, and the diagnosis was that they did not find what they were looking for. However, they asked, "When did you break your back?". At that point I realised that the injury I had received was probably a lot more serious than I had ever thought at the time.

With a strong sense of having had a close brush with near-disability, and having seen the obstacles for wheelchair users through my late brother-in-law's eyes, I am all the more aware that it is not the big obstacles to mobility that are the cause of small, daily miseries for disabled people, it is the small obstacles—the little steps that prevent entry to the Dog and Duck, the café or the restaurant. Most disabled people probably do not want to climb Ben Nevis. It is the other, small obstacles that the Bill will address.

The Bill's measures are modest and, for small amounts of expenditure, will bring about great improvements in access to public buildings. It accepts that the Equality Act, for all its shortcomings, is here to stay, and does not seek to undermine it in any way. Instead, it strengthens subsection (9) in practical ways for the benefit of disabled people. I strongly support it.

10.48 am

Lord Holmes of Richmond (Con): My Lords, I am delighted to support my noble friend Lord Blencathra at the Second Reading of this excellent, well-crafted and beautifully straightforward Bill. Legislation often asks Governments to take steps but in this instance that is exactly what it is doing. I ask the Minister: if not this step, what step will address this most simple and straightforward access issue?

On Black Friday, no matter how bad the bustle and crush is, how much blacker is it for those wheelchair users and other access-impaired people who cannot even access the stores to get to the bargains? I was fortunate to be on the board of the Disability Rights Commission in the early 2000s when many of the best features of the Disability Discrimination Act came into force, not least those related to access to goods and services. We knew at the time that this cuts across all of civic society—retail, leisure and religion. Tiny steps effectively deny people access to pay, play or pray.

Many of the arguments at the time of the passage of the DDA, and then when Part 3 came in in the early 2000s, were: "It'll be too expensive" and, "We can't possibly do this—businesses will fold". As we have seen, almost a decade and a half later, no businesses actually folded as a result of the regulations and the legislation. Rather than seeing it in those terms, why not just flip it the other way round and see the positive economic boost that businesses can have if they are accessible to all members of society? I know that personally. I am not a wheelchair user but I have experienced what it is like to be denied access to supermarkets, restaurants and minicabs. I went to a restaurant a few years ago and the proprietor actually stood in the door to bar me entrance to the restaurant. He said in very straightforward terms: "We don't serve dogs". I said, "That's okay—I don't eat them".

But there is a fundamental point behind this because, when you experience denial of access and discrimination, you do not experience it in a cerebral state, you feel it. You feel it in your heart and in your guts. It is to be denied fairness, with no dignity, no respect and no equality, just exclusion. That is the beauty of my noble friend's Bill. It is not actually anything to do with steps, it is simply to do with inclusion. Why would a business or building not want to be inclusive for all members of society? Imagine: what could be simpler than taking this Bill right through the Lords and Commons, passing it and enabling that inclusion right across the United Kingdom? Tens of thousands of small steps would be removed, enabling access and economic activity. We are talking only about the removal of small steps. Actually, there is no "only". It is just the removal of small steps. One small step for premises, one great leap for inclusion.

10.53 am

Baroness Masham of Ilton (CB): My Lords, I thank the noble Lord for bringing this Bill before your Lordships. The noble Lord, Lord Blencathra, epitomises someone who wants to be as independent as possible. The noble Lord has explained his Bill so clearly that I cannot believe it will not be accepted. Many people who have to use wheelchairs also wish to be as independent as possible. I am sure that they would be pleased if, on their behalf, I wholeheartedly thank the noble Lord for his continued efforts on this important matter, which would help not only thousands of wheelchair users but their helpers and people using babies' pushchairs.

Our society has changed in the past few years and we have a growing elderly population, many of whom are using electric wheelchairs due to strokes, Parkinson's, spinal injuries, arthritis and many neurological conditions as well as heart and cancer problems. Also, many young people suffer long-term conditions such as cerebral palsy, muscular dystrophy and other types of disabilities, including spinal injuries and brain injuries from accidents and tumours. I have to declare an interest. I have always been a very active person. As a child, I milked cows by hand and rode ponies from an early age. At school, I was keen on sport. When I broke my back and became paralysed, I took part in paraplegic sports and played table tennis in many countries with the Paralympics. But all my sport and using a manual wheelchair for many years has caused the upper body, hands and shoulders to be overworked. It has taken its toll and I have had to graduate to using an electric wheelchair.

I know only too well that electric wheelchairs cannot negotiate steps and are too heavy to lift manually. Therefore, ramps are essential. Two weeks ago, I was shopping in Harrogate, using my electric wheelchair. I wanted to go to L'Occitane, a shop in James Street, but found that there was a four-inch step, which the electric wheelchair could not negotiate. The person with me went into the shop to see if they had a ramp. "Sorry", they said, "No ramp", but offered to help with my helper, but it was no go because the electric wheelchair was too heavy. My helper then went to the next-door shop, Molton Brown, which had a similar step, but it had a portable ramp, so we asked if we could borrow it to go to the shop next door. Yes we could.

So with the borrowed ramp, we entered L'Occitane. The shop assistant was most apologetic. I assured her that it was not her fault, but the responsibility of the management. When I told her about the noble Lord's Bill, she thought that it was an excellent idea. We returned the borrowed portable ramp to Molton Brown and I made a second purchase, having used the ramp. It is interesting to find two similar shops next to each other, one without a portable ramp and one with one. Is it that one wants to help disabled people and the other cannot be bothered? I hope that it is not because they do not want people using wheelchairs in the shop but because of a lack of knowledge of how easy it is to get portable ramps.

In my small home town of Masham in North Yorkshire, there is only one pharmacist. It has a four-inch step and no ramp. Nobody using an electric wheelchair can enter and people using manual wheelchairs or walking frames could find it difficult to do so unaided. This pharmacist just cannot be bothered or thinks that there is no legal requirement. Ramps are not only useful for people; they are useful for wheeling in heavy goods. Some people using wheelchairs may want some confidential advice or to purchase something private. They want to be self-sufficient. All pharmacists should have access to everybody.

How much more does the noble Lord have to do to convince the Government that his Bill is necessary? This is something that will not cost the Government money. Many disabled people have elderly carers who struggle with steps, and wheelchairs may be the last straw, when the obstacle could be removed so easily with a ramp. It is really frustrating.

I hope that this time the Bill will have a speedy journey through both Houses and that the Minister can give your Lordships some good news today. I hope

[Baroness Masham of Ilton]
also that the Government will listen to people with first-hand experience of steps and ramps. However, at a reception held recently at 10 Downing Street, I noticed that portable ramps were set up at the entrance, while upstairs there was a splendid lift with steps that could disappear while the lift came out; it was very modern. The Government know what is necessary and now is the time to help the whole population so that they all can enter shops and other places.

11 am

Lord Borwick (Con): My Lords, this modest Bill should be supported throughout the House. Indeed, my only criticism is that it is too modest. My only declarable interests are as a property developer and housebuilder. I am pleased to say that all houses should now be built without a front step to make them wheelchair-accessible.

Historically, I have had a great deal of interest in wheelchair accessibility. First, I believe that I was the first person to put in a planning application for a large development of 100% wheelchair-accessible houses for the private sector rather than social housing. This was at the suggestion of my late friend the great Sir Bert Massie. He explained that using a wheelchair cost him a fortune in whisky. His friends could get into his house, but he could not get into theirs, so he was always the host. This, for a gregarious chap like Bert, was one of the many extra costs of disability.

Secondly, as chief executive of Manganese Bronze Holdings plc, the maker of the London taxi, I led the team which made all black cabs wheelchair-accessible. We were designing a ramp for a step rather greater than six inches to access the cab. It was 16 inches high rather than the six and 12 specified in the Bill. It was difficult, but it was done. Once we had designed it, various people in my company said that we should sell the taxi with the ramp as an optional extra, but I demanded that it should be standard equipment and that we should never disclose the extra costs of producing it. However, the noble Baroness, Lady Brinton, pointed out that the level of training for taxi drivers could sometimes be better. Accessibility is now just a feature of the taxi—nothing special because it is standard equipment, and the same ought to be true of all shops and buildings.

The thing we learned is that while access for disabled people is very important, we all spend time in a wheelchair. It is normally called a pushchair or a baby buggy. We are very lucky if it is only at the beginning of our lives that we need wheels. Moreover, there are far more baby buggies than wheelchairs in use. A pushchair has a similar turning circle to a wheelchair and encounters many of the same access problems. Any ramp that can be used by a disabled person's wheelchair is excellent for a pushchair. There must be vast numbers of parents with pushchairs who are discouraged from going into shops because of the task of having to remove the child from the pushchair, collapsing and carrying both it and the child up the stairs, then putting the child back in the chair. Very wise is the simple advice, "Let sleeping babies lie". When we look at the positive effects of my noble friend's Bill, it is not only disabled customers who will benefit from these amendments, but parents and children everywhere.

The question should not just be about the number of wheelchair users who will benefit from the Bill, and whether there are 1.2 million part-time or 750,000 to 800,000 full-time users, we should also consider the 3.9 million children under the age of four who will benefit from it, along with their exhausted parents. I therefore suggest that the Government support this Bill with enthusiasm.

11.04 am

Lord Hussain (LD): My Lords, I support the Bill and I congratulate the noble Lord, Lord Blencathra, on his efforts on this subject. I should like to draw the attention of the House to one or two things, and ask that "public places" include places of worship. I have visited almost every kind of place of worship including churches, gurdwaras, mandirs and mosques. However, I want to refer in particular to mosques.

There are thousands of mosques, both big and small, in this country. Many are in converted buildings, ranging from ordinary houses and warehouses to listed buildings. Some, of course, are modern, newly built structures that may comply with most DDA requirements. However, while external access to a mosque may not be such an issue, noble Lords will know that ablutions are compulsory for any member of the congregation who attends a mosque for prayers. I have noticed that in most mosques, particularly those sited in older buildings, hardly any consideration has been given to mosque-goers using the washing facilities. There are few facilities such as wheelchair access and aids for visually impaired people. I suggest to the noble Lord, Lord Blencathra, that perhaps we could have a discussion before Committee to see how mosques could be included in the list of public buildings.

I understand that almost all mosques are run on voluntary contributions and we do not want to put too much of a burden on them, particularly if a mosque is situated in a building that would make it too difficult to comply. Even so, there is a dire need to include mosques in the terms of the Bill, so a meeting before Committee stage would be a good idea to table an amendment that would cover this area.

11.06 am

Lord Wasserman (Con): My Lords, in July 2016, shortly after having been asked by HM the Queen to form a new Government, my right honourable friend the Prime Minister said that it was her "mission" as Prime Minister to make Britain,

"a country that works for everyone".

She also said that the Government she led,

"will do everything we can to give you more control over your lives".

If I were asked to propose one short Bill to give effect to the Prime Minister's twin objectives of building a country that works for everyone and giving ordinary people more control over their own lives, I could not think of anything better than the Bill presently before your Lordships' House. At a stroke, the Bill would

give people control over a large part of their own lives, affecting some 800,000 of our fellow citizens who through no fault of their own, but simply because they are confined to wheelchairs, are unable to enjoy the full benefits of what this great country of ours has to offer.

But this Bill goes very much further than offering a better life to those who are confined to wheelchairs, a point made by my noble friend Lord Borwick and the noble Baroness, Lady Masham. If the Bill were to become law, it would also make life infinitely easier and better for many others: for those who are elderly and find it difficult and dangerous to negotiate steps, particularly in the dark or in the rain; for those with prams, pushchairs and baby buggies; and for those like me who do the weekly shopping with a shopping trolley which by the end of the expedition is usually overflowing with a heavy mixture of boxes and bags, not to mention loose fruit and veg.

Those are some of the social benefits of the Bill, but it would also have significant economic benefits. Indeed, I believe that it could be seen as primarily an economic Bill, as it would make an important contribution to achieving the Government's newest economic objective, that of improving our nation's productivity. This it would do in at least two ways, which I will explain. Although the digital economy has made it possible for us to shop for everything from food and drink to furniture and major electrical appliances with no more physical effort than the click of a mouse, it still requires physical effort on the part of someone for our purchases to be delivered to us. Many of these purchases arrive in packages that are bulky or heavy, or both. The easiest and quickest way to handle these packages is to use a porter's trolley, or what I understand is correctly known as a hand truck. However, manoeuvring hand trucks upstairs, even a single six-inch step, can be tricky and dangerous; with a heavy load, it requires a good deal of brute strength. For this reason, delivery companies are less inclined to use hand trucks than they might otherwise be. As a result, two people are often employed to deliver a van load of packages when the same load could easily be delivered by one person with a hand truck. Although the Bill refers only to public buildings, it would clearly make ramps and the use of hand trucks much more common, thus making the average cost of delivering packages of all kinds, including online purchases, much cheaper as well as quicker.

When the Bill becomes law, it will make a significant contribution to achieving the Chancellor of the Exchequer's objective of improving our national productivity. However, there is at least one other way in which ramps would contribute to improving that: by reducing the number of work days lost through injury, particularly back injury. According to the latest figures from the Health and Safety Executive, 22% of non-fatal injuries to employees are incurred when lifting or handling goods. I think we can be pretty confident that this figure will keep rising as our use of the digital economy becomes increasingly widespread; there is no doubt that ramps and hand trucks would significantly reduce the number of workplace injuries due to lifting and handling, and hence the number of working days lost each year. That is not the whole story in relation to workplace injuries. I have no doubt that a further large number of workplace injuries are attributable to employees carrying packages and failing to notice the existence of a single shallow step between the pavement and the building entrance. Sadly, the HSE figures I have seen do not identify such accidents separately, but I know from my own experience that they are common and sometimes both painful and very embarrassing. It has just occurred to me that, when one thinks about the economic benefits of the Bill, it should have been introduced by the Chancellor of the Exchequer himself, as a contribution to achieving a faster growing economy, rather than by my noble friend Lord Blencathra, as a contribution to a fairer and more compassionate society.

Finally, I support the Bill because, besides all the practical advantages I have mentioned, it has a strong moral dimension. It gives practical form to a moral teaching that goes back thousands of years to the biblical injunction that one should not place a stumbling block before the blind. If a six-inch stone or concrete step in front of a public building is not a stumbling block for someone in a wheelchair, I do not know what is. For these reasons, both temporal and spiritual, I urge the House to give the Bill a Second Reading and urge the Government to support it enthusiastically.

11.13 am

Baroness Deech (CB): My Lords, I had the privilege of chairing the 2016 Select Committee on the Equality Act 2010 and Disability; we produced a report a year and a half ago. When I say "privilege", I am not following the normal courtesy of reference; I mean it very literally. We heard, saw and received written evidence of the heartbreaking, and often unnecessary and unthinking, obstacles faced by disabled people in their everyday lives, in doing things that the majority take in their stride. We admired the courage of our witnesses and their ability both to function in the way they do and find the extra energy to campaign on behalf of all disabled people. I salute the noble Lord, Lord Blencathra, and other noble Lords who are disabled—I must single out the noble Baroness, Lady Campbell, who never stops campaigning. They do the same.

The Bill, and the report I referred to, should not be seen as a project for the 11 million or so disabled people, most of whom acquire their disabilities after birth. It is for all of us. The statistics show that, as we live longer in general, unless we are extremely lucky we will all experience a disability in our last few years, whether of sight, hearing or mobility—as many noble Lords will be only too aware. The Bill is not about special pleading; it is about making premises accessible to the entire population in the fullness of time. I say to our sprightly young Ministers: your time will come, too.

The government response so far to the Select Committee report has been ungenerous and disappointing. The committee was careful to make sure that its recommendations did not cost much. We established that there is relevant law, but that implementation and detailed guidance are lacking, especially in transport and access. So the Bill has my full support, as it should have from every right-thinking person.

[Baroness Deech]

Not only has the government response been unhelpful, but the Equality and Human Rights Commission seems to be going backward on this. The statutory Disability Committee has been replaced by the Disability Advisory Committee, with no similar powers, and the noble Lord, Lord Shinkwin, was disappointed to discover that, when appointed as a commissioner, he would not have the special responsibility for disabled people that seemed so obvious for him and for which he had hoped.

The message to and from the Select Committee was that disabled people suffer from the rolling-in of disability as a protected characteristic into all other such characteristics under the Equality Act. Disabled people must have equal treatment, but to get to the level playing field they may need an adjustment that is not needed by others. Access by ramp is just one example. The cost of putting in the ramps will be more than met by the increased custom in time.

As I have said before, disabled people are let down across the whole spectrum of life. Access to public buildings is a fundamental right. The removal of legal aid has made it even harder and more costly for individuals to challenge the blockages to their rights. The burden is on them alone, for class and proxy actions are not allowed. It has been proposed that local authorities should have the power to refuse to grant or renew the licences of premises such as restaurants, pubs and clubs unless they are accessible, which would go a long way to curing the problem. The House of Commons Women and Equalities Committee supported a similar approach, and recommended changes to the Licensing Act 2003 to mandate licensing officers to act on a failure to make licensed premises accessible. I and other experienced noble Lords put forward an amendment to that effect last December when the Policing and Crime Bill was passing through this House.

The Government opposed the amendment on the ground that it was duplicating already existing law—which was not in fact the case—and the Opposition decided not to vote on the amendment for what they called "strategic reasons". It was one of the most disillusioning events for me since I entered this House. There is a chance now to remove that blot on the record of both parties and to show the United Nations Committee on the Rights of Persons with Disabilities that its critical report on the UK's compliance with the treaties has been listened to. We recall the special pride and joy taken in our Paralympic champions. That sentiment should not be forgotten when slightly less athletic disabled people seek the nation's help.

The Bill is the tiniest step in the right direction. It has been said that legislation should be slow to place additional regulatory burdens on business, but this is a zero-sum game. The reduction of the regulatory burden on business means an increase in the burden on a group far less able to bear it: namely, disabled people. The Government may well point to their accessibility projects such as the Built Environment Professional Education Project; but that has been handed over to the Construction Industry Council, and at best will only influence future design, not make adjustments to existing premises. Likewise, the Accessible Britain Challenge morphed into the Disability Confident scheme for employees—these bold words disguise action not commensurate with their tone—leaving a gap that can be filled only by this Bill.

There is another gap. The Select Committee referred to the need for codes of practice and specific guidance on the concept of reasonable adjustments for disabled people, most often in the workplace. But even if they are produced there will be owners of premises who are unaware of them or will ignore them, knowing that they can get away with it. Support for this Bill is essential to stop the callous or ignorant denial of an easy remedy of accessibility for all of us. Any Government who care for minorities or those who are not just about managing must bring it into law.

11.20 am

Lord Shinkwin (Con): My Lords, it is an honour to follow the noble Baroness, Lady Deech. I commend her and her committee for their excellent report on the Equality Act 2010 and disability. I declare an interest as a member of the Equality and Human Rights Commission. As we are discussing the duty to make reasonable adjustments, I should also tell the House that 20 or so years ago I had life-saving neurosurgery. I took three years to learn to talk again. I am still trying to teach my body to co-operate and speak more quickly, but I beg the indulgence of the House during the debate if I do not speak as quickly as I would like.

I thank my noble friend Lord Blencathra for the service he has done your Lordships' House, disabled people and society at large in introducing the Bill, as my noble friends Lord Borwick and Lord Wasserman made clear in their contributions, thereby giving the Government the opportunity to demonstrate their commitment to disability equality and to keeping the flame of our party's landmark disability rights legislation, the DDA, alive. As we have already heard, the Bill is pragmatic, principled and practical. As a wheelchair user, I agree with everything that has been said. Having served on the National Disability Council, set up to advise the Government on the implementation of the DDA more than 20 years ago, I am more sorry than I can say that your Lordships' House is still debating such a modest Bill.

I will address my remarks to a matter to which my noble friend Lord Blencathra and the noble Baroness, Lady Deech, referred—the Equality and Human Rights Commission. It was the profound sense of frustration with the lack of access highlighted by my noble friend's Bill that drove me to respond to an advert for the specific post of disability commissioner on the commission. I applied and I was interviewed for that post because I wanted to lead in making tangible progress, such as the very measures highlighted in the Bill, as well as to contribute to securing positive change on equality generally.

On 21 April this year I received a letter from Justine Greening, in her capacity as Equalities Minister, inviting me to join the commission. Within 24 hours the chair of the commission had rung to congratulate me. At no point did either of them mention the intention to abolish the position of disability commissioner, for which I had applied and been interviewed.

This leads me to feel I need to clarify what I told the House, in good faith, on 29 June at *Hansard* cols. 624-25. First, Written Answers to a number of Parliamentary Questions asked in the other place have since established that, contrary to what I had been led to believe by the chair and deputy chair of the commission when they met me on 9 May, the board of the commission had not already decided to abolish the position of disability commissioner. The board decided to do so only on 11 May, two days after I had been told that the board's decision had already been taken and two days after I had pleaded with the chair and deputy chair of the commission to urge the board to reconsider.

I now have evidence—I thank a Member of your Lordships' House for procuring this information—of deliberate concealment that the matter was even discussed in the board's unminuted pre-meeting of 11 May. Whereas the first draft of the main board minutes refer to the fact that the unminuted pre-meeting discussed the role of the disability commissioner, the eventual, sanitised version of the draft board minutes instead state:

"In the informal pre-meeting session, the Board had discussed the Disability Advisory Committee and the role of its chair".

I mention this example because it is symptomatic of the commission's tendency to conceal and to misrepresent. Consistent with this approach, on 25 October the chair of the commission told the Women and Equalities Select Committee in another place that he was sorry that I had decided not to engage with the commission. As I have since made clear to him in a six-page letter, which I would be very happy to place in the Library of the House should any Member ask me to do so, nothing could be further from the truth.

I have touched on the commission's shocking behaviour. However, what has shocked and, indeed, saddened me perhaps even more is the evidence that has come into my possession about the Government's involvement in this sorry situation. On 29 June on the Floor of the House I asked the Government not to get involved. I gave them the benefit of the doubt that they were not already involved. Today, I have to clarify my remarks of 29 June because evidence I have been given and which I have shared with the Prime Minister shows that the Equalities Minister was involved in the process that led to the abolition of the disability commissioner.

I am referring to an email of 28 March from the director of the body my noble friend Lord Blencathra mentioned, the Government Equalities Office, updating colleagues on a meeting between Justine Greening, in her capacity as Equalities Minister, and the chair of the commission. The email states that the chair of the commission told her that he had attended a meeting of the commission's disability committee the previous day, and,

"they were anxious about there being no one in the Disability Commissioner role currently".

The email does not record the chair of the commission as saying that the commission's disability committee was urging him to press for the abolition of the disability commissioner role—quite the opposite. The email records that the Equalities Minister confirmed, and again I quote,

"the decision to appoint Lord Shinkwin".

Barely a fortnight later, after the chair of the commission had pressed the Equalities Minister for an announcement on a new disability commissioner and learned that I was to be appointed—a decision I stress I was not aware of—a memo sent to Justine Greening from the Government Equalities Office, dated 13 April 2017, states,

"it is now intended that Lord Shinkwin will be appointed as a general Commissioner".

In other words, the countdown to the abolition of the position of disability commissioner had begun, and the Equalities Minister had effectively helped start the stopwatch towards its abolition.

Sadly, the cynicism of the whole situation is underlined by the fact that another Written Answer, WA 4778, in the other place, has since revealed that the very disability committee whose desire for an announcement of a new disability commissioner the chair of the commission had cited in his meeting with Justine Greening on 28 March was not even consulted about the abolition of the role of disability commissioner. Why? The reason given was that the interim disability advisory committee was not constituted at the time the chair and commissioners were considering this issue. So much for taking heed of what disabled people—indeed, of what the commission's own disability committee—thought. Why not wait until the committee had been reconstituted? How else could the commission present me and everyone else with a fait accompli on the abolition of the post of disability commissioner as quickly as possible?

I should make it clear at this point that none of this should come as a surprise to the Government or, indeed, to the Prime Minister, with whom I have exchanged letters on the matter and shared all the evidence. Moreover, I completely understand why the Prime Minister said in her letter to me:

"I do hope … that you are clear that the Government had no involvement in the EHRC's decision to abolish the disability commissioner role".

Of course the Prime Minister hopes that but, as I told her in my reply, the evidence points in the other direction. I am not going to dance on the head of a pin here: the Equalities Minister did not take the actual decision to abolish the role—it was not in her power to do so—but all the evidence I have seen points to the fact that the Equalities Minister, Justine Greening, was involved in the process that led to the abolition of the position of disability commissioner.

I do not intend to detain the House for much longer, but I think noble Lords will want to know that in my reply to the Prime Minister of 21 November, I also told her that I would like to be able to say in this debate today that I have received a written assurance from her that she was not made aware of the last-minute decision to seek the abolition of the crucial role of disability commissioner, made after my appointment to the commission, as I have explained; that she totally dissociates herself and the Government from the position's abolition; and that she will write to the chair of the commission to urge him to reinstate the position of disability commissioner, to appoint me, in that capacity, chair of the commission's disability advisory committee and to allow me to lead in the recruitment of new

[LORD SHINKWIN]
members to that committee. I also told her with great sadness that if I had not received such assurances, and a copy of her letter to the chair of the commission, before today's debate, which I have not received, I would have to fight for disability equality and for the reinstatement of the position of disability commissioner from the Cross Benches.

Today, I am deferring my decision to give the Prime Minister, whom I want to believe was not personally involved or even informed by her Equalities Minister of the process she herself had helped set in train, the opportunity to stop this grubby cover-up. My message to the Prime Minister today, with all due and sincere respect, as one Conservative parliamentarian to another, is this: please give me and Parliament the assurances I seek and show us the evidence that the Equalities Minister did not go behind my back, the backs of the UK's 11 million disabled people, the 800,000 wheelchair users that my noble friend mentioned, and, Prime Minister, behind your back. Please release all communications between the Government Equalities Office and/or the Equalities Minister and/or the commission concerning the disability commissioner position and prove to me and to Parliament that the Equalities Minister did not collude in weakening the voice of disabled people—and making the measures that my noble friend has set out in his Bill so much harder to achieve—by helping to set in train the process to remove the position of disability commissioner.

In conclusion, I say to the Prime Minister, I have shown you the evidence of the Equalities Minister's involvement. Please show me and Parliament evidence that the Equalities Minister, as her role obliges her to do, did absolutely everything in her power to stand up for disabled people and to dissuade the chair of the commission from pushing for the abolition of the disability commissioner role after he had been told that I was to be appointed. The burden of proof is now on the Prime Minister, because if she cannot counter the evidence I have shared with her and now with your Lordships' House and provide the assurances I seek, then I fear that I can reach only one conclusion: the very fact that the Equalities Minister has allowed the position of disability commissioner to be abolished on this Government's watch means that the Equalities Minister has acted in flagrant dereliction of her duty to me as a disabled person and to all disabled people. The Equalities Minister's position will therefore be untenable, and she will have to resign.

I finish with this question: what message does it send to the UK's 11 million disabled people, to the 800,000 wheelchair users who would benefit and to the parents of young children who would also benefit from my noble friend's Bill, if a Conservative Equalities Minister colludes in the abolition of the UK's disability champion, the disability commissioner? I await the Prime Minister's considered response to my remarks in this debate. I will then decide whether I can continue to serve with integrity the party I love.

11.38 am

Lord Berkeley of Knighton (CB): My Lords, it is a privilege and, indeed, humbling to follow the noble Lord, Lord Shinkwin. I am not in a position to comment on his disturbing speech: others will, I am sure, do so. It is humbling because it is a fact that, until disability directly affects us or a close family member, we simply cannot understand the frustrations of everyday life for the disabled. I sometimes think that if all of us able-bodied people were confined to a wheelchair for just 12 hours we would find it a revelation, and not a pleasant one. That is why those of us who do not need a wheelchair have a responsibility to pursue this fight on behalf of those who do.

As regards my personal experience, the trials and tribulations that the noble Lord, Lord Blencathra, so brilliantly outlined have been brought home to me by my daughter who, in her early 30s, has crippling arthritis and two lively young children—a challenging combination. Thanks to her mobility scooter, she is able to go to the park with her children, but invariably she cannot go shopping with them. Even when she can, the aisles are often too narrow to take wheelchairs. Unless her husband is there to unload her chair or scooter, she is limited to places which she can, as it were, wheel herself to. If more shopping centres had chairs or scooters that could be hired, disabled people would be less reliant on helpers and more self-sufficient. Self-sufficiency gives greater dignity and that, I suggest, is what the noble Lord's Bill is all about. Every human being deserves as much human dignity as we can bestow upon them.

If I may digress for one moment from the intricacies of the six-inch or 12-inch step, once you are over that hurdle the disabled, the hard of hearing and the visually impaired face other obstacles. Noble Lords have recently debated in this Chamber not just equality but data control, and it might be useful for the Minister if I pass on a comment that I have received from a disabled group. There is a worry that because of the confidentiality of medical records, which is of course essential, common sense could nevertheless be submerged. In a nutshell, receptionists and doorkeepers might not be able to be properly informed of the needs of the disabled, the deaf and the visually impaired—the need to stand in front of someone who is deaf, or the fact that someone who may sound inebriated has had a stroke. I accept that these are all extensions to the precise problems we are dealing with today.

I entirely support the noble Lord, Lord Blencathra. The Minister may need more than a ramp to overcome the determination of the noble Lord, the Select Committee and other noble Lords who seem to be expressing unanimous support for the Bill.

11.42 am

Baroness Anelay of St Johns (Con): My Lords, I congratulate my noble friend Lord Blencathra on securing a Second Reading for his Bill. It gives this House the opportunity to consider how legislating with the very best of intentions to ensure equality of opportunity can have unintended consequences, as the noble Lord, Lord Haworth, said, and thereby fail to deliver the very improvements that it was designed to help.

My noble friend's briefing before today and his introduction of the Bill have demolished many, if not all, of the arguments that have been deployed along the way to say that nothing more needs to be or should

be done. It is absolutely vital to have post-legislative scrutiny of legislation, something which this House instituted and at which it excels. I pay tribute to the noble Baroness, Lady Deech, who has spoken today, and to her committee for its report because it makes clear the crucial point: that for disabled people equality of opportunity, to the extent that it is achievable, often requires different treatment—not the same treatment.

Clearly, further work is needed in legislation to make accessibility a reality for wheelchair users, and the Bill shows us one way forward. As with so many Private Members' Bills, it is not a perfectly crafted vehicle and my noble friend has recognised some of its shortcomings. He has chosen to use the imperial measures of six inches and 12 inches in Clause 1 since he, very reasonably, said that those could be more easily visualised and understood by most people in trying to get across the concept of the Bill. He has accepted that if the Bill proceeds, which I hope it may, there would need to be amendments. In opening the debate, he made generous offers about how those amendments might be secured, including by inserting an order-making power. As my noble friend Lady Morris said, we do not normally expect to hear from my noble friend Lord Blencathra about having further regulation, but he has made that offer.

The fact that the drafting needs to be improved does not undermine the value of our debate today, which goes to the very heart of the question of attitudes and what kind of society we want in this country. The purpose of my noble friend's Bill is indeed modest. He has made it clear throughout that he recognises that the objective is to achieve access for wheelchair users at reasonable cost. Other noble Lords have given practical examples of that. It is of course not just the responsibility of central and local government to make sure that there is accessibility for wheelchair users; we all have a role to play. I would like to give one or two examples, but in so doing I make it clear that I do not say that only private action will take these matters forward; sometimes, legislation and further regulation is required.

We can all be aware and take action when we note discrimination in access, as others have said today. Those in business should be aware that providing good access is not only the right thing to do but good business, too. Every year, my husband and I go away for a long weekend with 11 of our friends, whom we have known for about 50 years. If a hotel is not accessible for one of our friends, Carol, who uses a wheelchair then we do not stay there. If a pub is not accessible, we do not eat or drink there. The business does not lose two customers; it loses 13, permanently.

There are of course other issues and it is a matter of attitudes. There is so much that businesses could do that cost hardly a thing, and yet they do not. For example, why do businesses not make restroom facilities accessible in a simple way, by providing grab rails? I am advised that if they did, a great proportion of the 800,000 people who use wheelchairs could—with some difficulty, it is true—get access to those toilets. But people simply do not make the effort. Why do more businesses not only add access statements to their websites but at least make sure that those are accurate, so you do not have to spend half your time making phone call after phone call, only to arrive and then find that it is not accessible after all.

My noble friend's Bill raises, for me, another crucial issue: a duty to ensure wheelchair access for staff members, too, and not just customers. Wheelchair users surely should have access as employees in public buildings. Why should their careers be curtailed because adaptations which are reasonable have not been made? The businesses could be barring the best employees that they never get to have. Individual pressure can of course have some effect but not always enough. My noble friend has pointed out that it has not been enough so far.

As we plan our path to leave the European Union, this is absolutely the right time for my noble friend to bring the Bill forward. The European Union (Withdrawal) Bill, currently being considered in another place, will convert applicable EU law into UK law, giving businesses and us all the certainty that rights and obligations will not be subject to overnight change. In leaving the EU, the UK will retain our current standards, but that should be only the first move in the right direction. Surely, we should then build upon them and show that the UK intends to lead the world in making accessibility a reality for all. Brexit is not a time to make a dive to the bottom; it is a time to lead a race to the top. Whether or not we use wheelchairs, we have the right to reach the same destination and I welcome my noble friend's Bill.

11.48 am

Baroness Jones of Moulsecoomb (GP): My Lords, I support the "innocuous little Bill" of the noble Lord, Lord Blencathra. It is remarkable that every single person who has spoken so far is in favour of the Bill, which raises the question of why the Government are so obstinate on this issue when so many of us agree, particularly on the Government Benches. I spoke to the noble Lord, Lord Blencathra, before the debate to explain that I have to catch a train at lunchtime, so I might have to leave before the summing-up, but everybody—almost everybody—has been so concise that I think I can stay until the end. He gave me his full pardon and forgiveness; I also checked with the Minister, who was slightly less willing to give me her forgiveness but I think she was joking—I hope so.

I wanted to speak today not because I or anybody in my family is disabled but partly because I wanted to join in such a wonderful cross-party debate. For me, the Bill touches my sense of justice about what the world should look like and how we should include absolutely everybody possible. As many noble Lords have said, it is not just wheelchair users who will benefit from this. Even I—and I consider myself still relatively healthy—will benefit when I, like the noble Lord, Lord Wasserman, have a heavy shopping trolley. This will enable so many people. As our population ages, it is essential that we think ahead on issues such as this to make it easy and possible for people to access every single building and every single home. I, too, salute the intention of the noble Lord, Lord Borwick, to make things fully accessible. That is what we should be aiming for. I subscribe to the social

[Baroness Jones of Moulsecoomb]
model of disability, which is based on the view that society disables us; it is not we who are disabled but society that forces it on us if it does not make things easy. We have to adapt society if we are to achieve equality.

Those of us in this House who see a six-inch step as a small or negligible obstacle must not allow our good fortune to inhibit the possibilities for people for whom it is a huge obstacle. The current regime of making reasonable adjustments is clearly inadequate. Ministers have previously said that the current duty is quite powerful and should be used more effectively rather than bringing in new legislation. Fine, but what do the Government propose to do about it? What are they going to bring in to make it possible?

I commend the noble Lord, Lord Blencathra, for his persistence in promoting this Bill. I believe that this is its fourth reincarnation, which shows considerable persistence. I think that the Government have to go away to consider this very deeply. In fact, I am hoping for a change of heart. Perhaps the Government will be able to accept the Bill and do the open and transparent deal that has been offered and make a statement about improving society here and now today.

11.51 am

Lord Low of Dalston (CB): My Lords, I must apologise to the House for not getting my name down and for further taking up the time of your Lordships this morning, but I want to speak in the gap to indicate my strong support for the noble Lord who is bringing forward this Bill. I meant to sign up but I was working hard on something else and I am afraid that I took my eye off the ball—so I am sorry about that.

I commend the noble Lord on the thoroughness of his research and the excellent briefing that he has provided for us. In saying that, I hope that the noble Lord will forgive me if I say that there is one thing I do not quite agree with in his excellent briefing. Unless I have it wrong, at one point he says that there is no legal requirement to remove steps and replace them with ramps and that no one is compelling businesses to carry out their duty to make reasonable adjustments. I agree with the second part of that statement more than the first. With respect to the noble Lord, there is a duty. It does not refer to steps as such, but most of what the noble Lord wants to achieve would comfortably be covered by the reasonable adjustment duty. So far as service providers are concerned, it is anticipatory: that is to say, it is owed to disabled people generally. The service provider needs to make adjustments in anticipation of disabled people coming along and cannot fulfil their duty by simply waiting until a disabled person turns up. This is not the case for employers, but that is not a problem because the noble Lord's Bill is about service providers. So there is a duty—but, like the noble Baroness, Lady Morris of Bolton, I believe that the real issue is with enforcement. This Bill should not be necessary; it should have been widely, if not generally, complied with already.

I served on the National Disability Council, which advised the Government on the implementation of the Disability Discrimination Act 1995 as soon as it came into force, and later on the Disability Rights Commission, which had rather stronger powers. One thing I remember from those days is that the DDA came in in three stages. The duty to remove policies, procedures and practices which discriminated against disabled people came in straightaway; the duty to provide auxiliary aids and services, such as hearing loops, came in after four years; and the duty to remove or alter physical features that discriminated against disabled people came in after eight years. So the removal of steps and the provision of ramps should have been fully implemented and complied with as long ago as 2003.

So there is a duty; the real issue is with enforcement. In a very conciliatory part of his speech—indeed, it was all conciliatory—the noble Lord said that he would be willing to do a deal with the Government in Committee over his Bill if they would agree to bring in regulations that would give effect to the provisions of his Bill. I suggest that the power to make these regulations is already there in the Equality Act. Section 22 lists a number of matters on which regulations may be made, and I shall mention three of them. Regulations may be made on,

"matters to be taken into account in deciding whether it is reasonable … to take a step"—

that is, "step" in the sense of actions that service providers have to take, not physical steps—

"things which are, or which are not, to be treated as physical features",

and,

"things which are, or which are not, to be treated as alterations of physical features".

If the Government were to use this regulation-making power, I do not pretend that it would necessarily be a magic bullet, but I suggest to the Minister, and I would like to hear her view on this, that if the Government would give serious consideration to making such regulations, it could take us a significant step closer to getting service providers' compliance with their duties under the Act and with the duty that the Bill is seeking to lay upon them.

11.57 am

Baroness Thomas of Winchester (LD): My Lords, once again, I am very happy to support this Bill. It makes me smile that the noble Lord is introducing a Private Member's Bill when his job at one time was to shout "Object" to every such Bill in the other place. Well, I shout "Support" now.

It is also very welcome that so many more non-disabled Peers are here to support the Bill. Perhaps, one way or another, this means that the time is now right for us to make some real progress. As has been said by nearly every speaker, what is simply not recognised in general is that there is no person or body actually and actively in charge of policing access to public buildings, such as shops. I wonder if shopkeepers believe they have to do something only when they are told by someone in authority that they have to do it—and if they are not told, they do not. Funnily enough, a lot of people have heard of the DDA, but because it is never talked about, as it has been subsumed into the Equality Act, they do not think it matters any more.

Since the summer, I have had the pleasure of living in a hotel room on Westminster Bridge Road in the Waterloo area. I have since rather fallen in love with this part of London, with its wonderfully old-fashioned feel and its surprisingly vibrant community. One of the streets is called Lower Marsh, which has much in common with Strutton Ground—which the noble Lord, Lord Blencathra, mentioned last time—in the way of a street market and little shops, although it is not quite as well heeled. But, sadly, most of the shops are up a little step or two and so are quite out of reach for those of us on wheels. The exceptions, of course, are Boots, Greggs and the Co-op, which therefore do well.

As far as I can see, nothing has changed for the better since the last debate on this Bill. The Government may have appointed shopping champions—I wonder whether they have—but unless they actually make a difference, there is not much point. Nor do I think that chambers of commerce are much help in this. Why not? We need a concerted campaign in this area. Shopkeepers need all the help they can get with everyone buying everything online. Why are local authorities not helping them by trying to come up with solutions? I wonder whether there is explicit guidance anywhere about how a reasonable adjustment could be made to solve the problem of small steps up to small shops in a street with narrow pavements. We heard in our committee deliberations that no more explicit guidance was needed on reasonable adjustments, but we all thought that that advice was wrong.

The Bill is about permanent ramps, but I have been doing a little research into portable ramps, which are better than nothing and could be put down to allow a wheeled vehicle in and out and then be taken away. After all, in some settings a permanent ramp is just not possible. Obviously a permanent ramp would be the best solution, but it might intrude too far on to the pavement. Local councillors should be lobbied to get their council officials to help with this. I am informed that there is much they can suggest, and I will give another plug to that estimable organisation, the Access Association, which can also help. But as a temporary measure, I say we should get chambers of commerce or mayor's offices to put some money into buying a stock of portable ramps, if shopkeepers will not take action themselves. They could run an experiment for six months or so to see what the take-up was. A notice could be put on the shop window or door saying a ramp was available, with a bell to push.

As for listed buildings, Westminster Abbey has a couple of portable ramps it puts down for vehicle users, which work very well. Our church, St Margaret's, has a built-in ramp—even better. From the Minister, we do not want aspirations, we want action. So I hope she will come up with a concrete plan—I choose my words deliberately.

12.03 pm

Baroness Gale (Lab): My Lords, I thank the noble Lord, Lord Blencathra, for bringing this Bill before us today and congratulate him on his persistence and determination to bring about step-free access to all those people who use wheelchairs, and also for the extensive and well-informed briefings which he has provided. I also thank the noble Lord for agreeing to meet with me this week, which was most helpful.

The noble Lord makes a compelling case for action and has much evidence on his side. For example, all around the House today there was support for this Bill, including from our three formidable noble Baronesses, Lady Masham, Lady Brinton and Lady Thomas, with their great experience in this field. I give as an example the inquiry conducted by the House of Commons Women and Equalities Committee into disability and the built environment in February this year. The committee found that,

"too often, disabled people find their lives needlessly restricted by features of the built environment. Many workplaces and service premises are inaccessible".

The committee believed that the Equality Act 2010,

"should, in theory, prevent inaccessible buildings and public spaces being created and enduring".

It went on to say that,

"the burden of ensuring that an accessible environment is achieved falls too heavily at present on individual disabled people, an approach that we consider to be neither morally nor practically sustainable".

I think that says it all. Why should disabled people have to take this action themselves? This is wrong. As the noble Lord, Lord Blencathra, said in 2014, not enough is being done regarding enforcement of Section 20 of the Equality Act 2010.

The Women and Equalities Committee recommended that Approved Document M of the building regulations, which is currently based on a 16-year old standard,

"should be updated to ensure it is still relevant and adequately addresses access for disabled people today, adopting an inclusive design, pan-impairment approach".

It also recommended changes to the Licensing Act 2003 to mandate local authority licensing officers to act on failure to make licensed premises accessible.

The House of Lords Equality Act 2010 and Disability Committee, which the noble Baroness, Lady Deech, chaired, found that,

"evidence of problems in obtaining this right"—

to reasonable adjustment—has,

"emanated from almost every part of society".

The committee cited examples, such as shops, restaurants, hospitals, sports grounds and other entertainment venues failing to make reasonable adjustments. The committee found a lack of awareness among service providers of their obligations, particularly of the anticipatory duty. The noble Baroness, Lady Deech, went on to say:

"Over the course of our inquiry we have been struck by how disabled people are let down across the whole spectrum of life. Access to public buildings remains an unnecessary challenge to disabled people. Public authorities can easily side-step their legal obligations to disabled people".

In a Westminster Hall debate in February this year on publicly accessible amenities for disabled people, when asked what the Government were doing to ensure compliance with the enforcement of the Equalities Act 2010, Marcus Jones, Parliamentary Under-Secretary at the Department for Communities and Local Government, said that compliance with the Act was a legal duty and suggested that,

"perhaps we need to remind service providers that that is a duty, not an option".—[*Official Report*, Commons, 23/2/17; col. 472WH.]

If the Government are acknowledging this, then perhaps the Minister in her reply can say what action has been taken to remind service providers of their duty. Maybe that could go some way to ensuring enforcement.

[Baroness Gale]

We have had two committees in recent years holding inquiries into access for people with disabilities, and a debate in Westminster Hall in February. It is interesting to note that each one has said that much needs to be done to improve the lives of people with disabilities in terms of their obtaining access to public amenities. It seems that in this country today it is okay to effectively bar around 800,000 people in wheelchairs from being able to enter many places we take for granted such as shops, pubs and restaurants. How much does this curtail people from having what should be a normal and enjoyable day out with friends and family, because they are unable to enter a premise because of the steps?

In his speech, the noble Lord, Lord Shinkwin, said he could place some letters in the Library for Members of the House to read. I would be very pleased if he could do that, along with any other relevant letters he might feel would help in this case.

The Bill offers a solution that will make life better and easier for people in wheelchairs. We on our side support the Bill, and I am happy to have further discussions with the Minister and the noble Lord, Lord Blencathra. I hope that we can work together and that the Government can give some positive responses to this today.

12.10 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I am the last to have the opportunity to congratulate my noble friend Lord Blencathra on succeeding in getting his Bill before this House for a second time. He is obviously well loved and very much agreed with, and I thank him for the opportunity that it gives me to restate this Government's commitment to protecting disabled people and improving their life choices and opportunities through the Equality Act 2010.

It is now more than 20 years since Parliament first enacted the duty on specified people to make a reasonable adjustment, a duty that is now enshrined in the Equality Act and remains a cornerstone of the protection offered to disabled people. It achieves the delicate balance of taking account of the rights of disabled people and what is reasonable to expect of those under a duty to make an adjustment.

Specifically, the duty establishes the need for service providers to adjust or provide a reasonable means of avoiding a physical feature, such as a ramp instead of steps to access a building. There is also an expectation that the service provider should take a proactive approach in considering what reasonable adjustments are needed and not simply wait to be asked. However, the legislation recognises the need to strike a fair balance and requires a service provider only to make adjustments that are reasonable in all the circumstances of a particular case, as my noble friend pointed out. For example, if the cost of making the adjustment would put the service provider out of business or would require them to break another part of the law, such as the rules on listed buildings, that clearly would not be reasonable. I should add that while a service provider is able to decline unreasonable requests, if an adjustment is reasonable then it must be made. An adjustment is either reasonable or it is not, to state the obvious.

Separately, Part M of the Building Regulations 2010, which pertains to the access to and use of a building, also requires reasonable provision to be made for wheelchair users to gain access to new buildings or when an existing building undergoes significant alternation or extension. I hope this explanation of the existing duty will help the House to appreciate that the Government believe that the existing legislation is already comprehensive in this regard.

We have every sympathy for the aims of my noble friend's Bill but there are a couple of areas that I am concerned about, and I will go through those for the benefit of noble Lords. The Bill would essentially remove the reasonableness filter and require service providers, without exception, to provide ramps for wheelchair users wherever there was a single step that was less than six inches in height in a public area. The Bill would also take no account of the cost of the installation, although my noble friend has given his estimate of what the cost might be. Secondly, the existing provisions in the Act are deliberately and carefully worded to allow for greater scope in considering how best to solve the particular problem being experienced by the disabled person.

In Committee my noble friend talked about doing a deal with the Government over some sort of order-making power. Of course we will consider his Bill carefully if he wishes to change it into a different form, but he will be aware of our reservations that this would inevitably result in numerous calls to have other specific remedies spelt out in the Act or in further technical guidance. As my noble friend will appreciate, a one-size-fits-all approach cannot address the many and varied needs of our citizens. The noble Lord, Lord Low of Dalston, also talked about using a regulating power in the Act to increase compliance. I note and very much agree with the noble Lord's thoughtful speech. As I have made clear, we are looking carefully at the enforcement of the Equality Act, and we will consider his advice very carefully.

The House of Lords Select Committee report *The Equality Act 2010: The Impact on Disabled People* found that despite the problems described with the statutory provisions on reasonable adjustment, the flexibility that they provide is necessary for their effectiveness. The Government agree on that point. When my noble friend's Bill was last debated in this House, much concern was expressed that it was all very well to refer such matters to the courts but there are fundamental flaws in how the Equality Act is enforced, especially by disabled people. It is a fundamental principle of anti-discrimination law, accepted by successive Governments since the 1960s, that such law is enforced by the individual who thinks they have suffered discrimination. There are good examples of disabled people enforcing the duty to make reasonable adjustments. Noble Lords will no doubt have heard of the case of Mr Paulley, who has successfully enforced the Act on many occasions. While individual rights of enforcement must remain, the Government have been looking carefully at whether the enforcement of the Equality Act can be improved.

The Equality and Human Rights Commission recently conducted a pilot scheme to increase access to justice for people experiencing disability discrimination. It offered

disability groups more than £25,000 of legal assistance in over 100 cases to provide direct routes to justice for disabled people facing a range of problems. The commission is also increasing its legal capacity to advise on discrimination cases.

The Equality and Advisory Support Service equality and human rights helpline refers specific cases that have been raised with it to the EHRC for possible enforcement action. We can ensure that cases of the sort with which my noble friend's Bill is concerned are included in those earmarked for EHRC referral. In addition, our manifesto earlier this year committed to strengthening the enforcement of equalities law so that private landlords and businesses who deny people a service are properly investigated and prosecuted, and we are considering how best to take that forward.

I shall home in on specific issues that noble Lords have raised. My noble friend Lord Blencathra made the point that the Equality Act does not provide adequately for disabled people who need differential treatment. The 2010 Act is specifically designed to recognise that disabled people may need to be treated differently to achieve equality in three main areas: it is not discrimination to treat disabled people more favourably; there is a duty to make reasonable adjustments, as I have outlined; and the Act prohibits discrimination because of something arising from disability that is unique to disability.

My noble friend made the point that disabled charities are not allowed by law to help with enforcement proceedings. There is nothing in law to prevent disabled charities assisting disabled people to enforce the Equality Act, either financially or with practical support. It is true that charities cannot bring cases on a disabled person's behalf, but they can help the disabled person to bring them. The EHRC is currently working with disabled charities to assist with individual legal cases, as I mentioned earlier.

The noble Baroness, Lady Brinton, brought a new case of taxi accessibility before us with her story of a taxi driver who did not realise he had a ramp in his boot—he had obviously never looked there. As she will know, the outstanding provisions in Section 165 and 167 of the Equality Act 2010 were commenced in April 2017, ensuring that wheelchair users receive the assistance that they need when travelling in taxis and private hire vehicles designed as wheelchair-accessible. She might remind the next taxi driver of that fact, if he needs to be reminded. The Equality Act powers mean that local licensing authorities may choose whether to publish a list of designated vehicles, and so apply the Section 165 requirements—to provide appropriate assistance and not to charge extra—to their drivers. We have strongly encouraged authorities to do this and will continue to do so.

The noble Baroness also pointed out that the ramp will not necessarily help you to get into a shop: you may still be unable to use it, depending on the steepness of the slope. I agree that many technical issues underlie the concerns that the Bill is intended to address. For example, for 12-inch steps, a ramp would need to be 6 metres long. We need to be very careful that we do not agree new legislation which extends across whole sectors only to find that this legislation, in turn, is unsatisfactory due to unforeseen circumstances.

The noble Lord, Lord Haworth, said that disability should not have been included in the Equality Act 2010 with other characteristics. I can only note that the committee chaired by the noble Baroness, Lady Deech, recommended, and both Houses of Parliament voted for, full harmonisation of all protected characteristics at the time. The Act in fact preserved and added to the protection for disabled people already in the Disability Discrimination Act.

My noble friend Lord Holmes asked what steps the Government have been taking to address accessibility issues. Building regulations now require all building works to consider and allow access for everyone, including wheelchair users. All new-build public buildings must make reasonable provision to be step free.

My noble friend Lord Shinkwin mentioned an issue that he is pursuing with the EHRC and my right honourable friend in the other place. Without talking about individual cases, I can only restate that the roles and responsibilities given to board members of the Equality and Human Rights Commission are matters for the commission itself, and the Government have no power to reinstate the EHRC's disability commissioner role.

The noble Lord, Lord Hussain, asked whether we are considering access to religious buildings. Building regulations of course come with statutory guidance on use of buildings, and that includes religious buildings—for example, mosques and churches. New buildings of this kind must comply with guidance, independent standards such as BS 8300, and provision on spaces between buildings, for external spaces and for the approaches to and use of facilities in buildings.

The noble Baroness, Lady Deech, talked about access to licensed premises. Licensed premises are where many of us choose to socialise, and are therefore an important part of our daily lives. Too many of these venues are difficult for disabled people to access. I mentioned that the Conservative manifesto in 2017 made a commitment to review disabled people's access and to amend regulations if necessary to improve disabled access to licensed premises, parking and housing. We will consult disabled people's organisations better to understand the extent of the problem from the perspective of those with a broad range of disabilities, their carers and families. We will work with the National Association of Licensing and Enforcement Officers, which gave evidence to the Select Committee on the Equality Act 2010 and Disability, and representatives of the licensed trade to explore what practical measures can be taken. We hope that this will result in significant improvements for disabled people without the need for additional regulations.

However, we agree with the recent House of Lords committee report on the Licensing Act 2003 that adding to the licensing objectives is not the answer. The 2003 Act and the licensing objectives must be able to address issues that apply to licensable activities and are therefore unique to licensed premises. The 2003 Act should not be used to control other aspects of licensed premises. This would be outside the scope of the licensing regime and contrary to the principles of better regulation.

[Baroness Williams of Trafford]

The noble Baroness also noted that the EHRC has gone backwards on disability. As I said, the EHRC's disability committee came to an end by statutory order provided for under the Equality Act 2006. The EHRC now has a disability advisory committee and is working extensively with disability groups. I am sure that the chair of the EHRC would be happy to write to her about this.

My noble friend Lady Anelay of St Johns and the noble Baroness, Lady Jones of Moulsecoomb—no, I would not have been cross had the noble Baroness left and would have still responded to her—made the point that the Equality Act 2010 shows how legislation can be undermined by unintended consequences. I take note of what my noble friend and the noble Baroness said, and I talked about unintended consequences earlier in my response. However, we need to be careful when we try to mend the unintended consequences of legislation by passing more legislation.

My noble friend's speech also underlined the importance of effective enforcement of existing laws, and it is that which the Government and the Equality and Human Rights Commission is now looking to improve. My noble friend also talked about wheelchair access for employees as well as service users. The Equality Act already imposes a duty on employers to take reasonable adjustments for disabled employees and prospective employees. That would include making places of work wheelchair accessible whenever it is reasonable to do so. That duty is frequently enforced in the employment tribunals, not only in relation to wheelchairs but for other adjustments as well.

Finally, my noble friend made the point that Brexit is not an opportunity to race to the bottom. The Government have already made a commitment to retain all the protections in the Equality Act as we leave the EU, and we will have committed to tabling a government amendment before Report stage of the European Union (Withdrawal) Bill, whereby Ministers bringing in Brexit-related legislation will make statements on its consistency with the Equality Act. I hope that, on that positive note, I can assure noble Lords of this Government's continued commitment to protecting the rights of disabled people. Our concerns for the Bill do not affect that and our belief that every disabled person has the right to have an adjustment made for them that is reasonable.

12.28 pm

Lord Blencathra: My Lords, I thank the 17 Peers from all sides of this House who have participated in this important debate. I am particularly grateful to those who are not wheelchair users but who support the Bill simply because they agree that there is a fundamental injustice here that can be easily corrected. Noble Lords had many different points to make, and I shall try to address them all as quickly as I can. However, every single Peer who has spoken, apart from the Government, made the point that wheelchair users are being discriminated against unfairly, and that it has to stop, and that my Bill or something like it is a simple and cheap solution to much of the problem. It does not solve all the access problems, but it tackles over 80% of them.

My noble friend Lady Anelay of St Johns was right to emphasise the importance of post-legislative scrutiny, as carried out by the noble Baroness, Lady Deech, and her committee. She made the point that, to be treated equally, disabled people need to be treated differently. I am very willing to amend the Bill in any way, so long as we can get access over those little steps—whether it is six inches or 10.325 centimetres, I do not care. She mentioned unemployed people and their rights, which was covered extensively in the Select Committee report, but I have not covered it in my Bill. And she is right: I try to avoid cafes, restaurants and bars, but if they cannot let me in to be served, I am not going to be served out on the street—they can clear off, and I would say that to them quite bluntly.

The noble Lord, Lord Berkeley of Knighton, said that if everyone spent 12 hours in a wheelchair it would open their eyes. I remember when the Labour Peeress, the noble Baroness, Lady Bakewell, was introduced, and a few weeks later she broke her leg. She was stuck out in plaster for a few weeks. She was appalled; she could not get to most of this House or Parliament, let alone all the other places in the high street. It is ironic that we can get into every park around London, but we cannot get into 20% of the shops and pubs around those parks.

I pay tribute to my noble friend Lord Borwick for the wonderful work that he has done in ensuring that London black cabs are accessible. Frankly, I dread the idea of what I regard as the criminal and vile company Uber putting London black cabs out of business, because wheelchair users would never travel in a taxi again. Uber has no responsibility for providing wheelchair-accessible taxis. I agree that more training is necessary. In my little chariot, I carry a short, stubby screwdriver, because half the cabbies cannot find the screwdriver to undo the ramp. He also stressed the additional cost of disability, including the whisky; I agree entirely with that. He is also right that the Bill would benefit up to 4 million people using pushchairs, prams and baby buggies in addition to wheelchairs.

The noble Baroness, Lady Brinton, also did sterling work on the Lords Select Committee. I agree on the need for guidance on the steepness of ramps. A few years ago, I was in a hurry trying to get to the Gatwick Express. I zoomed out of a black taxi, down the ramp; it was not on a high kerb and I did not wait for the cabbie to help me—my little chair went over backwards and I cracked my head open, and I was in hospital for a little while. That may explain some of my speeches afterwards. So yes, we need some guidance on the steepness of ramps. Some of us in chairs take risks that we are not supposed to take. I, too, commend the Institution of Civil Engineers on One Great George Street. I do not have to go in there, but I sometimes use that ramp for the fun of using it—it is such a magnificent construction.

I pay tribute again to my noble friend Lady Deech for her superb chairing of the Lords Select Committee. The whole House and the Government should heed her wise words. I agree with her that the government response to her committee's report was feeble. Disabled people have been let down across the piece. If the Government or the House do not want to listen to me

because I may be slightly biased, not just because of my party allegiance or because I am in a chair, as a distinguished Cross Bencher chairing that committee she is not biased, and the committee's report was authoritative. Quite rightly, she said that there was there is a callous or ignorant denial of rights to wheelchair users.

I thank the noble Baroness, Lady Gale, the spokesman for the Opposition. I am very grateful for her and for her party's support. She is right to say that the onus all falls on disabled people to fight for access, and that is not right. It may be okay for us middle-class users such as myself and the three noble Baronesses here today in wheelchairs—we are articulate agitators and we can fight for some of our rights—but there are tens, indeed hundreds, of thousands of wheelchair users who are not like us and do not have the privilege of being able to make speeches like this to fight for those rights.

I congratulate the noble Lord, Lord Haworth, on his speech. He emphasised the Select Committee's point that the 2010 Act was a retrograde step for disabled people. The Act was well-meaning but had unintended consequences. He again emphasised that it is all the little things that make life a misery. I understand perfectly well that I cannot get up the six steps to the Cinnamon Club—I have not had a nice dinner there bought by someone else in many years—but I am annoyed that I cannot get into the place next door that has only a three-inch step, which they could easily have removed.

I thank the noble Baroness, Lady Jones of Moulsecoomb; I am very grateful for her contribution. I appreciate that she has to dash off any second—I told her that I would prefer her to speak and go rather than not speak at all. She is also one who has no experience of a wheelchair but says that it is the sense of justice that annoys her and that the Act is just not fair. What better justification for changing the law than to do it out of a sense of justice.

My noble friend Lord Holmes of Richmond gave a magnificent speech—what a powerful contribution, as always. I believe that he is the only person to win a record six gold medals in one Olympic Games. We have seen him champion many worthy causes in this House, and I am particularly pleased that he is championing my Bill. It gives me more justification than anything else for thinking that I must be on the right track, because I consider his support significant. He is right that business would get a boost if disabled people could get into shops. And he is also right that you can feel it in your gut and it makes you pretty angry and stroppy at times when you cannot get into a place that you should easily be able to get into.

The noble Baroness, Lady Masham of Ilton, has tremendous experience and I hope that the House will listen to the most senior female Peer in this building, because her opinion counts. She made the point that solving the problem of a four-inch step is pretty easy. One shop can do it; the one next door simply has not thought about it. Why would people in a wheelchair want to get into the shop? Well, if you do, what is the problem? She stressed that my Bill has no cost to the Government.

I thank the noble Baroness, Lady Meacher, and I take her point. If the Government will do something about steps of six inches or lower, I will be quite happy in Committee to drop, or postpone for some time, the 12-inch problem, which has a greater cost. As I said, if we deal with steps of six or fewer inches, we would deal with 87% of the problem, so I am happy to put the 12-inch problem on the back burner for a bit, if that is the mood of the House.

My noble friend Lady Morris of Bolton made an excellent point. I, too, have lost control of my chair—luckily I have managed to avoid running into a hedge, but I can always grab a lamp post, which has saved me on a few occasions. My noble friend is also right that it is all the little things that cause us problems. I have tried to keep the costs down in my Bill. In the briefing that I circulated, I referred to the famous case of Allen v the Royal Bank of Scotland, taking place at 5 Church Street in Sheffield. He won his case; he could not get into the bank, a listed building. Eventually, it got to the High Court, after he spent his money to fight it. The judge ruled that providing a lift for this person in this listed building at a cost of £200,000 was a "reasonable adjustment"—yet the Government quote a possible cost of a few hundred pounds as one of the justifications for opposing my Bill.

I will try to be as quick as I can, but I do not want to miss anyone out. I listened carefully to what my noble friend Lord Shinkwin said. I do not pretend to fully understand all the complexities of the case, but I am certain that he was treated fairly shabbily by the EHRC. He was appointed to be the disability champion, but that post was scrapped before he got there. If nothing else, it all adds to the evidence that disability issues have fallen down its agenda. I urge him to stay to fight in the EHRC for disabled issues. It has been my experience—indeed, all our experience, as parliamentarians—that we can spend an awful lot of time worrying about conspiracy theories and waste a lot of our lives without getting to the bottom of them. But there is a real job to be done in the EHRC in fighting for disabled people. If he does not stay to fight, I cannot and nobody else can. My noble friend Lord Holmes of Richmond does a magnificent job. We need him in there fighting for it and putting other issues behind him—let us go forward.

I thank the noble Baroness, Lady Thomas of Winchester, for her marvellous work on the Lords Select Committee. She adds to the evidence that many small shops are inaccessible. It is a very good point that local authorities should do more. I like the idea of local mayors or chambers of commerce taking the initiative. We need others to take the initiative if the EHRC will not.

My noble friend Lord Wasserman quoted the Prime Minister talking about building a society that works for everyone. I wish that I had thought of that, because it is a brilliant point. He again stressed the economic benefits of the Bill and the strong moral reasons to remove stumbling blocks.

I agree with the point by the noble Lord, Lord Hussain, about places of worship and other public buildings. Many are old buildings where it is more difficult to deal with multiple steps. I had not thought of the problem of mosques and I am very happy to

[LORD BLENCATHRA]
have discussions with him to see what can be done and how the Bill can, if necessary, be amended to tackle that problem.

I am grateful to the noble Lord, Lord Low of Dalston, for speaking in the gap. I agree with him that reasonable adjustments should cover every eventuality but, as all the evidence to the Select Committee showed, it simply does not happen on the ground. I also agree that these steps should already have been removed. When I searched on Google for "reasonable steps" and "getting rid of steps", nearly all the hits were for companies advising people that, because of the Disability Discrimination Act 1995, they had to remove steps. I could not find a single Google hit saying that they had to get rid of steps because of the 2010 Act. All the examples listed had done so because of the DDA 1995. I can also tell the noble Lord that I looked at Section 22. It gives the Minister order-making powers but not to do the specific things suggested in my Bill. Therefore, it does not technically cover what I am seeking to achieve here.

I come to the Minister's speech. I say straightaway that she is an excellent Minister. She is the Minister of State at the Home Office—I have been there and done some of that, so I know what it is like—and she has an enormous and difficult portfolio covering countering extremism and hate crime, integration, devolution, data strategy, identity and biometrics, better regulation and animals in science. In addition, she has to answer for everything else here in this House. She is not the Minister for the Disabled, yet she has drawn the short draw today, having to stand at that Dispatch Box and, in my opinion, defend the indefensible. Therefore, my condemnation of what she has had to say is no reflection on her whatever, as she has my deepest personal respects.

It is obvious that the Government Equalities Office has produced the usual discredited litany of excuses for doing nothing to help disabled people. It says that "reasonable adjustments" is a well-understood mechanism, if only by government lawyers. The Select Committee said that the concept of "reasonable adjustments" should stay. I agree entirely, but the Government have ignored every other bit of criticism from the Select Committee about the failures of the Act. The Government also say that making specific requirements for wheelchairs would open up a Pandora's box of other specific adjustments. However, if it were another category affecting 800,000 deaf or partially sighted people and there was an easy technical solution, I would say, "Open that box and make that amendment as well. Justice demands it". Another excuse is that forcing disabled people to take service providers to court personally somehow empowers them. In the past, the Disability Rights Commission would fight for them, but no more. Of course, there is also the old chestnut about costs.

How have the Government, which I have supported since I was a 14 year-old, got themselves into this hole where disabled people are no longer on their radar? It was a Conservative Government who introduced the ground-breaking Disability Rights Act 1995 but now, as everyone giving evidence to the Select Committee said, disability has dropped way down the interest scale with the 2010 Act. As the committee said:

"Our conclusion is that the Equality Act 2010 has led to a loss of focus on disability".

How have decent, caring Ministers lost control of policy on the disabled to the civil servants at the GEO, who guard the 2010 Act like fanatical vestal virgins guarding the sacred flame that must never be allowed to go out? It must not be amended, no matter what its failings and no matter how easy it is to amend it at little cost.

On 16 March this year, the Government told me in a Written Answer that since 2015 the Government Equalities Office has issued 75 press releases and statements on transsexual and transgender issues and 12 on disability. The department is obsessed with dealing with a tiny minority of the transgender lobby, and it does not seem to give a damn about the 11 million disabled people in this country. The transgender lobby demands the right to use male, female or whatever toilets, but 800,000 people cannot get into a building in the first place to have the right to use any toilet.

The new Minister for Disabled People, who is also a decent Minister—I met her yesterday—offered me a round-table discussion with other Peers on this problem, but she does not make policy, which is firmly in the grip of the GEO. I shall take her up on that round table and will invite other Peers to join us, but we are not going to go away quietly.

I urge Ministers to get a grip of the civil servants running this policy and to tell them that wheelchair users have rights too. We do not want special treatment but, in order to get equality, we need different treatment, as the Select Committee pointed out. Wheelchair users have no option but to take our business elsewhere, to the shops that are "caring" enough to let us in. But we will continue to demand that the Government legislate for this injustice, either in my Bill or through an order-making power.

Yesterday, I received a letter from the Secretary of State for the Environment assuring me that the Government recognise animals as sentient beings and promising to improve animal welfare standards. I suggest he should send it to the Government Equalities Office and tell it to treat disabled people with half the concern we rightly have for animals.

In the meantime, since the Minister is responsible for dealing also with hate crime, I should perhaps say—and not jokingly—that every wheelchair user should call the police and report a hate crime every time we cannot get into a shop or are refused access. If every one of us did that then we would add at least 10,000 new offences every day and they would be as valid as some of those already reported. We will fight with renewed vigour, and I ask that the Bill get a Second Reading so we can continue the battle for justice for wheelchair users. I beg to move.

Bill read a second time and committed to a Committee of the Whole House.

Home Education (Duty of Local Authorities) Bill [HL]

Second Reading

12.46 pm

Moved by ***Lord Soley***

That the Bill be now read a second time.

Lord Soley (Lab): My Lords, there is a difficult balance to be struck between the rights of parents to have the education for their child that they choose and the rights of the child. That is what I have tried to do in this Bill. We need to get that balance right. Let me be quite clear that I have always been in favour of home education. It is a perfectly reasonable choice for a parent to make, as long as they feel equipped to do it and able to accept help if they run into difficulties in any form. One thing that has troubled me for some time is that there is no registration of children out of school in this country—for either children who are not registered for a school in the first place or those who are taken out of school and disappear. For reasons that I will explain in a moment, this is becoming a much bigger problem than it used to be. The issue is not whether some parents can do it well; it is about how we help those who cannot do it well and protect the rights of the child.

Some years ago, when I first raised this in a blog on the House of Lords, I was inundated with opposition. I am delighted to tell the House that, on this occasion, the majority of letters, emails and phone calls I get are in favour of the Bill. There is recognition now that registration is important. Part of the reason for that, which I will expand on in a moment, is that children are now known to have disappeared and been abused, radicalised or put into extremist situations. We have to deal with that. We cannot ignore it, for the sake of both the child and society as a whole.

In recent years, the increase in home education has been massive and I will give examples of that. I have had help from across the board, but two of the councils that have been most helpful to me on this are Hampshire and Kent. They have given me information that I hope the Government will see in due course. I should say in passing that these are Conservative-controlled councils, but this issue goes across the board and is not party-political. The problem is throughout the United Kingdom, although the Bill applies only to England and Wales because in Scotland education is a devolved responsibility.

As I said, the expansion in home education has been considerable. Let me quote from the House of Commons report on home education. For those who have copies, I will read from page 2, which says:

"In July 2014 local authorities in England recorded 27,292 home educated children. The figure for July 2013 was 23,243. Overall, the number of home educated children increased across the country by 17% between July 2013 and July 2014".

It then goes into further detail for those who want to pursue it.

The other report that I thought significant comes from Kent County Council, which, as I have indicated, has been very helpful with its information. It says:

"There were 1,203 new registrations during the 2016-17 academic year, which was an increase of 17.1% on 2015-16. That is just one year".

Importantly, because this indicates where some of the problems are,

"1,003 registrations were closed during 2016-17 academic year",

which Kent says demonstrates the numbers transferring in and out of home education status. It is in a constant state of flux, causing significant disruption to children's education and to the school. In other words, the child is taken out for a period and then goes back in, which is disruptive for both child and school. Kent goes on to say that it believes some of this is because of parents using it to avoid school attendance orders and associated fines.

The numbers have increased dramatically. Hampshire, which, as I have indicated, took the initiative by contacting me after seeing my Bill, currently has 1,422 children registered as home educated, and those are only the ones that they know about. That number has tripled over the past five years. Again, that is common across the country. Incidentally, the BBC did a survey through local authorities and found that 32,262 were missing from school for substantial periods. Even more worrying, and I will come back to this, 3,987 could not be traced at all. That is where we have a very serious problem, which we are not facing up to.

I was pleased when David Cameron's Government considered including an inspection for out-of-school settings. But my Bill deals with a different part of that problem, which is the issue of parents who do not register their child for school at all; therefore, we have no idea where they are or what is happening to them. Then there are those who are taken out during the course of the school year and then go back in.

I have not had a great deal of involvement in education and I do not claim that much knowledge of it, but one reason why I got involved with this issue goes way back in my own past, to many years ago when I was a probation officer. I knew then that the parents of children who took them out of school seeking to abuse them knew that they could hide the child. I must stress that, because sometimes we see such cases in the paper and we think that the parents look hopeless and incapable. That is often true, but it is also true that parents who abuse children, either sexually or physically, are very often clever, intelligent and incredibly manipulative. Social workers, psychiatrists, probation officers or anyone else dealing with such parents have to be very hard-headed and clear-sighted because it is so easy to fall into the trap of thinking that everything is all right and that the black eye came from the kid falling down the stairs or something of that nature. We cannot afford to do that.

That is one reason why I have always been troubled that in this country, almost alone among the developed countries, we do not register children. Very importantly, we also do not offer much help to those who home educate but need help to do it well. We just leave them to it. Countries such as the United States, Canada and Australia not only have a system of registration, which obviously varies from state to state, but also offer great help. That is necessary if you are in a very large geographical area where home education is often the only alternative to boarding. As I say, these countries recognise the need both to register and to provide help. We do not do either.

In a moment I shall go through the Bill, but perhaps I may make a final point. When I saw the Minister the other day, I referred to two cases which are just the tip of the iceberg. One concerned a child in south Wales named Dylan Seabridge who was taken out of school. He was not known to any other local authority

[LORD SOLEY]
or organisation. The next thing that was known about him was some years later, when a 999 call was made. The child was taken to hospital but it was too late and he died. He had been starved to death. There was a similar case in Birmingham only a few years ago. Today, interestingly, I learned from a very reputable source, a local authority officer, about a child who was taken out of school at the age of about eight. He disappeared and nothing was heard any more until some months later when that child, along with his baby brother and his mother, were found buried in the garden of the house. No one knew where that child had gone. He was taken out of school, he disappeared, and then he was found dead.

The Government have been very good about issues like children being taken into slavery or those at risk of sexual abuse and so on, but unless we know what happens to children who are taken out of school and disappear or who are not registered for school, we are not doing our duty towards the rights of the child. That is why this is important.

As I say, the Bill tries to strike a delicate balance between the rights of parents and the rights of the child. I want to say straightaway that I will table certain amendments. Those who have read the Bill carefully will know that two phrases that will trouble people are the requirements to check on a child's physical and emotional development. I put them in in the first instance precisely because of my worry about the minority of abuse cases. However, having thought about it for a week or so, it is clear that that is unrealistic. I will seek to amend the Bill to take those words out of the Long Title and subsections (1) and (4) of the proposed new section in Clause 1(2).

What I really want is a system where the majority of parents who home educate very well and want to be left alone are not caused any hassle by the Bill. We need to let them get on with it. That would be the other amendment I might possibly have to table, apart from others that may be suggested by the Government or others. If parents are subject to one inspection and the local authority feels that everything is going well, there is no reason why that should ultimately become an annual inspection. However, if parents either need help or are asking for help, or if the local authority is worried about the welfare or education of the child, inspections might need to be carried out more frequently. The wording I include in proposed new Section 436B(3) in Clause 1(2) would ensure that there was a minimum of one inspection per annum and that it would continue normally thereafter. Again, I emphasise that the majority of parents who take their children out of school are committed to educating them well.

However, there is a second group of parents—I suspect that they might form the largest group—who may want to educate their children well but they struggle. That may be because they do not have access to all the facilities they need or because their circumstances change, such as perhaps taking on a more demanding job or something of that nature. What often happens at the moment is that these children are taken out of school and then put back in again a year or so later. That is very disruptive both for the child and the school. Another issue has been pointed out to me by a representative of Kent County Council; it is something that I did not know about. There is considerable evidence to suggest that children are taken out of school to avoid attendance orders and fines. I think that the Minister ought to look at the authorities that are reporting this problem. I have been told that taking children out of school to avoid fines is a major cause of this issue for local authorities. Again, this goes across the board politically.

The Bill is straightforward in most senses. It seeks to amend the Education Act 1996 in such a way that there is a requirement on local authorities to register. Once we start registering, we can then start to help, advise, direct and protect. The trick here is to get that balance right. I want to work closely on this with the various education bodies, with the Government, in particular, and with local authorities to make sure that we do it well. I know people will say, "Well, at the moment, local authorities haven't got the resources and can't do it themselves", but if we look at the numbers I gave earlier and bear in mind the problems of abuse, radicalisation and extremism, we cannot ignore this any longer.

On radicalisation alone, I would simply say that as more cases come to light, as they do, media interest in and public pressure on this issue will grow. It is no accident that 10 or 15 years ago I faced more opposition than support to what I was saying; now, I get more support than opposition. Interestingly, some of the letters I have received were from people who wrote to me 10 or 15 years ago and who are now saying, "I got it wrong. I think we have to have this, but please do it in a way that doesn't put too much pressure on me, because I am doing it okay". I understand that and I want to achieve it.

New Section 436B would put the duty on the local authority to monitor children receiving elective home education. As I have indicated, in Committee I will try to delete "the physical and emotional development of children". I do not think that anybody will object; I think the penny will drop that we could not monitor that, as it did with me after I drafted the Bill in the first instance. I think also that those words troubled the people who are doing home education well; many of them wrote to me saying that I am Mao Tse-Tung in drag, trying to impose state control on all these people. Let me reassure this House and people outside that I am not Mao Tse-Tung in drag. I want a light-touch regulation for people who are doing home education well and I want to help those who are not. I also want to protect those children who are at serious risk.

My proposed new Section 436B then lists the duty of the local authority to monitor children. New subsection (2) is, in a way, the key one, because it requires registration; it brings the issue into the modern world, where we register it. New subsection (3) covers the issue of whether the assessment will be done annually, or more than annually; as I say, the key there is to allow it to be done annually for people doing home education well. We may even move to a situation where, because everybody is certified, we take that provision out altogether. We must have a minimum of annual assessments in order to allow other assessments

to take place when we are worried about a child or the quality of the education, and so on. Obviously, we are concerned about the quality of education on the basics of reading, writing and numeracy, as the previous Minister and Government were, because many children—particularly those who are taken out of school and then put back in to avoid fines and attendance orders—would be left in a very vulnerable situation.

Clause 2 will give various powers to the Secretary of State to make regulations by statutory instrument if necessary. I have tried to phrase this in a way that enables the Secretary of State to consult widely and issue guidance, as and when necessary. That is a fairly normal procedure, which I happen to think will be quite important in this area. Guidance relating to elective home education—covered by Clause 2—is important because it requires that the updating of guidance by the Secretary of State must have regard to elective home education providing instruction in writing and numeracy, and take into account the child's age, aptitude, ability and any special educational needs. That is because in the present situation there is troubling evidence—I am afraid that I cannot put a number on it at this stage—that children are taken out of school because the parent feels, often rightly, that the required special educational needs are not being met by the local authority and that they can do a better job with the child out of school. Those parents need help. It is a matter of saying not that they have to put the child back into school but that a child with special educational needs will need additional attention. The clause would give the Secretary of State the ability to offer guidance and, in Clause 2(2)(b), to take into account the views of children and parents.

As an aside related to that, we need to commission some research into this area. I hope the Government can do something about it fairly soon. We have no idea of numbers or, as I have indicated, how many children who were taken into home education have ended up in situations of abuse or being killed. Those figures should be available. I know that in the Welsh case, for example, it was stated in the court case afterwards, and it will have been stated in other cases where children have been killed, but it will also have been stated in cases where the police have been involved and the child had been put into situations where they had been radicalised or exposed to extremism. We ought to be able to get those figures. If the Minister does nothing else, I ask him to take that away in the near future and try to get some research done. It is very important.

The interpretation of the Bill is the usual straightforward thing. Clause 4 goes on to say that it applies only to England and Wales. I stress that I have already drawn this to the attention of the Scottish education authority because I know it has a similar problem. I have looked at some of the numbers in Scotland. They too have a problem, but it is essentially an issue for the devolved Administration. I will forward it to them.

What I want to do more than anything else is work with the Government and any other bodies concerned about this. I do not pretend that I have got the Bill exactly right. I want to make changes in Committee, but I would be very happy to make changes put forward by other people to achieve this end. At the very least we need registration, with some understanding of what is happening to these children who disappear. We cannot go on with the situation where we have thousands who disappear.

I hope the Government will work with me. I understand that the Minister is very new to his job and I want to be very cautious today, but I ask him to look at this very carefully. Several disasters have already happened and we know there are more in the pipeline. It does not do anyone any good to turn a blind eye to this. It is time for us to act. I therefore beg to move that the Bill be read a second time and I will work in co-operation with all who would like to do so.

1.07 pm

Lord Baker of Dorking (Con): My Lords, I warmly congratulate the noble Lord, Lord Soley, on devising the Bill and on securing a Second Reading and debate. Home education is an unknown part of the education system. A debate such as this allows a searchlight to be directed to what is a very clouded, obscure and unknown part of the education system. Very little is known about home education.

It is rather different from Victorian times, when home education was very strong indeed. The only schools that taught beyond the age of 11 in those days were the grammar schools, so, as noble Lords will know from Victorian biographies and memoirs, many middle-class families educated their children at home with the advice of a tutor. A tutor was often employed by them and often lived in the home. It was a career for many thousands of people in Victorian England.

Home education is not like that today at all. In my time it was very small. The only cases that ever came my way concerned special educational needs, where parents felt their children were not getting the proper attention in an ordinary school and they could not get into a specialist school, so they asked what they could do. There were also complaints about the curriculum. In those days there was no national curriculum. Every school could devise its own curriculum. If you had a good school you had a good curriculum, a mediocre school a mediocre curriculum and a poor school a poor curriculum. Some of the curriculums were so poor that parents decided they would do better if they educated their children privately. They were very small in number.

I quite agree that there should be a right for parents to withdraw their children. There might be cases where the children have been bullied at school and it has not been properly dealt with. Parents might be deeply offended by the teaching on a very sensitive matter and withdraw their children. I can understand such cases. Parents have rights, but children also have rights. Children have the right to a well-informed education that goes well beyond reading, writing and arithmetic. That is the first right. Their second right is that they can study in a community, however small or large, that is secure and safe, with safeguarding of their interests.

Safeguarding is critical in education. If a school is found in an inspection not to have done the safeguarding of its pupils, it goes straight to special measures—it is as important as that. I am not at all satisfied that there

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is proper safeguarding in the present arrangements for home-educated children. Home education is awfully difficult for a family. In every family there has to be a breadwinner, so the breadwinner does not see the child for eight or nine hours a day and it is left to the other parent. It does not matter whether the breadwinner is male or female, the husband or the wife. So it is very challenging, particularly for secondary age children, to secure a really good education.

What stage have we got to at the moment? There was an improvement in the Education (Pupil Registration) (England) (Amendment) Regulations 2016, which ensured that schools have a duty to report to the local authority the names of pupils who are withdrawn. That is quite a big step forward; at least we have the basis of a database, but that is about as far as it goes. There have been two reports recently on this problem—the Casey report and the Wood report. The Wood report made some very interesting recommendations on home education that have not really ever been mentioned by the Government. It said:

"They point to the fact that public agencies do not have the right to gather information on the children in such settings and have no way of assessing the level of risk children face. This issue is not covered in multi-agency arrangements"—

this is not only on the education side but on the side of the social services, the police and others—

"and it needs to be".

It acknowledged that some parents co-operate very closely with the local authority while some do not. However, the report said:

"In both of these cases the local authority is not able to assess either the quality of education being received by the child or whether there are any safeguarding issues that require attention. This needs to be addressed urgently".

There has been no comment from the Government on those recommendations in the Wood report, which is very disappointing.

As the noble Lord, Lord Soley, said, there is no real number of those who are in home education. The *Guardian* did a survey of local authorities and came up with a figure of about 30,000—17,000 of secondary school age and 13,000 primary. These are infinitely higher than any of the figures in the past—there is absolutely no doubt about that. It has become a really big issue and I do think that the Government can remain so ignorant about it as they are at the moment. The Minister who is about to reply answered a Written Question as to how much the Government know about this and the answer was that they do not keep any record at all of home education. That is simply unacceptable.

However, the most devastating evidence of what is wrong comes from the letter that Sir Michael Wilshaw wrote to Nicky Morgan a little over a year ago, in 2016. He was looking to the unregulated schools that suddenly emerge in the background in large conurbations particularly. He said:

"In January, I recruited a team of seven experienced inspectors to work exclusively on this critical area of child safety. Since then, these inspectors, working closely with Department for Education (DfE) officials, have identified more than 100 suspected unregistered schools across the country".

He goes on to say that the inspectors have already asked for seven to be closed, and I expect that he will ask for more. He said:

"The evidence that they have gathered so far during this short period firmly reinforces my belief that there are many more children hidden away from the view of the authorities in unregistered schools across the country than previously thought".

Many of the parents of children in home education cannot cope, so they send them to the little school around the corner, which is unregistered. In the work that Sir Michael Wilshaw did examining these schools, he said that the accommodation and the buildings were usually totally inadequate and that staff and volunteers who were working in these schools,

"have not been properly checked or cleared to work with children".

That is a fundamental need for every school. Every teacher and anybody who comes to work there, even on a temporary basis, has to be cleared. The non-teaching staff have to be cleared but nothing of that happened at all. He went on to say:

"Evidence inspectors have gathered over recent weeks has also reaffirmed my belief that there is a clear link between the growth of unregistered schools and the steep rise in the number of children recorded as being home educated in England over the past few years".

We could put an equal sign between home education and unregistered schools, as most of them will be in those sorts of schools—and they are pretty grim. I had to close some and I am sure that the present Secretary of State will be closing some.

Sir Michael went on to say this, which is very important:

"I have previously voiced concern that many of those operating unregistered schools are unscrupulously using the freedoms that parents have to home educate their children as a cover for their activities. They are exploiting weaknesses in the current legislation to operate on the cusp of the law"—

a nice phrase, that. He continued:

"Many are charging parents thousands of pounds to send their children to these unregistered schools. In doing so, many are providing a sub-standard education, placing children at risk and undermining the government's efforts to ensure that all schools are promoting British values, including tolerance and respect for others".

That series of inspections was very much done in the wake of the Trojan schools issue in Birmingham, where the governing bodies of certain comprehensive schools were trying to turn them into Muslim faith schools. Sir Michael said that that was also happening in home education, so something has to be done.

The Bill will set up greater surveillance, which I think would work without eroding a parent's right to remove. As the noble Lord, Lord Soley, has said, the Bill is capable of being amended but the principle is there. I do not expect the Minister to say that he will accept the Bill willy-nilly. But I hope he will not say that nothing should be done, because if we go on as we are, and if one or two really serious cases of sexual abuse of children who are at home occur, that will blow up under the department—and, I may say, under the Minister as well. The line the Government are taking is, "We will wash our hands of it. It is not really part of our job or responsibilities". That is totally unacceptable, so I hope that the Minister will be able

to say that his department will do more work on this. There are three things that we should ask him to consider.

First, he should consider whether to give local authorities the power to see the children and check on them. That is key to safeguarding, probably including talking to the children in the absence of their parents. Secondly, he should give local authorities power to enter homes and assess the standards of education. That would be entirely reasonable. Thirdly, he should ensure that some form of inspection is available.

The noble Lord, Lord Soley, has devoted a lot of his active political life to this issue, apart from being the chairman of the Labour Party in the House of Commons, and I wish him well. He has done good service by presenting the Bill and I hope that it will lead to significant changes.

Baroness Stedman-Scott (Con): My Lords—

Lord Baker of Dorking: Before the Minister gets up to say that my speech should have been seven minutes, I remind her—she is a new Minister—that on Second Reading, people can speak for as long as they want. It is not a matter for the conduct of this House or a Minister to intervene at this stage, so I have protected your Lordships' rights to speak for as long as you wish.

1.18 pm

Lord Addington (LD): My Lords, the noble Lord, Lord Baker, has the habit of stealing everybody else's thunder—but I have never seen him take out the entire Government Whips Office before. There we are: we live and we learn.

The Bill is very interesting and undoubtedly the best thing about it, and something that must be carried on, is the heading of Clause 1: "Duty of local authorities to monitor children receiving elective home education". The noble Lord, Lord Soley, has effectively put his finger on something of a black hole. We do not know how many children are in this group. We do not know what is happening to them and that is really where we should have concern. Indeed, if only a one-clause Bill comes out of this with only that and some form of basic inspection or chasing up in it, we will have done a very good service to the entire education structure.

I say that because the minute you start looking into something you suddenly find something that affects the little world that I come from, with my interests as a dyslexic and president of the British Dyslexia Association and my business interests in assistive technology. In relation to Clause 2(2) and monitoring and support for education—that is, reading, writing and numeracy—it has to be said that the general provision within the educational establishment for supporting those with special educational needs is patchy at best. The framework for the core content of initial teacher training was put out in July last year. Section 5 mentions for the first time that a few of the most common SENDs should be included in teacher training. It is that tenuous. If you have an institution such as this, how in hell is it going to monitor that you are doing this properly if you have taken your child out of the education system because it is not doing it? Suddenly, with the best of intentions, the noble Lord, Lord Soley, has caught his toe in a bear trap. However, I am prepared to prise it open for him by saying that the monitoring of education, and some reference to it if he wants to keep it in there, would be better.

Now that we have good voice to text/text to voice technology, there is an argument about when you start using it for a child who is severely dyslexic—to go to what I know best. There is a huge argument there. "No, you must have spelling standards". Let me give a personal example: my daughter's spelling was better than mine when she was seven. A person who has anywhere near the degree of problem I have—very few do—is never going to learn to spell or write correctly, and the correct thing for them to do is to start using the very up-to-date technology that is creeping into everything now and is becoming more mainstream. You would not ask somebody in a wheelchair to complete a cross-country course, so you have to be careful about this. That is a traditional group, as the noble Lord, Lord Baker, said. We have both come across it; we have both met people who have taken their children out of those situations because the school cannot cope, will not cope, does not have the money or does not understand. It goes on and on. That group must be catered for in this because they are doing the state a service by providing relevant help. The noble Lord, Lord Soley, has acknowledged that. We have to make sure we take it into account.

However, I agree with everything else that the noble Lord, Lord Baker, said. I suspect that we have been briefed by similar people because I have many of the same points—of course not made as well, but there we are.

People are disappearing—I will come back to the point about special educational needs—into very substandard education. As the noble Lord pointed out, children, too, have rights in education. Lots of arguments are going on about inclusion. I have always said that the child's right to an education comes first. We should bear that in mind. I hope that we will be able to bring this forward—but if you want to take a journey, you should start well. The first line of the Bill of the noble Lord, Lord Soley, is a very good start. If we can take that and develop it, we will be going down the right path.

I hope that the Minister, when he answers, will be able to let me know how we are progressing on initial teacher training. I have not given him any warning of this question, so a letter will be fine. I hope we will be able to go on about that so that we can get an understanding about how that core group, which used to dominate this market, is being dealt with in the current education system, and also get an idea of the thinking about people who are taking spurious steps and, particularly, about private schools which are operating under the cover of home education. In the future, we need to talk more about those two things that have come out of the Bill.

1.24 pm

Baroness Morris of Yardley (Lab): My Lords, I also welcome the Bill that has been put forward by my noble friend Lord Soley, and congratulate him on the work that he has done. I also want at the start of the

[Baroness Morris of Yardley]
debate want to recognise the work done by Graham Badman some time ago. I suspect that if Graham Badman's report, which was about to be put into effect in 2010, had been allowed to come into force, we would have already addressed these issues. I know my noble friend Lord Soley said he tried to speak to Graham Badman and build on the work that he has done.

The noble Lord, Lord Baker, was absolutely right. When he said he thought back to his time in office and what he did about home education, that made me think back to my own time in office. In truth, we did not do much either. At that time, the principle of a parent's right to educate their child other than at school trumped everything else, but times were different. It is not about justifying whether that was right or wrong, but things have changed since the noble Lord, Lord Baker, and I were in office. In two chief respects, the context now is different.

First, as a society, we do more now to accept our joint responsibility for the well-being and protection of every child. We have always thought we do that, but so many cases in recent years have shown that we have not always done it. That is at the top of everyone's agenda. The obligation that we owe as adults, as a society and as policymakers to every child to do what we can to protect their well-being is paramount.

Secondly, we accept more now the right of the child to have an education, which may sometimes trump the right of parents to decide that their child should be educated in a particular way.

The third factor in play here is that if you are the Minister, you can claim that there is guidance of a sort that deals with this issue. However, the guidance was published a decade ago by two Ministers who are now sitting in this House and relies on a trick that often happens in government. It says that they have the right to check that every child is well and getting a decent education, but then denies them every power that they would need to carry out that job. You can tick the box and say that there is guidance, but the bottom line is that you say to a local authority that if it suspects anything is wrong, it must do something about it, but you deny it the right to collect the information, the right to go into the home, the right to ask questions, the right to speak to the child.

Times have changed and it is quite clear that there is a problem to be solved. People will say we do not know the extent of the problem, because we have not taken the powers to collect the information. I thought about the groups that could be included in this, and part of the problem is that, understandably and rightly, the most vocal group is that of parents who do the job well and who for whatever reason have decided that the type of education they want their child to have is better delivered outside the formal school structure. Often the children are very gifted or have great special educational needs, but the way the parent wants to structure that child's learning is one that the system of education has not been able to deliver for them, or they have been dissatisfied with the provision of education they have had. They are the articulate group and the ones who complain whenever we try to address this issue. I do not want their rights threatened—they are doing a good job, although it is not what I would choose for my child, and I absolutely respect their right to do that. But their voice should not take away from our obligation to protect children who are not in that group.

Another group being educated other than at school are those who are deliberately hidden from society and are mistreated and abused as a result. They are not supported to flourish and thrive in society and are maybe, as my noble friend Lord Soley said, radicalised, or brought up and educated in a way that does not give them the skills, the attitude or the social skills to thrive as citizens.

One growing group that absolutely appals me are those parents who feel obliged to educate their child at home because they have been excluded from school and are advised by the school that the best thing would be to educate them other than at school. This is not a deliberate choice on the parents' part, but a set of circumstances brought about by a school that wishes to exclude the child, which leads to the child being educated at home. So there is a linkage, and I suspect the noble Baroness, Lady Morgan, might say something about this, between unregulated schools and children being educated at home, which I had not clocked until the previous HMCI spoke more about it last year.

The principle in the Bill that we need to know more about these children—who and where they are and why they are not in school—has to be right, and I very much support the aspect of the Bill that would do that. If we want to collect those figures, we must have a way of doing so. If we want to safeguard the well-being of the child, we have to know about them and talk to them. We have to know who is educating them and where they are being educated. We have to check what is happening to them. But those provisions in the Bill have to be right.

Where the Bill is also right but far more contentious, and I was pleased that my noble friend Lord Soley indicated that in his opening comments, is on where we say to society, "Thou shan't make judgments about the quality of education being delivered". I think we should make some judgments but I do not pretend it will be easy. This is the most difficult part of the Bill. In the interests of every child and of safeguarding a child's right to education—a child's right to education is a United Nations provision—I think there are things that we as citizens can agree on: a child should be literate and numerate and have access to physical activity, the arts, culture, science and all those wondrous things. In truth, though, while the state is very good at inspecting within a very regulated framework, it is less good at exercising judgment and discretion where people are not absolutely following that framework and regulation but are nevertheless doing a decent job. Most of us have talked to teachers and head teachers who have complained about the present inspection framework, and I can well imagine how nervous some parents are that they are going to have that conversation with some sort of regulator.

I say to my noble friend Lord Soley, the proposer of the Bill, that he was absolutely right to acknowledge that that is an issue, but it is not one that we should

not take on. It is just one where we have to be sensitive, and I hope that in considering the implementation of the Bill we will talk to those parents who are doing a good job of educating their children and do not want to have to change too much. We should make sure we can accommodate their needs. To ask a state regulation system to accommodate innovation and quirkiness almost does not go together as a request, but somehow we have to get this right.

I welcome the Bill. I congratulate my noble friend on bringing it to the House; he has a long record of taking an interest in this issue. Primarily, it will set us on course to deliver more effectively our obligation to protect every child and ensure that every child has access to a good education. We should tread warily, however, and fear that we may damage some good provision, but these problems are no greater than those we face in implementing any legislation or bringing in a policy that we know at its heart is good. I hope the Bill will get a Second Reading and I look forward to the debates that might ensue.

1.32 pm

Baroness Cavendish of Little Venice (Non-Afl): My Lords, I welcome the opportunity to speak in this important debate. I welcome the noble Lord, Lord Agnew, who has such a long-standing commitment to education. I hope he will be able to move this forward.

As the noble Lord, Lord Soley, said, there is a growing consensus that registering home-educated children is essential. That is a change, and it relates partly to the growing numbers; we do not know what the numbers are, but we know from local authorities that they are growing. It is important to understand, as previous speakers have said, that home education is no longer the preserve of a small group of bohemian parents or parents whose children flourish better at home because they have experienced bullying or have special educational needs that, as the noble Lord, Lord Addington, said, are not necessarily being adequately met. If I may say so, the latter is a separate issue but it is still very important.

That is no longer what home education is simply about, and a lot of people are somewhat out of date in imagining it as such. Precisely as the noble Baroness, Lady Morris, has just outlined, because the good parents are quite vocal and articulate, it is easy to overlook that there are now a substantial number of parents whose desire is to isolate their children from mainstream society and from liberal British values. As was referred to earlier, there are also parents who are set on various forms of abuse, which is simply horrific, but the other group is probably—hopefully—larger.

I speak as someone who, with the Cabinet Secretary, commissioned the Louise Casey review of integration and opportunity. Among many other things, that review expressed deep concern about the effect of home education on some children who are already almost excluded from society and will face much greater problems and lack of opportunity in future.

I was also involved in commissioning the Alan Wood review of local safeguarding children boards, which, again as previously described, expressed the important point that there is no way for multiple agencies to get together to share this information and no way for local authorities to assess the very real risk to some of these children. There is a lacuna in the law, and we are effectively sabotaging local authorities' duty to safeguard children by not closing this loophole.

It is an outrage that the Government do not know how many children in this country are being home educated. As previous speakers have said, we have some impression of the number of children who are being withdrawn, but we have no idea how many children have never been registered. I recently did an interview for Radio 4 with Ofsted's chief operating officer. He made it very clear that he believes that there may be as many as 50,000 children in this situation. There are tens of thousands of children whom we do not know about. That does not mean that they are all at risk, but it is something that surely we need to know.

The other issue that concerns me deeply is the correlation between home-educated children and the growth of unregistered out-of-school settings. It is easy to imagine home-educated children sitting around the kitchen table or in a cosy sitting room. The reality is that some of them are not at home at all: they are going out every day to tuition centres, often Islamic tuition centres, some of which are legal, some of which are illegal, and very few of which are monitored. To give one example, the director of the Siddeeq Academy in Whitechapel was one of nine people arrested by the Metropolitan Police counterterrorism squad a few years ago. The academy has now been closed, but if you talk to the very small unit at Ofsted which is trying to identify and close down these schools, it will openly tell you that it is very difficult to identify their number. Registration would be the absolute bedrock that we need to enable the system at least to identify and follow those children.

The noble Lord, Lord Soley, understandably said that some of the clauses—about emotional development and so on—are unrealistic. It is absolutely right that we do not create a monstrous bureaucracy around this and that light-touch regulation is essential. But if the Minister is willing to look at this properly he will need to consider to what extent we are asking social workers to fulfil their duty under safeguarding rules, which they would do and should be allowed to do anyway, and to what extent we also want to involve Ofsted, which would be very different. That would be an investigation and analysis of the education that children are receiving, and that is an open question. Personally, I think that registering the children is essential, and I would hate anything to derail the possibility of achieving that. Perhaps it might be left to another time.

I hope that the Government will now take this seriously. It is time to act. There were a huge number of interactions between the Government and the previous and current Chief Inspectors of Education on this issue. It is not a new issue, but it is now much clearer that it is a real problem and I hope that the Government will act.

1.39 pm

Baroness Morgan of Huyton (Lab): My Lords, I am pleased to speak in support of my noble friend Lord Solely in his aim to introduce a register, which I think

[Baroness Morgan of Huyton]
would be a significant and relatively straightforward step forward. This is an emotive and emotional subject, probably because, as we have already heard, there is a minority of vociferous parents who undertake home schooling perfectly well—in fact, very well, in many cases—and because of the minority of cases where home schooling is undoubtedly not in the interests of the relevant children, with grim consequences. One difficulty is that we do not know what we do not know: that is, we really have no idea about the scale of the problem.

I do not want to take an overly partisan view of home schooling. This Bill is an appropriate response to issues of concern, while maintaining the right to home educate for those parents who really want to do so. I know the boundaries between the rights of parents for their children's well-being and intervention by government is very tricky, and we have seen that in recent medical cases. But that is not a reason to close our eyes to this. I recognise that, for some children, home schooling works well. With short-term physical or mental illness, home schooling may be the answer for that child, as well as when there are particular special educational needs—although sometimes I think that it is because the system is failing to meet those needs. Obviously, children may have had bad experiences at school, particularly in relation to bullying, and in that case home schooling is really the most supportive thing to do, at least for a period. In other cases, parents absolutely believe that they are giving their children the best possible education; they do not like the options available to them and want to emphasise particular curricular areas. Personally, I am somewhat sceptical that children's social development is best served by not being in school, but I know that parents can make huge efforts to deal with that challenge.

Above all, it is our responsibility to ensure that we safeguard all children, yet there is no statutory duty on any public body to monitor the quality, impact or outcomes of home education. There is no evidence on the educational attainment or socioeconomic progress made by home-educated children. Parents still do not have to co-operate with local authorities or schools in tracking or supporting pupils, and local authorities have no powers to gain access to pupils without going through the process of performing a well-being check. Parents are not legally required to tell their local authority or any other public body, for that matter, that they are home educating their children. They have the right to teach their children at home up to the end of the compulsory school age, and there is no checking through the system at all on that. As we now know, learning takes place in a variety of locations and does not have to be limited to the child's home. That is an increasing trend, as we have already heard, and I will not rehearse those arguments.

Crucially, it is parents alone who choose to home educate their children, and they are the people responsible for ensuring that the education provided is "efficient", "full-time" and "suitable", whatever that means. Suitable education is set out in guidance and case law as an education that,

"primarily equips a child for life within the community of which he"—

sic—

"is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".

So on the one hand, for most children, there are clear national guidelines around the curriculum including, for example, arguments about evolution against creationism, the need to understand different religions and cultures and, more recently, British values, but essentially a void for home schooling. It is also worth noting that one argument for free schools was that a group of parents could come together to develop new provision where they felt very strongly that they wanted a particular focus. Indeed, there are now many studio schools that focus on a particular curricular area. Of course, those schools are within our overall schooling and inspection framework.

I declare an interest as a former chair of Ofsted. When I was there, there was a growing concern about home schooling. There had been an expectation after the Badman review in 2009 that a compulsory register would follow. Indeed, the idea of the register was included in the Children, Schools and Families Bill, introduced in 2009, but it was dropped in the later stages of the parliamentary process pre the general election in 2010. So we have been here before. Since then, however, and most crucially, concern has grown dramatically and is now pretty widespread. Ofsted, the Wood review and the Casey review all drew attention to the dramatically rising numbers of home-educated children—and, of course, the extremely murky area of unregistered schools and significant weaknesses in current legislation.

Quite simply, as we have heard already, there is no national information collected, which is really an outrage. Local information is extremely patchy and variable. Collectively, if we are honest, we all know that there is a problem here. So I hope that the Minister will commit to helping us to sort this out. Everyone here is willing to help constructively on this. We know that the Bill as drafted is not perfect, and I think that everybody will co-operate fully on a Committee stage, which I hope that we will reach, to take that issue forward. So I hope that the Minister will respond positively.

1.44 pm

Baroness Deech (CB): My Lords, this Bill is the mildest possible remedy for what has long been recognised as a risk—a situation that is not good for children or society. I have supported the noble Lord, Lord Soley, on this before and I am very happy to do so again. If I had my way, school education would be compulsory unless parents could prove that they had good reason to avoid it. Then there would be compulsory inspection and assessment of the home-schooled child's results in national exams. I am aware that there is an almost hysterical reaction from home educators to any proposal that might be seen as protecting their children. That reaction is in itself good reason to want to keep an eye on the situation.

There are, however, even more reasons today to want to pursue this Bill, which provides for nothing more drastic than registration and assessment. Ofsted

has raised concerns about radicalisation and has pointed out that the right to home educate may be exploited to avoid registration of schools—that is, that the children being educated at home may actually be attending unregistered schools, quite likely orthodox religious ones, which may well not provide either a comprehensive education or one in accord with British standards and the rule of law or in line with children's rights and welfare.

The Wood review, in 2010, pointed out that some directors of children's services have raised the question of the lack of effective statutory provision about children in unregistered schools and home education. There is no way of assessing the level of risk that those children face. As far back as 2009, the Commons Select Committee review of home education found it unacceptable that local authorities did not know how many children were kept out of school.

The right to educate a child at home is not absolute. In 1983, the case of Family H, in the European Court of Human Rights, established that requiring a parent to co-operate in the assessment of the child's education is not incompatible with the parent's rights. Throughout English child law, the welfare of the child is paramount: courts can consent to medical treatment of a child even though the parents will not and children can be taken away from their parents on grounds of welfare. The home is not sacrosanct either. Planning officers can enter without consent, and a whole host of other officials can enter with the proper authorisation.

The United Nations Committee on the Rights of the Child has reported on the UK and the right of the child to be listened to. A home-educated child who is never inspected or spoken to by an outsider is muffled and unable to say that they would prefer to be elsewhere. In the recent Supreme Court case of Platt—the father who took his daughter out of school term time for a holiday—the judgment emphasised the importance of constant school attendance and how absence, even for a few days, can adversely impact teachers and other children. How much worse then is the total absence from school of a child?

There has been centuries-long progress towards free and compulsory school attendance in this country, not without struggle. In 1870, state-funded primary education was provided and was made compulsory in 1880. We can hardly imagine otherwise. Section 444 of the Education Act 1996 provides:

> "If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence".

How can the right of the child to express her views or how can social mobility be advanced, if children are below the radar and not at school? How do we know how well they do at national exams, or whether they even take those examinations or progress into higher education?

The number of home-schooled children has allegedly doubled. Many parents no doubt have good and well-meaning reasons for avoiding school, but it has been suggested by education authorities that more parents are removing children to avoid prosecution for poor attendance or because the child is at risk of exclusion. The worst gap is to be found among children who have never attended school. We cannot count whether they have been removed or what has happened to them. Parents who have good reasons for home schooling ought not to be afraid of explaining and justifying them.

If it makes it into law, which I profoundly hope it will, this Bill will provide the first reference to home education in a statute. It mostly reinforces existing law, the new element being the requirement for parents to register. Where a parent fails to register a child and this is discovered, there should be a sanction, and where a parent is required to provide information, it should be within a reasonable time period and should also be reinforced by sanction. Inspections should take place at least once a year and it should be noted that there may be a referral to social welfare services where local authority officials have not seen the child and have not had any response to a request for information about the child. This was established in an unreported case a few years ago. Section 175 of the Education Act 2002 provides that the local authority has safeguarding duties, which must be upheld. It is also not possible to see how Prevent principles can be applied, and there are many accounts of out-of-school activities that inculcate in children hatred and extremism.

This is a much overdue and very welcome Bill, which needs only strengthening but is a start. The Government should not be deterred, as they have been in the past, by the vocal protests of home-educator parents. Their children are silent, and that is what must change.

1.51 pm

Lord Lucas (Con): My Lords, perhaps I should start with the one thing on which I unequivocally agree with the noble Lord, Lord Soley, which is that we ought to have some evidence. I urge the Minister to set about collecting a decent set of evidence. We do not even know whether overall there is a problem here. Are home-educated children ending their education more or less well educated than children who have been to school? We do not know. Are they more or less likely to be abused? We do not know. There is no data about this, even to identify whether overall we have a problem. Surely we must start with evidence.

We say that we have no information on the number of children being home-educated, yet they manage to come up with a figure in Wales. The Welsh system works well. You do not need extra legislation to find that information; if we want to know the number, just do what the Welsh do. I think we do want to know, so can the Government please organise it? Google certainly knows what home-educated people are up to and the NHS knows where they are. The data is there. Let us find a way of getting that information without putting additional pressures on people who want to live their own lives. Let us move towards getting the data we think we want to have using the data we already have.

There are several stories going around, such as the one concerning Dylan Seabridge in Wales. The Welsh Government were supposed to produce a report but they have never done so. Contrary to what the noble Lord, Lord Soley, said, the authorities knew a year in advance that there was a problem—they were notified—

[LORD LUCAS]
and chose to do nothing. About the only thing one knows about him is that he was a child who was a vegetarian and died of scurvy. How is that possible? If you are going to eat an all-vegetable diet, scurvy is about the least likely disease to die of. You cannot build a system for 40,000 people on the basis of an odd case in the backwoods of Wales. We have to know a lot more about what is going on; otherwise, we are in danger of legislating for these people because they do not do as we do and therefore we are frightened of them. We have to be reasonable, inclusive and welcoming.

I would not like to see this Bill leave the House without radical and extensive amendment, because I think it is set the wrong way round. The noble Lord, Lord Soley, said several times that we ought to be helping and doing better. So we ought. If we did that and lived up to our obligations to these parents and children under existing legislation, I do not think we would have a fraction of the worry and problem that we have.

As a Conservative, I am perfectly comfortable with the idea that parents should be responsible for their children's education. I believe that, by and large, the state does not make better decisions than parents about children. Even if the state knew everything, it still would not make better decisions. I do not much like the Bill as drafted, but there are better ways of doing these things.

A lot of powers are not used because of lack of money or lack of quality staff. That is another thing that we could do better. I do not like the Bill's proposal for extensive supervision, which would cost a lot of money when that money could be better used. There is not a statistically valid basis for taking decisions about how well an individual child is being educated, particularly when they are pursuing a non-standard course. There is too much statistical noise in trying to take a decision on that basis, which is why Ofsted will not take decisions based on small numbers of pupils—and that is in a pretty standardised, regulated system. If we are to have something that has validity, you are after spending £1,000 a year on inspecting the children. Why not spend £1,000 a year on helping the children, which would mean that the numbers that you need to inspect would be much smaller?

Some people home educate on principle. We should do our best to embrace that. We should not require such people to conform to a state methodology. We need a methodology to run schools. Schools need a methodology because they handle a lot of pupils; they have to put them through parallel lines through the same system or it just does not work. You do not need that in home education. The noble Baroness, Lady Deech, said quite wrongly that the parents who took their kid out of school for a week—I agree that that does not work with the school system—demonstrated that there was a problem with home education. No. A lot of these children, particularly those whose parents home educate them on principle, spend their education out in museums and on trips, doing and experiencing real things and coming back to sort out the academic side online in the evening. You can do many things in home education that you just cannot do in schools. We should not seek to regulate away that freedom. I would never home educate, because I could not put my life under the strain and stress that it would involve, but where people have done it—and a lot of people have done it well—we should applaud and support it.

Another group of home-educated people are those who have been failed by the state, because their special educational needs have not been well looked after or they have been bullied and their parents have felt that anything was better and decided to take on the strain of educating them at home. Again, our answer should be to support them. We should make sure that the people who decide to home educate are helped with the SEN and that their problems with the schools are sorted out. That is a failure of state; it is not a failure of the people who are home educating.

There are also people who have been rejected by the state education system and illegally off-rolled to improve the school's result. We have seen that at the top end in St Olave's. It happens at the bottom end, too, with kids being chucked out of school and told, "Don't come in, because we don't want to see you in our results". The parents are completely unsupported in the resulting home education that they are supposed to provide. They should be brought back into the supported system. However, this is a failure of the state and not of home education provision.

There is a lot of state-sponsored alternative provision at the moment. Who exactly oversees it? What is going on? Again, this is a problem with the state. When it comes to radicalisation, we talk in a blasé way of these 100-plus illegal schools. Why? If they are doing something illegal, we should shut them down. It should not be a problem. Either these schools should reform or they should be shut down. They seem to wander on for years waiting to be told to improve. Schools should not be allowed to carry on when they are illegal and not doing things right. They should be remanaged and stuck in an academy chain. If that is not possible, they should be closed. Why do we allow this? It is a problem of the state, not of home education.

As for home education for attendance order avoidance, the existing powers deal with that perfectly well. Clearly, if a parent is doing that and the school confirms it, the existing powers can be used to get that kid back into school. There is no difficulty whatever with the existing legislation. If we really want to improve things for home education, there is no need to be punitive.

We could look, for example, at Birmingham, which is perhaps not the local authority we would immediately turn to for good practice, but in this area it is doing really well. It is concentrating on drawing home-educated children into its orbit. All the services it offers to children in school are now offered to home-educating parents. It is willing to listen and works in partnership. The result is that most of the home-educated children in Birmingham are known to the local authority and seen regularly in settings to which the authority has access. The worries that people have expressed disappear, just by the authority being helpful. We could do so much more in that area. The money that we would have to spend on the sort of structures in this Bill could provide literacy and numeracy support.

We could provide access to qualifications. There have been complaints about how many GCSEs these kids take. We do not make it easy for these kids to take GCSEs. They might have to travel three hours to find a centre that will allow them to sit exams. Some GCSEs are structured so that it is difficult to take them as external candidates. These are things that we, as a state, could do to improve the situation. In the past, there has been a system of flexi-schooling, where kids can be in school for a couple of days a week and out for the rest. Why have we not supported that? These are all ways in which we can deal with this problem by being supportive.

We would be much better off with a Bill that concentrated on support rather than one that focuses on punishment. There will be some residual problems, but they will be much smaller and easier for local authorities to deal with so that they can focus a clear gaze where it is needed, not over the whole spectrum, which we could better deal with in other ways.

2.01 pm

Baroness Richardson of Calow (CB): My Lords, I welcome the opportunity to give support for both aspects of the Bill—the registration and the assessment that would go with it. When I was preparing for this debate, I had a conversation with one of the elective home education advisers and gained a lot from what she said. Currently, the only way that a local authority knows about a child of school age being educated at home is: if the child had previously been registered at school and then been withdrawn, and as we have heard, there are still problems with that; if the family is known to social services, although not the NHS; or if the parents have asked for advice from the education authority about education at home.

While most local authorities employ elective home education advisers, their role is very limited. They can make informal inquiries only if they hear of children who are at home and not in education. They can offer advice only if it is asked for and they have no right to enter a home unless they are invited. The Bill proposes to make registration mandatory, and I think every one of us who have spoken has felt that that is a complete necessity.

The Bill accepts that home education is a viable option and that many children do well in a home environment with responsible parents. There are different reasons why parents would choose this option. Some feel that the education offered in the local school is inadequate or inappropriate for their child. These are often well-educated parents who either have the time to give to the education of their children or financial resources to employ tutors. There are some families where the parents' employment means that they cannot settle long in one area and they decide that home education is the only way to provide the continuity of education that the child might not otherwise get. For some, it is a cultural or religious affiliation that leads them to withdraw their children from school. In the area in which I live, it is a frequent occurrence for Roma families, particularly those from Poland, to withdraw all girls as soon as they reach the age of 11. Many Jehovah's Witness parents in our area choose to home educate.

There are some who for cultural, educational or religious reasons use well-established frameworks for education. One that is often used in my area is known as the ACE Christian education course. It is an American-based system that is very expensive, but gives good training to parents and provides a structured if rather rigid pattern of learning, with local groups for activities and an annual conference. But as we have heard in the debate, some families make use of unregistered and unregulated schools. This is of great concern as regards safeguarding and raises issues around the education being offered and radicalisation.

In other homes there are less positive reasons behind the decision to keep children from school. There are inadequate and disorganised parents who simply cannot get their children ready in time to go to school; ill-educated parents who do not value learning for their children; parents with mental or physical health problems who depend on their children for support in the home; parents with anxiety who cannot let their children out of their sight; and homes where, as we have heard, the children are enslaved or abused. The Bill would put on local authorities a duty to monitor the education that a child receives and to assess annually their educational, physical and emotional development. However, there is a question mark over whether emotional development should be tested. I would be reluctant to see that go, in part because some children are put under undue pressure by their parents to succeed and in part because so little is expected of other children that little educational achievement is ever made. I raise also the issue of the emotional implications of dealing with only one set of people, which can perhaps be rather intense. I note that the assessment is to be done by regulation following consultation.

I hope that the Bill goes through to the Committee stage because there are one or two things I would like to see changed. There should be some recognition of and guidance to cover situations where children are being home educated not because the parents have elected to do so but because no school place was considered adequate for the child's needs. I hope that these can be included. Not all authorities are able to provide schooling for children with special needs, and currently children who refuse to go to school or who frequently play truant are considered under the mental health team rather than the educational team. However, their educational needs should also be assessed.

I want to question whether "supervised instruction" is an adequate description of modern educational practice; I would like to see something a little wider than that. Alongside educational, physical and emotional needs, I would also like to see some recognition that the social development of a child is part of its essential development. Missing the experience of the school playground and meals eaten in common with other children is a significant loss for those educated at home, as is the experience of difference that is so much needed in our society.

It might be helpful to include in the guidance section a reference to the qualifications, training and supervision of those who will need to be employed as assessors since this will be crucial to the success of the outworking of this important Bill. Perhaps there should

[Baroness Richardson of Calow]
also be some acknowledgement of the financial cost to local authorities in adequately resourcing the conditions of the Bill. It is my understanding that around £4,000 per child is paid by the Government to the school, but no financial assistance is currently given for the support of children educated at home. Perhaps this might also be addressed in the Bill.

I understand the remarks of the noble Lord, Lord Lucas, but the only way for home-educated children to be fully supported is to register them, and the only way to gain evidence of what is happening with them is to register them and assess their achievements and well-being.

2.10 pm

Baroness Whitaker (Lab): My Lords, at the tail end of our reflections on this important Bill, I want to comment on an aspect not yet touched on: the Bill's relevance to the children of Gypsy and Traveller families. Since the Government do not collect any information on how many children are educated at home, they have no idea what proportion of them come from Gypsy and Traveller communities; nor have they any idea what curricula are used.

An analysis of Department for Education figures, carried out recently by the Traveller movement, indicates a disproportionate number of Gypsy, Roma and Traveller pupils attending alternative provision—which is broader than home education—or pupil referral units, and a highly disproportionate number of Traveller children in that situation: a much larger proportion than there is in the school population. A survey by the eminent former HMI Arthur Ivatts found that in 2005 up to 35% of home-educated children were from Gypsy, Traveller or Roma families; it also recommended registration. The reasons for this large proportion are not always the same as for other home-educated children. For instance, there is anecdotal information that some local authorities promote the option of home education to Traveller parents in a way they do not with the families of other ethnicities. If this is the case, it amounts to breaches of several legislative obligations.

Why would they do this anyway? People of known Gypsy, Traveller and Roma heritage face persistent discrimination at all stages of their life, which is particularly distressing and damaging for children. In some schools—thankfully not all—this heritage is not understood or acknowledged, let alone celebrated. Teachers' attitudes are often not such that they correct the ignorance and prejudice of other pupils, as they might with other forms of racial discrimination. I have heard of many instances of children being bullied and no one standing up for them in school. A recent report by the Traveller Movement found that this was a common experience for many Gypsy and Traveller children. One 14 year-old was told to "tone down the Traveller thing" when she reported racist bullying to the head teacher.

Is it any surprise that parents do not want their children subjected to this? Or, I am afraid, do schools and education authorities think it would be easier to get such children out of school? There is considerable evidence of bullying of children by children in school; it is absolutely not confined to children from Gypsy, Traveller or Roma communities. Some time ago, the National Children's Bureau found that bullying was a significant cause of drop-out from school, particularly secondary school. While bullying is likely to be a substantial route down a path that leads to home education for Gypsy and Traveller children, it is not the only one. Among some communities, there is a general mistrust of the education system—indeed, of all public authorities—engendered by the discrimination and prejudice I referred to earlier. There may be insufficient understanding of the crucial role that education plays in employability, or of its influence on personal and social development—all of which I think are better done in schools.

There is the important structural influence on that small minority of Gypsy and Traveller families who travel of fitting school round a travelling livelihood and lifestyle. Distance learning could be a boon here, if there were the political will to engage with the problem. I should add that since the Government's new, discriminatory definition of Travellers, there has been an increase in the number of unauthorised encampments, which has resulted in the inadvertent punishing of children who want and need to attend school by constantly moving their families on. The Bill would enable very many children to receive an education that fitted their circumstances and better fulfil their potential.

My noble friends have mentioned the Badman report. Its recommendations were accepted by the Labour Government for the Children, Schools and Families Bill 2009 but fell through lack of all-party support in the wash-up before the 2010 general election. Tower Hamlets is one of the few local authorities that does as the Badman report recommended. It is time to bring it back. So far there has been no government political will to make arrangements that implement every child's right to education. My noble friend's admirable Bill will go far to start that process.

2.15 pm

Baroness Garden of Frognal (LD): My Lords, I add my thanks to the noble Lord, Lord Soley, for introducing this important debate and to noble Lords for their insightful and caring contributions around the House. Home education arouses strong feelings, not only between those who support school against home education, but within home education supporters, where there are significant differences of opinion, as we have witnessed from the briefings we have received for this debate. This is hardly surprising considering that every home-educated child will have a slightly different reason for being home educated. As the noble Lord, Lord Baker, and others have said, this is a cloudy and murky issue. On these Benches we would wish to accentuate the positive about home education

It is interesting to note that there is little information on the Government's website bar a referral to your local council, and there is little uniform advice from local councils. As has been mentioned, there appears to be no central register of home education of children and no record of how many home-educated children there may be. The noble Lord, Lord Soley, quoted some figures, but as the noble Lord, Lord Lucas, said, we need evidence. We need to be sure of it.

I was struck by a comment from the noble Baroness, Lady Morris, who said that as a society we now feel more responsible for children. This may be one reason why this issue has surfaced again, but there is also an underlying feeling that the Government do not wish to know what might embarrass them or cost them money.

We know that if parents inform a school that they are taking their child out of the school, it is required to remove the child's name within three working days. They may inform the local authority, but then what? As has already been mentioned, if the child is below compulsory age and has never gone to school, parents do not need to inform their local authority; they do not need to inform anybody. There will be no record for that child, who could remain for ever unacknowledged. Various noble Lords set out the iniquity of this position.

I welcomed the intervention from the noble Baroness, Lady Whitaker, about Gipsy and Traveller children. She is a great champion of these people and she understands the issues well. I hope the Minister will heed what she says and give a positive response.

We could all surely agree that the option of home schooling must always be chosen because it is in the best interests of the child. I have some sympathy for the wish of the noble Baroness, Lady Deech, that school should be compulsory for everyone. I feel that parents' wishes and interests should never be allowed to prevent a child attending school where that is the child's preferred option. Yet we have heard of children being home educated because the parents insist even when the child would prefer school. That is surely not right. The noble Baroness, Lady Cavendish, eloquently raised concerns about such children. After all, schools have the resources, professionalism and skills to provide young people with the full range of learning opportunities. These include access to not only academic, and, I hope, vocational learning and skills, but sport, music, drama, art and social interaction with their peers, learning to be part of the community. But as we have heard, and as we know, there is a wide variety of reasons why, for some children, the advantages of attending school are outweighed by the disadvantages, and home education is deemed to be the preferred option.

We have many examples of excellent home education which does the students proud and equips them very well for life. I heard the other day of a five year-old excluded from school for biting, hitting, shouting and generally being out of control. His parents find themselves having to home school because their little person is showing every sign of being a little monster. What support and advice is available for those who find themselves unwilling home educators in such circumstances? As the noble Baronesses, Lady Morris and Lady Richardson, referred to, what if no place can be found and the parents, who do not wish to home educate, have no option but to do so? What is the Government's response to that?

The two main issues at stake are the quality of the education and safeguarding. On safeguarding, we know that it is possible for children to fall off the radar of any authorities. If they never attended school, they will not have a pupil number and tracking their whereabouts and their progress will be difficult, if not impossible—although it was interesting to hear that the NHS ought to be able to track them.

Alongside home education is the issue of unregulated schools. The noble Baroness, Lady Cavendish, made reference to Muslim schools, and we know there are some, but there are other faiths and, indeed, unregulated schools of no faith at all. where the quality of the education is unknown. There is a much greater possibility of physical and mental abuse of children who are outside the remit of anyone with a duty of care and where the staff, as has already been mentioned, may not be qualified in any way or may have no safeguarding qualifications. What action are the Government taking about unregulated schools?

We are in the strange position, as has been mentioned, that councils retain duties to oversee home school arrangements, yet lack the necessary powers to check unregulated schools or the nature of home education that children are receiving. This is one of the key issues in the Bill. There is case law, such as Phillips v Brown of 20 June 1980, where we hear that local authorities may make informal inquiries of parents who are educating their children at home but,

"parents will be under no duty to comply. However it would be sensible for them to do so."

Indeed, the noble Baronesses, Lady Morgan and Lady Richardson, pointed out that parents are under no legal duty to respond to inquiries from local authorities and that perhaps they should be.

There is much evidence of parents who home educate and do a great job in ensuring that their children develop and learn in a happy atmosphere where they can flourish. Most parents work closely with their local council to ensure that they can take advantage of all the opportunities for their children to access academic learning and socialise with their peers. The concerns will always be with those who do not engage or communicate. How can local authorities ensure that those children are receiving suitable education, are not subject to neglect or abuse and that their future achievements and prospects are not being put at risk? We believe there is a case to be made for visits, as set out in the Bill, but agree with the noble Lord, Lord Soley, about the deletion of the physical and emotional parts and question the value or feasibility of these being "assessments".

I note my noble friend Lord Addington's concern over those with special educational needs. Assessment would need specified criteria and benchmarks, which may not align with the method of home education being followed or with special educational needs. I also note the point made by the noble Baroness, Lady Richardson, that specialist assessors would be needed to undertake this and that there would be associated costs. Formal assessment would take time and expertise, which could put considerable burden and costs on local authorities. Home educated children may acquire skills and knowledge in a different order and timescale from those in mainstream schools; they may still be learning and developing, but of course, with no requirement to follow the national curriculum, this could be in a completely different way and in a completely different order.

It would be more productive for the visits to be supportive and advisory. That could be done alongside investigating, if it appears that no education is taking place.

[Baroness Garden of Frognal]
If that is the case, it should trigger further inquiries and action, but building positive relationships between home educators and local authorities is more important than tasking hard-pressed officials with attempting to undertake formal assessments of educational development. We certainly support what the noble Lord, Lord Soley, aims to do with his Bill, and look forward to amendment and clarification in Committee to ensure that it achieves its aims to provide a safe, supportive and educationally fulfilling environment for all those children for whom school is not the answer and whose families can meet all the demands and requirements—and the costs—of learning and developing from within their own resources.

The briefings we have received indicate that this is an area of very differing views, with some excellent work but some worrying gaps in provision. In January the noble Lord, Lord Nash, said that the Government were looking at this issue carefully. Can the Minister update the House on this careful consideration? The noble Lord, Lord Soley, has done a service in allowing us to debate home education and to help to support all that is good in this area as well as throwing light on the areas of concern.

2.25 pm

Lord Watson of Invergowrie (Lab): My Lords, I congratulate my noble friend Lord Soley on presenting this important Bill. It is undoubtedly timely and we are supportive of its aims.

As many noble Lords have said, elective home education is a right established under the Education Act 1996. In what I have no doubt are the clear majority of instances, this decision is right for the children involved and, supported by parents who have an understanding of the educational needs of their children and the ability to ensure that these needs are delivered, it is beneficial to them. In those cases, home schooling is appropriate and can be nurturing and such out-of-school settings do not present cause for concern.

The problem which has to be addressed, though, is that many children who are either never presented to school or subsequently withdrawn do not enjoy such a benign experience. Some parents, of course, are ideologically opposed to formal education and, indeed, to almost all forms of state intervention—intrusion, as they would describe it—in their lives. I endorse their right to hold such views but it is unrealistic and, in some cases, irresponsible to expect that the wishes of a minority of parents should be permitted to override issues of child safety and protection. The rights of parents need to be balanced with the rights of children.

As my noble friend Lady Morris of Yardley said, the world as it was in 1996 is substantially different from the world as we know it today and the numbers in home education are now vastly increased, compared to then. To my mind, the issue of most concern is that, as we have heard, nobody knows how many children in England are being home educated. The reason is that there is no obligation on a parent or guardian to inform the local authority covering the area where they live that their child is being home schooled. If a child attends school and is subsequently withdrawn then the schools, including academies, must inform their local authority of that development. The same applies when a child enters the school roll. The reason for a child withdrawing need not be recorded, so it may simply be the case that the family has relocated. A parent or guardian may tell the school that their child is to be home educated; equally, they may not. This means that the information the school passes to their local authority is necessarily incomplete.

There is also evidence that some parents withdraw their children to avoid prosecutions for poor school attendance or their child being excluded. In addition, as my noble friend Lord Soley said, inadequate provision of special educational needs can be the reason. If it is, then that is a serious issue in its own right and must be addressed. The noble Lord, Lord Addington, highlighted the needs of children with dyslexia. For that ever to be a reason for a parent to withdraw their child is surely in contravention of the UN Convention on the Rights of the Child in relation to education.

We also know that head teachers are increasingly using pupil referral units as a safety valve to get rid of the most difficult children, often just before they take their GCSEs, with a view to improving their league position by getting low-achieving pupils off-rolled, as it is called. That emerged as recently as this week in evidence to the Education Select Committee's inquiry into alternative provision. All too often, parents then withdraw their children from the referral units and say that they are opting for elective home education. Again, nobody can say with any accuracy how often that amounts to doing anything more than keeping them at home, if they are indeed capable of doing even that. As an aside, the nutritional effects on those children qualifying for free school meals can well be imagined in such situations.

The educational status and safety of children should not be allocated to a category marked "Don't know" by government. Child protection is too important an issue for that to be the case but under existing legislation, it is. I have given the Minister notice of a number of questions. The first that I want to ask is one that almost every noble Lord has raised today: why is no information collected centrally on the numbers of children in England whose parents or guardians claim that they are being educated at home?

Although no record exists of the number of home-educated children, the best estimate is almost certainly the most recent, and that was just last month, when the Association of Directors of Children's Services issued a survey to all 152 local authorities in England to gain a better understanding of the volume of children and young people known to be home schooled. The survey also aimed to assess the support on offer to them and their families. The survey was responded to by 118 local authorities identifying a total of some 35,000 children and young people known to be home schooled in their localities on school census day, which was 5 October this year. Extrapolating those figures for the country as a whole suggests that at this time around 45,000 children and young people are assumed to be receiving home schooling throughout England, but as my noble friend Lord Soley said, the actual figure, including those children of whom local authorities

have no knowledge, must be considerably greater. Thirty-seven per cent of local authorities responding to the ADCS survey reported that they were aware of children in their area whose parents or guardians claimed they were being home educated who were actually attending unregistered schools or so-called tuition centres. Serious concerns about the quality of education on offer and the safety and welfare of attendees were also reported.

In the face of such evidence, it is surely incumbent upon the Department for Education to seek a change in the current legislation or, at the very least, a strengthening of the guidelines. *Elective Home Education: Guidelines for Local Authorities* is an interesting document, not least because it contains the names of the Minister of State for Schools and Learners, Mr Jim Knight, and the Parliamentary Under-Secretary of State for Schools, Andrew Adonis. Whatever became of those august gentlemen, I wonder? The guidelines were issued in 2007, and they still apply unamended, so it is appropriate that Clause 2 calls for the guidance to be updated.

However, as I stated earlier, life today is not as it was 10 years ago. The intervening period has seen the spread of unregistered schools, many of them faith schools. Indeed, four months ago the extent of the problem with such establishments led the head of Ofsted, Amanda Spielman, to call for new powers to protect children who are forced to study religious writings full-time in unregistered faith schools. Ms Spielman commented that, since January 2016, Ofsted inspectors had visited numerous establishments they believed should be registered as schools. She said:

"The fact that such places are able to operate, remain unregistered and avoid proper scrutiny leaves pupils at risk".

I am aware that the Bill does not refer to unregistered schools, but surely it is impossible to separate them from the issue of home education. In total, Ofsted inspectors discovered 286 unregistered schools in England, with around 6,000 young people attending them. In many cases, it was claimed that pupils were being home educated but they were in fact attending those schools each day. Thus the Education Act 1996 is being exploited to enable children to attend those establishments and, for that reason, perhaps this Bill will be amended in Committee to more accurately reflect the extent of the problem.

The noble Baroness, Lady Cavendish, referred to Ofsted's unregistered schools team. On 2 November, in an Answer to a Written Question from the noble Lord, Lord Warner, the Minister stated:

"The Government has had … no specific conversations about unregistered schools with the unregistered schools team. Nor have there been specific conversations between the unregistered schools team and the Children's Commissioner or Chief Constables".

In each of these cases, given Ofsted's estimate of around 6,000 children being educated in unregistered schools, can the Minister explain to noble Lords why the Government reached the conclusion that such conversations are unnecessary? That seems remarkably complacent, given the scale of the problem that has been identified.

The British Association of Social Workers has real concerns over child safeguarding issues. In response to this Bill, the association has said that the vast majority of home-schooled children are cared for by well-meaning, affectionate and passionate parents. However, for the few who abuse their children, home schooling offers the perfect environment to keep that abuse and the children hidden. Surely that should alert the Government to the need for some form of intervention, yet it appears that they remain unconvinced. As mentioned by the noble Lord, Lord Baker, in 2015 the Government commissioned Alan Wood to review the role and functions of local safeguarding children boards. His report included the recommendation that *Keeping Children Safe in Education*—that is the statutory guidance for schools and colleges for safeguarding children—should be reviewed to ensure that it covers child protection and safeguarding issues in respect of unregistered school settings, independent schools and home education. Will the Minister say why in their response to that report the Government made no reference whatever to the recommendation in respect of home education?

Furthering the impression that home education is not an issue to which the Government attach any great urgency is the fact that despite David Cameron, when he was Prime Minister, calling for evidence on proposals for the registration and inspection of out-of-school education settings, the deadline for which passed more than a year ago, the Government still have not published the results of that consultation. Why has such an inordinate delay been allowed to occur? Surely the figures presented to the Minister today demand that these consultations are produced as quickly as possible.

I suggest that the Government are guilty of dithering on an issue that is of growing importance—an issue which my noble friend Lord Soley's Bill addresses in a meaningful manner. For the avoidance of doubt, we are supportive of elective home education and recognise that often it is a very effective means of developing children who do not respond well to a formal school setting. If those were the only children falling under the heading of elective home education, there would be no problem at all. However, for the reasons that many noble Lords have set out in this debate, that is far from being the case.

The UK is currently one of the least-regulated countries in terms of recording and inspecting home education, which is not a situation that, as legislators, we should regard as acceptable. As my noble friend Lady Morgan said, it is now up to the Minister to reflect, in his response, that this should not be seen as a partisan issue. It represents a serious gap in the protection provided to our children and that is a gap that must be filled. I look forward to working with my noble friend Lord Soley and noble Lords on all sides towards that aim as the Bill moves into Committee.

2.36 pm

The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con): My Lords, I congratulate the noble Lord, Lord Soley, on securing time for a Second Reading of his Private Member's Bill. In doing so, I recognise the strength of the concerns that have prompted him to bring the Bill before the House. It is, I think, common ground that there has been a significant increase in the past few years in the number of children being educated at home by their

[LORD AGNEW OF OULTON]
parents. It is also the case that the reasons for parents making this choice are more varied. This raises questions about the adequacy of the current arrangements for ensuring that these children receive a suitable education.

Parents have a clear legal right under Section 7 of the Education Act 1996 to educate their children otherwise than at school. For most of them, that means educating the child at home. With that, however, the certainty ends. Parents are under no obligation to register or inform the authorities of their choice; for their part, local authorities encounter difficulties in tracking children, although they have a duty to identify, so far as possible, children in their areas who may not be receiving a suitable education. Some local authorities operate voluntary registration schemes, but these will probably not include children of most concern. As a consequence, as the noble Lord, Lord Watson, mentioned, central collection of numbers of home-educated children in England is hampered.

If a child is not receiving a suitable full-time education, there is a process which leads to a school attendance order, but reaching a conclusion about suitability is not simple. We recognise that for many families who educate at home conscientiously, these issues are not a concern. We also know that home education as a concept has strong support among those who see it as a viable alternative to school attendance. For other families however, home education is potentially carried out through attendance at unregistered schools or out-of-school settings. The noble Lord, Lord Watson, and the noble Baroness, Lady Garden, understandably expressed concern about these children. We have been working with a range of stakeholders across the sector to strengthen our understanding of unregulated settings, which vary considerably in their characteristics. We shall in due course publish a response to our previous consultation on out-of-school settings.

Ofsted did not include in last year's report a figure for the number of children discovered in unregistered schools. Of the cases that Ofsted has investigated, nearly all settings have ceased to operate unlawfully. Ofsted is continuing to investigate a small number of these cases. The department has recently been pressed by many local authorities and local children's safeguarding boards to review the current arrangements for oversight of home education. My noble friend Lord Baker is correct that the Wood review of local children's safeguarding boards also urged that home education arrangements be reviewed. The initiative of the noble Lord, Lord Soley, in bringing forward this Bill gives us a welcome opportunity to consider our position again.

Those noble Lords who have spoken already have illustrated some of the concerns, and we are persuaded that the changing landscape of home education gives sufficient cause to look at the possibility of reform. One of the challenges of home education is the lack of hard information, especially quantitative information, about what is happening on the ground. The efforts of the Association of Directors of Children's Services in this area must be acknowledged, and I am glad that it has published the results of its latest survey, to which the noble Lord, Lord Watson, referred.

As the noble Lord, Lord Soley, said, the preliminary results of the latest survey suggest that the numbers of children educated at home vary considerably throughout the academic year. It also shows that most children educated at home have previously attended school; most local authorities reported that 80%, or often higher proportions of the total, had attended school at some point. Local authority staff are aware that a proportion of children now being educated at home have some form of additional need, a point made by the noble Lord, Lord Addington.

What is needed initially is a concerted effort to make the existing legal arrangements work better in the interests of parents, of local authorities and most of all the children themselves. We are all too aware that the department's current guidance dates back to 2007. That is because the law has not changed. However, the types of children moving in and out of home education have changed, as the noble Baroness, Lady Morris, pointed out. We have been talking to local authorities about this, and their view is that revised guidance would be helpful. In particular, there is a need to ensure that, where there is genuine cause for concern about a child, local authorities are clear about the powers open to them. Parents need to be clear about their rights and, importantly, their responsibilities.

The noble Baroness, Lady Deech, and my noble friend Lord Baker spoke eloquently about the importance of the voice of the child in home education. This is a point on which I wholeheartedly agree. The noble Lord, Lord Addington, has asked for more information on initial teacher training. I will respond to him in writing.

I note also the comments made by the noble Baroness, Lady Whitaker, regarding the Gypsy, Roma and Traveller communities. I am grateful that she has agreed to continue as chair of the department's stakeholder group for GRT education following its recent re-establishment. The department recently held a conference with local authorities about GRT education, on which she will receive a full report. Home education was raised as a concern during that conference. We want to ensure that the right balance is struck. As the noble Baroness, Lady Richardson, said, all parents, including those in GRT families, have a right to educate at home, but it is important for the sake of children that local authorities should be enabled to work effectively. Another activity that we have recently undertaken is to co-ordinate the sharing of good practice between local authorities with significant populations of GRT children.

I was interested to hear that my noble friend Lord Lucas agrees that the Bill, however well motivated, goes too far in proposing a system that would bring thousands of home-educating families into an unnecessary system of regulation. What is needed is an improvement in the way local authorities can go about their task, which is identifying children who may not be receiving a suitable education.

On the other hand, I appreciate very much the concerns that have led the noble Baronesses, Lady Cavendish and Lady Morgan, to support the Bill today. As already outlined, we also acknowledge that by no means all children being educated at home are

being educated well. Local authorities need to be able to act in such cases. We think they already have the tools for the job, but we want to hear the view of key participants in this debate. Accordingly, I can confirm to noble Lords today that we intend to publish a draft of revised guidance documents on elective home education for local authorities and for parents, and consult on them. It will be an opportunity for all stakeholders to put forward their views. We will carefully consider all responses and then publish the two guidance documents in their final form. I believe this will meet the point made by both the noble Lord, Lord Soley, and my noble friend Lord Lucas about the need for more research into this area. I hope it also answers the question from the noble Baroness, Lady Garden, about how the Government's thinking has moved on since January.

In closing, I want to say two things. The first is to thank the noble Lord for his work in bringing forward his Bill and allowing the House this opportunity to consider these important matters. Secondly, I reassure parents who educate children at home. We know many of them do this for positive reasons and they do it well. We want that to continue with a minimum of fuss and bureaucracy. However, it also appears increasingly likely that there are parents who are not doing this for positive reasons, may do it only because they see no alternative and would prefer not to be doing it for their children. It is time that we looked to their needs as well.

2.45 pm

Lord Soley: My Lords, I am very grateful to everyone who has spoken in the debate, and I can fairly confidently say that they all know far more about education in the round than I shall ever know. But I do know something about Parliament's ability to balance competing rights, and there are competing rights here between those of parents who want to home educate—which I strongly support, as I said earlier—and the rights of the child. Incidentally, in British law throughout the United Kingdom, the courts maintain that the child's rights must be primary. Getting the balance right is difficult, as several Members have said, but it is not impossible.

I welcome some of the concluding comments of the noble Lord, Lord Agnew, to which I shall return in a moment—I do not want to delay the House very long—but some provisions, particularly to deal with certain schools, exist in current legislation. If he is going to issue more guidance on that, I will read it with interest.

I was particularly pleased to hear the views of the noble Lord, Lord Baker, and my noble friend Lady Morris, both of whom have held the challenging position of Secretary of State for Education. I was very pleased to hear that they recognise not only the problem but the type of solution that I am trying to achieve, and support it. They are not the only previous Ministers who support it—of all parties. People across the political spectrum support it. That is very important.

I also noted the reference of the noble Lord, Lord Baker, to the letter from Sir Michael Wilshaw to Nicky Morgan, to which I did not refer but which I am aware of. That is a very important letter and deserves a read. My noble friend Lady Morris referred to the Badman report, to which, again, I did not refer, although I saw Mr Badman a few days ago, and that report bears further reading.

I will not go through everybody's comments, but generally speaking, everybody seemed to be in favour of a register of some type. I regard registration as the first line, as I think the noble Baroness, Lady Deech, said. The need for a register is profound, because once you have it, you can look at the detail of how we can help and what needs to be done in selected areas. That is very helpful.

To the noble Lord, Lord Lucas, I say, first, that I was not aware that the case in Wales had been referred to an authority—it may have been a medical authority, I do not know—but if he could have a word with me later, I would welcome being briefed on that. But the child still disappeared for a long period, not just a year or two; it was a number of years before it came to anyone's notice. More importantly, the noble Lord seemed to fear that something in my Bill implied punishment and investigation. It does not. There is no punishment here: there are no fines or imprisonment, or even a conditional discharge. That is for a couple of good reasons. First, it is not necessary or practical. Secondly, I have believed throughout my adult life that if you want to change human behaviour, rewards are far better than punishment. Punishment is necessary at times for community reasons and for the individual—notably in child-rearing situations—but rewards are more effective at changing behaviour than punishment. That is why, in general, we need to be careful before introducing punishment, and the Bill most certainly does not.

The other phrase that the noble Lord used which troubled me was "too much investigation". This is not about investigation. Yes, it will be in limited cases where it is recognised that something is going badly wrong, but in the vast majority of cases it is about helping. Those parents who I have indicated are doing it well might have one visit per annum, and that will be it. We ought to consider a provision whereby, after a number of years, you can say that you are doing it well, there are no problems, the child is happy and so you should get on with it. But there is a second, probably bigger group of parents who want to do it but are running into difficulties or having problems with special education. They need help and advice, and it may be something as simple as discovering that the child has a special ability in music, physics or biology, for example. It may be that the local authority can point them in the right direction or help them identify a funding source if they have specific skills in, say, music. So a range of help is available, and if the noble Lord, Lord Lucas, could look at this proposal as finding ways to help people, some of his anxieties about it might be reduced.

As I said, I am not worried about parents who do this well. It really does have to be light regulation—I have said that over and over again, and I cannot say it enough. It troubles me when people write to me who have gone to considerable lengths regarding their parental rights, but who never mention the rights of the child. The noble Lord, Lord Lucas, might want to consider

[LORD SOLEY]
that, as well. Children have rights, and I am trying to get that balance right. I hope that the Bill can go into Committee, where I shall lean very heavily on government and Members of this House to get this right.

A number of things the Minister said gave me some hope, although there were one or two cautious notes—he may be holding back too much on what the Government could do. Because of the problems of the minority, if we do not do something about this, it will jump up and hit the Government in the face badly. We all know there is a problem, and we have to find a way to deal with it without intruding on the rights of those who are doing well or may just need help. If he can work with me—and I would lean over backward to do so—we can get this right, and he can be proud to support legislation that improves the situation without imposing onerous regulatory procedures. I think that can be done, and I ask the House to give the Bill a Second Reading.

Bill read a second time and committed to a Committee of the Whole House.

Creditworthiness Assessment Bill [HL]

Second Reading

2.53 pm

Moved by ***Lord Bird***

That the Bill be now read a second time.

Lord Bird (CB): It is a great honour to be talking about poverty again in the House. Whenever I get to the House, I would love to jump up and say that we are not doing enough for the poor; we are not creating the escape ladders for people in poverty. If you look at the work that I have been doing over the last 26 years, it has nearly always been aimed at how we can dismantle poverty in the lives of the neediest. One escape route is obviously around education and housing and the opportunities that you get through work—but another thing, which is hidden, is how expensive it is to be poor. It is incredibly expensive. If you are poor, you pay more for your electricity, gas and credit. That is why this Bill is based on the work that the *Big Issue* has done over the last seven years, when we have been working with a credit agency called Experian. We have worked to find the records of 1.5 million social tenants and to look at ways we can reduce the cost of their credit and, we hope, move them incrementally towards democracy and justice. As we know, the poorer your life is, the less likely it is that you will be able to participate in democracy. Democracy is about choice and the poorer you are, the less choice you have.

The work that we have been doing with the Rental Exchange looks into the ways in which people's rent can be used when they go forward to get themselves a credit rating. Interestingly, if you are a mortgage holder, and if you pay your mortgage on time and do not miss it too often, you will automatically have a higher credit rating, because the credit agencies will look at you and say that you are a jolly good chap, woman, student or whoever. But you might have been living in social housing, or in another form of rented accommodation, for one year, five years, or 10 years. There are the boxes to be ticked at the bottom of the form saying, "Are you a tenant?" or "Are you a householder?" and, if you are a householder, that box is ticked. If you are a tenant, the paper is normally thrown away, not even considered, or you will be given a very low credit rating, because they do not take into account the fact that you are paying your rent. You could be an incredibly good tenant, paying regularly for many years—or you could be a lousy mortgage holder.

There is this injustice, and the Creditworthiness Assessment Bill is an attempt to change the way the credit agencies look at this social morass, this social gap, this representation almost of a class line that is drawn between those who are in luck and those who are not in luck—the people we want to address. The *Big Issue* has done this work and is proposing to carry on with it. I am proposing that we change the legislation so that the credit service providers have to take into account the fact that people have paid their rent. There are, however, a number of problems, because some people's credit score could go up, while others' could go down. We need to make sure that those people whose credit is poor and will stay poor, or even get worse, are helped. What happens now is that nobody's credit is taken into account if they are a renting tenant. We therefore do not know how we can put our arms around those people who need to be supported in credit and who do not have a credit record. These are some of the considerations that need to be made. We have to be very careful that we do not help only the low-hanging fruit, so to speak. We need to also socialise and engage with those people in need of support.

The other thing about having a credit record is that it means you also have a digital identity, which means that you exist. There are so many occasions in this world, and they will increase, where people do not have a digital profile. Without a digital profile, the real problem is that not only will you not be able to get credit, but there will be all sorts of other knock-on effects. The poorest among us often do not have a digital profile, and we need to address that as well.

I will not go on, because there are some very good speakers following me who can do all the numbers and so on. I am very pleased that we have a tidy little bunch of people. The Government have in some ways gone towards some of the things that we need to do. In the Budget the other day, there was a suggestion that there will be a £2 million competition to support fintech firms—which I think means finance technology firms—to look at a financial or technological solution to collecting this data. I should like to think that this is not a torpedo but an attempt to carefully negotiate our way through the body of knowledge that the *Big Issue*, Experian and others have built up, bearing in mind that we do not want to leave people behind. One of the worst problems with having a bad credit record is, if you are buried in it, that it closes down the whole of your life and stops you living. We need to address that. I beg to move.

3 pm

Baroness Thornton (Lab): My Lords, I am aware that this Bill, conceived by the *Big Issue* and the noble Lord, Lord Bird, has been a long time in gestation,

and I congratulate the noble Lord on bringing it to the House. As we all know, it is an important rite of passage for a noble Lord to introduce their own Private Member's Bill, and I identify with the passion, ownership and protectiveness that come with it. In this case, I share them with the noble Lord and am very keen to offer my support to his timely and important piece of legislation.

I share the noble Lord's motivation behind the Bill, which is to address the shoddy deal that people who rent, people on low incomes, those trying to turn their lives around and possibly the homeless get from our banks, credit agencies, loan sharks and businesses such as BrightHouse. As the noble Lord said, the ones who can least afford it are being ripped off.

It is no surprise to me that BrightHouse was ordered to repay £14.8 million to a quarter of a million of its customers after the Financial Conduct Authority found that it had not been a "responsible lender". The regulator said that in many cases BrightHouse had not properly assessed its customers' ability to repay and they would now be compensated. Indeed, I am very pleased that there are alternatives to BrightHouse, with fair and ethical lenders such as Fair for You, a not-for-profit credit provider. There are not enough of them and they are not as able as BrightHouse to market themselves.

I declare an interest as a senior fellow of the Young Foundation, which carried out research a year or so ago into the experience of those on low incomes with high-cost credit. Its report pointed out that access to credit is an important part of 21st-century living, as the noble Lord said, with many people relying on it to purchase everything from a new home to a mobile phone.

For some people, credit is also an important element in simply managing their day-to-day living. It can help people to deal with economic shocks, manage the consequences of an irregular income and spread the cost of high-price items. However, access to affordable credit can be a major challenge for many households, typically classified as "sub-prime", who then turn to higher-cost options such as home credit, payday loans, rent-to-own, and pawnbrokers. Some lenders estimate that 12 million people in the UK are using the alternative, high-cost credit market because they lack access to mainstream credit. So the noble Lord is quite right to point out that there is a gross inequality in our society when it comes to access to the credit that everybody needs.

Following its research, the Young Foundation is next week launching an online campaign to raise awareness about making rent count—if anybody cares to look for it, it can be found on #rentcounts—and about how it costs more to be poor. It is doing this in partnership with the *Big Issue* and in support of the Bill.

The fact is that millions of people are excluded from affordable credit because they do not have a credit history. The financially excluded are in a Catch-22 situation. Without a credit score, applicants are declined by mainstream providers and considered riskier customers, but the only way to build a credit score is to have a form of credit, such as a mortgage or credit card, in the first place. Most people on low incomes manage their limited money very carefully, yet banks, utility companies and other retailers can discriminate against them, and indeed they do so. An estimated 2 million people, many of whom are social housing tenants, take out high-cost loans because they cannot access more affordable credit. That is unjust. As the noble Lord pointed out, it is a division in our society.

Individual credit providers—mortgage lenders, for example—are already able to use information such as rental history if it is available. The intention of the noble Lord's Bill is to ensure that a customer's rental and council tax payment histories are explicitly taken into account as part of this process, by giving the FCA the power to make a new rule to this effect. As the noble Lord said, the *Big Issue* has been working with the consumer credit reporting agency Experian to develop the Rental Exchange. That is an important project, which I accept has led to the Bill coming to this House. It has shown two things. The first is that the project is too complex and not well-known enough to be used as you would want it to be used. Secondly, it shows that market solutions are not necessarily the answer; it shows that one of the answers to the problems of credit rating and creditworthiness is a regulatory one.

I was pleased to receive a briefing from the RLA suggesting that, according to a survey of 3,000 of its members, 60% of landlords are in favour of the proposal. It says that the proposal is good both for landlords and for tenants. I agree and I thank the RLA for its briefing.

It seems to me that this is a good idea. The Government have indicated at certain times that they recognise that it is right to take account of the payment of rent to assess creditworthiness. As the noble Lord, Lord Bird, said, the Bill is about equity and fairness. Why should people who manage their money and pay their rent not have their diligence recognised in their credit rating? This is discrimination against renters and people on low income, so I hope that the Government will back the intention and the idea that is contained in this excellent proposal.

3.06 pm

Baroness Grender (LD): You have paid your rent all your life, in full, on time. You go online to buy a washing machine. You fill in your credit details. Because you are renting in social housing, that washing machine will cost you somewhere between £300 and almost £1,000 more than it would cost someone with a mortgage. How on earth can that be fair—the poorest paying the most?

That is why I am absolutely delighted, on behalf of the Liberal Democrats, to support the excellent Creditworthiness Assessment Bill of the noble Lord, Lord Bird. Social mobility and fairness were close to our hearts during the coalition Government. Some battles on that we clearly lost, but one of our biggest wins, in my view, was raising the tax threshold so that today those on the lowest incomes pay over £1,000 less tax—something that David Cameron clearly said in 2010 that he would not deliver.

Indeed, this Bill overlaps with some of the key themes in our recent manifesto, where we pledged to implement the recommendations of the Lords Committee

[Baroness Grender]

on Financial Exclusion, which highlighted the need to address lack of access to bank accounts and low levels of savings, proposed making financial inclusion a statutory objective of the FCA and called for financial literacy to be incorporated into a curriculum for life in state-funded schools in England. Fairness for those who rent was the reason for my Renters' Rights Bill last year, which focused in particular on banning tenancy fees. I am delighted that this is now a Government Bill and look forward to welcoming it in this place.

By 2021, nearly one in four people will be renters, a quarter of whom will be families with children. More than 4.3 million will be social tenants. The majority of those social housing tenants—78%—pay their rent on time, but an estimated 2 million of those mostly social tenants take out high-cost loans and are trapped in what is called the poverty premium, paying an additional £1,300 on average for the basics, such as energy, phones, white goods and furniture. Those same tenants who pay their rent—78%—are often managing bills, juggling finances and paying a far higher proportion on their housing than many who are owner-occupiers, especially in London. Imagine if all the rent that they had paid was looked on as an equity. It would be a different situation altogether when they applied for credit. As the report by the House of Lords Financial Exclusion Committee put it,

"a sizeable number of UK citizens lack access to even the most basic financial services, while still more are forced to rely on high-cost and sub-optimal products which can prove damaging to their long-term financial health. The 'poverty premium', whereby the poor pay more, serves to exacerbate the effects of financial exclusion, reinforcing a vicious circle".

So how can we ensure greater fairness for these tenants? Big Issue Invest's Rental Exchange is a good example of how the Bill can work. Since my days at the charity Shelter, the *Big Issue*, under the leadership of the noble Lord, Lord Bird, has been recognised as a great force for social change. Its Rental Exchange scheme with Experian is no exception. Since launching in 2010, more than 1.5 million tenants across the UK have been represented by the scheme, with an option to opt out so far taken up by only 1% of tenants. It has been a great success. By using rent data, this brilliant project has transformed credit freedoms. In more than 80% of cases, tenants gain an improved credit score when their rent data is shared, and the evidence also shows a jump from 39% to 84% in their digital identity where rent data is included in credit files.

Anyone who has worked with or met people who are homeless is familiar with the vicious circle. You do not have an address, so you cannot get work. Nowadays, as the noble Lord, Lord Bird, described, if you do not have a digital address or digital credit rating, the same issue and problem applies. But these tenants deserve to be part of the mainstream of consumers in the UK. As the Financial Inclusion Commission report published in September said,

"lower cost lenders could be willing to lower their income thresholds for loans if they had access to additional information on household income and earnings. Lowering the threshold from £15,000 to £12,000 per annum could make an additional 4.8m consumers more attractive to mainstream and lower cost lenders".

That is the 4.8 million consumers who currently struggle to access normal levels of credit for no logical reason.

As the report of the House of Lords Committee on Financial Exclusion put it,

"We recommend that the Government provide all necessary assistance, including legislation where needed, to further combat financial exclusion caused or exacerbated by high-cost credit".

The Bill does just that.

Finally, I have some words of comfort for the noble Lord, Lord Bird, whatever the Minister now says. A year ago, I stood on this very spot and asked that lettings agency fees be banned for tenants. The arguments by the Minister against were lengthy, but no great surprise—that it would impose significant operational costs. I am sure that we will hear that argument today. We might even indulge ourselves on this Friday afternoon in a bit of ministerial answer bingo. The Minister might suggest that "a market solution is best", which is another one to expect or that "transparency already covers this area" and that "the empowered consumer is already there". All those arguments were deployed against my Bill only a year ago, but they were all arguments that the Government sensibly changed their mind on. I hope, for the sake of those tenants whom we have talked about today, who deserve nothing short of fairness and a level playing field, that once again, the Government will see sense, change their mind and adopt this Bill in full.

3.14 pm

Baroness Wilcox (Con): My Lords, I am grateful to be allowed to speak in the gap because it gives me an opportunity to say that I am now back in the consumer world, having just taken on once again the presidency of the National Consumer Federation. Some 10 years on, I am listening to very similar things.

It has been marvellous to see the noble Lord, Lord Bird, stand up and speak in words that he would say are not very clear or clever, or that no one knows quite what he is talking about, but we all do know what it is that the noble Lord speaks for. The noble Baronesses, Lady Thornton and Lady Grender, have also spoken in the debate. They do not sit on my side of the table, but I have great respect for both of them because they know what they are talking about and we have been there before.

What I am happy about is the fact that we can get people to talk about their debt issues in public. We never got to the position of the French and Germans where you could borrow money only if you actually had money—the only way to get money was to go into the black market. One thing that we have managed to do, in all the various ways this country has been run, is to allow people to stand up and say, "I am in trouble".

I like to think that my noble friend Lord Bates, whom I have known for a fair time, will give us a very good answer. Having listened to the debate, after all these years it seems to me that it is the same story: those who can will get it and those who cannot do not. It is important that people in difficulties must be seen so that we can get to them in order to help. I hope that the Minister will do that today.

3.16 pm

Lord Davies of Oldham (Lab): My Lords, I too congratulate the noble Lord, Lord Bird, on his Bill and on his speech introducing it. Of course he has

great experience of people who have difficulty coping with debt. We all know that an unacceptably large percentage of our population are daily facing challenges which can often be quite extreme. I suppose that the Government and the Prime Minister would say that they fall into the category a little below those who are referred to as "just about managing". The worry is how large those two groups are. My belief is that they will come to haunt the Government as they seek to cope with the declining economy.

The problem has been identified clearly by the noble Lord, Lord Bird, and other speakers in the debate, who have reflected a strong consensus in favour of the Bill: society stacks the cards against poor people. An anxiety that we have expressed for many years now and which still leads to terrible deficiencies in our society is the absence of any real financial understanding of how household budgets should be handled. I know that attempts have been made in recent years to increase the provision of financial education, and under considerable pressure some progress has been made, but it is still easy to meet people who have no concept at all of some of the most basic aspects of household finance. That is why this problem is so acute. More than 1 million of our people do not have a bank account, which is indicative of the limitations they face.

Of course, as has been described on both sides of the House, the more limited your financial health, the more costly it becomes to tide over in difficult circumstances when debts are incurred. Credit companies inevitably favour safe investments and discount heavily against those with limited assets. We recognise this because it is an aspect of the market, and indeed we may hear a little more about the operation of the market before the debate concludes. However, there are very good reasons why those with limited resources should be anxious about market forces because they can be cruelly affected by how they work.

We know about those forces in relation to housing costs, and we know also that one of the fundamental problems in our society at present is the generational difference between those who were able to purchase their homes at prices within their means, given that their mortgages took up only a limited amount of their wages, and the situation today. Now, the decline in the economy and the extraordinary increase in house prices—attached to the wage freezes and impoverishment of our people—means that, for the generation coming on stream now, the issue has become a crisis.

The Government may be making some moves. In the Budget, we had indications that at least the housing crisis will be addressed, but we all know that the Budget projections on how the housing need will be met mean that it will be a decade or so before we start to see any real substantial matching of supply to demand. Housing costs, which after all relate to the question of having a roof over one's head, will continue to burden so much of our population.

Last evening, when I was thinking about the Bill and about indicating my complete support for it, as well as that of my party both here and in the other place—my party has expressed strong commendation of the Bill—I thought I would be addressing a House with a substantial consensus of opinion. However, Governments are always good at busting consensus if it does not meet their particular rubric. As a result of communications received by the noble Lord, Lord Bird, only a day or so ago, I know that the Minister must indicate today that the Government do not think that the Bill is the appropriate solution to the problem. For the Government to change the terms of the debate 48 hours or so before we are due to debate the Bill is pretty poor conduct on their part. I excuse both noble Lords opposite—they have both been in the Commons and therefore seen, from time to time, exercises of which no one could approve. I have no doubt that neither of them was involved in this exercise, but I ask the Minister to pay due regard to what we on this side of the House regard as a somewhat unfair operation on a Private Member's Bill at such a late stage.

I have no doubt that the Minister will say that is because the Government have a better idea and that the better idea is market orientated. Of course, in certain philosophies, of which the Conservative Party is the clearest exponent, just to use the word "market" means commendation immediately. I am not sure that the Government are bent upon improving the Bill, but they are bent upon trying to take credit for the enormously successful campaign of the noble Lord, Lord Bird, which, through the *Big Issue* and his experience he has operated over a considerable period of time. I think the Government are seeking to snatch a modicum of credit for the fact that they are responding to this development of public pressure. I have no doubt that they will get away with it; after all, they have a majority in the House of Commons, I am told, although it seems to have a certain process of erosion attached to it. Today, on the basis of a very limited mandate, the Government are setting out to indicate that they intend to stop this Bill in its tracks, because although the Minister will persist with his usual commitment and present the opportunity for future arguments, I have no doubt that the Government will be working toward their own agenda, which does not include the passage of this Bill.

I am sorry to have brought a slightly discordant note to proceedings, but it is on the basis of what I think is one of the latest incursions upon a Private Member's Bill. Remember that we as parliamentarians value Private Members' time and the ability to get Bills through. They should not be wrecked by the Government unless there is a very good cause. The cause in this case seems not to be an improved position over the Bill but the Government seeking to take credit when in fact credit is due to the noble Lord, Lord Bird, and all those people who have supported him throughout the whole of this campaign.

3.24 pm

The Minister of State, Department for International Development (Lord Bates) (Con): I am sorry to rise on such a discordant note from the noble Lord. I have a slight memory of being a Back-Bencher in this place on the Opposition Benches when there was a certain very distinguished Deputy Chief Whip by the name of Lord Davies of Oldham. He knew how to deal with Private Members' legislation when it did not quite fit with the Government's approach at the time. I assure the noble Lord that that is not the approach we are taking towards the Bill. The announcement, which I

[LORD BATES]

will come to shortly, was not rushed out 48 hours before. It happened to be part of a Budget Statement that had as its main theme helping people into the housing market, which is at the heart of what the noble Lord, Lord Bird, said.

I have to place an interest on the record. The noble Lord, Lord Bird, was a hero of mine long before he arrived in this place. He has done more to help the poor of this country than virtually anybody else I know. It is fantastic that he is here and it is wonderful that he continues to be an advocate—a voice for the voiceless—in our society.

The Creditworthiness Assessment Bill is about Britain's rental tenants having restrictions placed on them in the availability of credit. They are fortunate indeed to have such a powerful champion in the House of Lords as the noble Lord. The issue at hand concerns the ability of lenders and credit reference agencies to accurately assess the creditworthiness of prospective borrowers. Currently, a history of meeting rent payments is not routinely recognised in people's credit scores and is not commonly taken into account when banks conduct mortgage affordability assessments. For those without a long history of borrowing on a credit card, this raises the cost of borrowing. The noble Baroness, Lady Grender, articulated that point. This leads to a state of affairs where the poorest pay the most, as the noble Baroness, Lady Thornton, mentioned in her remarks. This problem is commonly described as the "poverty premium". Those words were used in the debate. It also creates a significant barrier to getting on to the housing ladder because it raises the costs of getting a mortgage.

I recognise that banks must take into account other factors when assessing mortgage applications, including the multiple additional costs that come with home ownership. None the less, rental payments are usually an individual's largest monthly outgoings and are therefore a significant indicator of one's creditworthiness. For this reason—I underscore this sentence—it is right that a history of successfully paying rent should be recorded and recognised.

In addition to the noble Lord's Bill, my colleague Paul Scully in the House of Commons brought a petition by 147,000 people who wanted their rental payments considered in their mortgage application. Their views are echoed by many hundreds of letters sent to Members of the House of Commons and received by the Treasury each month. This is clearly an idea whose time has come.

The Bill states that all firms carrying on credit-related regulated activities, including mortgage lending and providing credit scores, should be required to,

"take into account rental payment history and council tax payment history when assessing a borrower's creditworthiness".

I share the Bill's objectives. We have a clear unity of purpose in seeking to help rental tenants get a fair assessment when they use financial services. Our concerns are ones only of means, not ends.

I am trying at this point not to get drawn into rehearsals of speeches that may have been given in the letting fees abolition efforts of the noble Baroness, Lady Grender, but I believe that the solution to this issue should avoid imposing further regulatory requirements on lenders, landlords or credit reference agencies. Additional regulatory requirements could generate a significant burden for these businesses. For example, given that mortgage lenders currently lack easy access to rent payment data, this approach would force them to go out and acquire it before making each new loan, which represents a significant logistical and technological challenge. This would not be in keeping with our aim to make Britain the best place in the world to do business.

Furthermore, anything that places a burden on lenders could negatively impact the availability of credit in the future: if we make it harder for lenders to offer mortgages to rental tenants, they may decide to offer fewer of them. That would of course be counterproductive to the objectives of the Bill. At minimum, additional operation costs would be likely to be passed on to consumers in the form of higher prices. Both those outcomes would be counterproductive, in our view. My noble friend Lady Wilcox has been a formidable champion of consumer rights over many years, and it was wonderful to have her contribution.

We share a common ambition in seeking to help as many hard-working families as possible get access to credit, ensuring that tenants get due recognition for a history of meeting rent payments on time, but we must endeavour to find a market-based solution rather than a top-down imposition—a solution that works for both consumers and businesses. That is why I am pleased to inform the House that, in the Autumn Budget Statement, the Government announced the rent recognition challenge, a £2 million competition, open to all, challenging the UK's world-leading technological firms to develop new applications to enable rental tenants to record and collect their own rental payment data and share it with lenders in mortgage affordability assessments and credit scores. Furthermore, these apps could be used in a revolutionary new way, given that open banking technology comes into force in January 2018.

When a tenant pays rent out of their current account, this transaction is encrypted and secured, meaning banks have no easy way of accessing or verifying the information. However, with open banking, individuals will be able to use innovative new solutions to share this current account data through secure channels in a way that they were unable to do previously. Creating this competition allows the Government to serve not as a disrupter of the free function of markets but rather as a catalyst; to promote action, drive innovation, and harness the ingenuity of the private sector. Rather than placing the burden on businesses, this approach aims to empower consumers by giving them the necessary tools to collect, control and share their own data. The challenge will open to applications in January 2018: I encourage all firms with an interest in this important policy area to apply.

The noble Lord, Lord Bird, in his excellent introduction to this debate, asked how it benefits social housing tenants. The challenge is designed to produce solutions applicable to both the social and private rented sectors. We also support the rental exchange scheme, which does important and effective work. The noble Baroness, Lady Thornton, asked about the cost of credit. It is

too high for people on low incomes. The Financial Conduct Authority proposes to clarify that firms should consider not just whether a consumer can repay, but whether they can pay without causing financial distress.

The Government's introduction of a cap on the cost of payday loans was widely welcomed. We have introduced the concept of fee-free banking for many families, to encourage them to have a digital presence and therefore increase their ability to access credit. A key part of that is to ensure that we have people in work and, through measures such as the national minimum wage, to ensure that they can afford it. The noble Baroness, Lady Grender, mentioned raising the tax threshold, which has made a significant difference, taking 4 million people out of paying tax altogether.

I thank all Members who participated in the debate and particularly the noble Lord, Lord Bird, for bringing the matter to the House's attention. I also thank him for the work that he, the *Big Issue* and Experian have done over a period of seven years in this role. I encourage them to recognise that their efforts are not in vain. They are making progress and this issue is being raised up the agenda, a fact which was recognised in the announcement that my right honourable friends the Chancellor and the Economic Secretary made in relation to the Budget.

In the aftermath of the damage incurred by the global financial crisis, reforming the financial services sector to work better for consumers has long been among the Government's top priorities. The rent recognition challenge is the next step in this effort. Creating new and innovative solutions to allow tenants to record and share their rental history would make the credit assessment process fairer, provide a helping hand to aspiring home owners and help to build a better Britain for rental tenants, which is the end that we all seek.

3.36 pm

Lord Bird: I thank your Lordships very much for that interesting discussion about what we all agree is an irregularity that happens when you live in poverty. It is one of the many irregularities there. What I found quite interesting about the Minister's response is that when it comes to a market-based solution, which the Conservative Government would obviously love to promote, there is a bar on operating in the market healthily. People say, "I have a mortgage, therefore I am much more reliable and bankable than if I am a tenant who pays rent". What is so interesting is that there are probably millions of such people who the lenders would love to lend to, but they do not have the information. They do not have the key to the door. If it was a true market-based solution, it would be a matter of turning to tenants and saying, "Show us how reliable you are by showing us the data you've collected over the years by paying your rent".

The Bill opens up the possibility of enfranchising a whole group of people who are disfranchised now. Fintech goes towards the idea that you can gather your own data and share it with a third party, which may or may not choose to lend you the money. There are ways towards a solution and the fintech will come along, irrespective of whether we see it in, but there is this entrenched idea. The work of the *Big Issue* has proved that the evidence is there that millions of people are being disfranchised, and that it is affecting the health of the market. If we really want to find a market-based solution let us look at a true one that includes those people, who are not able to participate in the market.

The Bill is also a bit broader in its base; it is not exclusively about people getting mortgages. I think there was a kind of wrong-footing—not intentional, because I trust the Government to be noble in all things—that we are talking about mortgaging and housing. We are actually talking about, for instance, people moving into social housing. When you go into the apartment, what have you got? You might have a gas oven or an electric oven, but where are the white goods? You move in, you are on universal credit and you have to wait until you can buy the goods that enable you to feed your family. What happens? You then have to turn to BrightHouse. You have to turn to BrightHouse because you are desperate to feed your children and therefore you have to go to a very narrow sector of the credit market, and that sector knows that you are hoist by your own petard when it comes to your poverty and it is going to charge you through the nose. That is a disreputable thing masquerading as a part of democracy. You take it or leave it. We need to recognise that somebody's credit score should begin to liberate them and enable them to begin the process of their own reconstruction. It is about people reconstructing themselves, irrespective of how hard and tirelessly we work to extend the franchise that we need to extend around credit.

I thank noble Lords for taking part in this debate, which I enjoyed very much. I very much enjoyed the comments made by the noble Lord, Lord Davies. I can see he is not a pusillanimous man. He upped the game. I enjoyed the contributions of the noble Baronesses, Lady Thornton, Lady Grender and—unfortunately I did not get her name.

Lord Taylor of Holbeach (Con): Lady Wilcox.

Lord Bird: God bless you. I am only a new boy. When, or if, we get this Bill through the House, it will benefit all political persuasions in the House because we will all be able to do our job around poverty a little better, but we will also have to make sure that in the detail, where we know the devil is, we do an awful lot of work for people who are left out and whose credit is damaged.

I was out last night talking to some homeless people. A big problem is that they have no credit references. One of them, a young woman, had been driven out because of problems around credit and her ability to respond to it. When you see those things, you know that we have an emergency on our hands and we need to do something very desperate. One of the ways we can do that is by helping people with their credit while making sure that people who are not the low-hanging fruit do not get left behind. We have to ensure that there are all the safeguards so that people can opt out and not be punished in the process. I thank all noble Lords.

Bill read a second time and committed to a Committee of the Whole House.

House adjourned at 3.43 pm.