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HOUSE OF LORDS

OFFICIAL REPORT

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

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House of Lords

Monday 16 April 2018

2.30 pm

Prayers—read by the Lord Bishop of Coventry.

Death of a Member: Baroness Farrington of Ribbleton

Announcement

2.37 pm

The Lord Speaker (Lord Fowler): My Lords, I regret to inform the House of the death of the noble Baroness, Lady Farrington of Ribbleton, on 30 March. On behalf of the House, I extend our condolences to the noble Baroness's family and her friends.

Retirement of a Member: Lord Renwick of Clifton

Announcement

2.37 pm

The Lord Speaker (Lord Fowler): My Lords, I should also like to notify the House of the retirement, with effect from 31 March, of the noble Lord, Lord Renwick of Clifton, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I thank the noble Lord for his much valued service to the House.

India: Right of Self-determination

Question

2.38 pm

Asked by Lord Ahmed

To ask Her Majesty's Government whether they intend to encourage the government of India to withdraw its formal reservations against the right of self-determination so that conflicts in Indian-controlled Kashmir, Punjab and other territories in the north east of the Indian sub-continent can move towards a peaceful resolution in a democratic manner, underpinned by international law.

Baroness Stedman-Scott (Con): We have no plans to make representation to the Indian Government regarding the declaration India made in 1979 on the right of self-determination when ratifying the International Covenant on Civil and Political Rights. It is not for the UK to prescribe a solution or to act as a mediator on these territories. On Kashmir, it is for India and Pakistan to find a lasting political resolution, taking into account the wishes of the Kashmiri people.

Lord Ahmed (Non-Affl): I thank the Minister for her reply. Given the British experience in Northern Ireland, how can Her Majesty's Government help to bring a peaceful end to the conflicts in these regions and bring to justice the perpetrators of human rights abuses in Kashmir, including those who gang raped and murdered eight year-old Asifa Bano—there are many thousands of others like her—and the perpetrators of the genocide of Sikhs in 1984? Would Her Majesty's Government

support a free, fair and impartial plebiscite, in accordance with UN resolutions of 1948 and 1949, and a referendum for Khalistan?

Baroness Stedman-Scott: We acknowledge the strength of feeling in Sikh communities regarding the events of 1984. The question of an investigation is a matter for the Government of India and India's judicial authorities. As I said, we believe it is for India and Pakistan to find a lasting political resolution and we encourage both sides to maintain positive dialogue and good relations, but the pace of progress must be for them to determine. On the rape that the noble Lord mentioned, these cases are nothing short of horrific. I, and, I am sure, your Lordships' House, extend our condolences to the families of the victims. Prime Minister Modi has been clear that justice will be done.

Lord Singh of Wimbledon (CB): My Lords, at India's independence, there was a transfer of power Act which said that India should be divided in the manner of the United States, with a lot of devolution. Unfortunately, the central Government have ever since tried to seize ever more power. India is a vast country of many religions, cultures and races; it is not working. Would it not be helpful if the British Government urged India again to look at some element of devolution? Another aspect is the abuse of human rights in different parts of the country. The Commonwealth conference is an excellent opportunity to look at human rights throughout the Commonwealth and to have a common standard. Does the Minister agree?

Baroness Stedman-Scott: On the first part of the noble Lord's question, in relation to our country trying to bring about some progress—and at the risk of repeating myself and frustrating noble Lords—we believe that the momentum for this must come from the Indian and Pakistani communities. On human rights, India has a strong democratic framework which guarantees human rights, but we acknowledge that it faces numerous challenges relating to its size and development when it comes to enforcing fundamental rights enshrined in its constitution and wider law.

Lord Dholakia (LD): My Lords, this is the most unhelpful suggestion ever to come from the noble Lord, Lord Ahmed. How is it likely to help Pakistan? If withdrawal of the formal reservation against the right of self-determination by the regions of Balochistan, Punjab and Sindh in Pakistan is taken to its logical conclusion, it will make the country almost ungovernable. Does the Minister agree that, on the fringe of CHOGM, both India and Pakistan have the opportunity to move towards a peaceful dialogue without interference from other countries and from the terrorist elements that operate to destabilise this process?

Baroness Stedman-Scott: The noble Lord makes a very good point. CHOGM presents all countries attending with the opportunity to have dialogue. We hope that will happen.

Lord Collins of Highbury (Lab): My Lords, I know that the principles of human rights will be a feature of this week's CHOGM meeting. One way of guaranteeing

[LORD COLLINS OF HIGHBURY]

human rights is to ensure freedom of expression and, certainly, freedom of religious belief. What are the Government doing to ensure that we raise with the Indian and Pakistani Governments the need to adhere to those fundamental human rights if progress is to be made?

Baroness Stedman-Scott: The British high commission in New Delhi discusses human rights issues with institutions such as the Indian National Commission for Minorities and state Governments and will continue to do so. India has a strong democratic framework which guarantees human rights and it faces challenges. I have no doubt that people will do all they can to ensure that the subject is not forgotten and is worked on to achieve the best possible outcome for the people it affects.

Terrorism: Public Alert Technology *Question*

2.44 pm

Asked by **Lord Harris of Haringey**

To ask Her Majesty's Government when they will authorise the use of public alert technology for mobile phone systems for use by the police and emergency services in the event of a terrorist incident.

Lord Young of Cookham (Con): My Lords, the Cabinet Office has been requested to provide Ministers with advice from the police and other emergency services about the scenarios where a national alerting scheme could improve public protection. An initial analysis of what a scheme might look like and what delivering a scheme might entail is scheduled for May 2018.

Lord Harris of Haringey (Lab): My Lords, I am grateful to the Minister for that reply, if somewhat bemused by it. Three trials were organised by the Cabinet Office and conducted in 2013, which is nearly five years ago. There was then a report from the Cabinet Office saying that the trials had been extremely successful, and it made a series of recommendations. Why is it taking so long to implement a scheme that could save lives by alerting people to an emergency and to the advice of the emergency services?

Lord Young of Cookham: I begin by commending the noble Lord on the report he did for the Mayor of London, which had a number of recommendations—127—on how better to deal with terrorism, of which this was one. I reassure the noble Lord that the Cabinet Office is taking this seriously; I had a meeting with officials this morning at which I set out a timetable for the next phase in this approach. I agree with him that there is a real potential to reduce harm to people and mitigate damage to property if we make progress with a national alerting scheme, but there are some real

issues—technical, political and administrative—that need to be addressed before we can make progress with the scheme.

Lord Hamilton of Epsom (Con): Does my noble friend accept that when there were attacks on London transport, what the police actually did was to switch everybody's mobiles off in case they were used to trigger another device? Does that not bring into question how useful it would be to put this alert out on mobiles which might, at that stage, be switched off?

Lord Young of Cookham: Any progress will of course be made after consultation with the police, but my understanding is that that problem can be overcome. Basically, what we are looking at is the reverse of a 999 scheme: instead of the citizen telephoning the emergency services and asking for help, the emergency services contact the citizen and give the citizen advice. There is real potential to avoid damage to individuals and to property if the scheme is worked up, but there are some issues that need to be addressed before we can make progress with a trial.

Baroness Harris of Richmond (LD): My Lords, can the Minister tell us what network providers have been contacted about this and whether they have agreed to carry out this system?

Lord Young of Cookham: The noble Baroness is quite right that this would need the co-operation of the communication providers and, indeed, Ofcom. My understanding is that after initial discussions they are willing to take part in such a service: that is not one of the obstacles we envisage in our way.

Lord Berkeley (Lab): My Lords, the Minister has not answered my noble friend's first question: why has it taken five years to get not very far and when is it going to be complete?

Lord Young of Cookham: The noble Lord is quite right that some work was done a few years ago—I think in 2014—but at that stage it was decided not to make progress. Progress was reignited by the report done by the noble Lord, Lord Harris of Haringey, and the correspondence with the Mayor's Office and the Cabinet Office. As a result of that, progress is now being made. I accept what the noble Lord has said about a possible delay. We think the scheme has potential and we are working it up.

Baroness Jones of Moulsecoomb (GP): My Lords, did the Minister's meeting this morning have anything to do with the fact that the Question of the noble Lord, Lord Harris, was coming up this afternoon?

Lord Young of Cookham: The meeting I had this morning was precisely because the noble Lord, Lord Harris, had a Question, which he put to me. However, the work was in hand and if the noble Baroness looks at the progress report—which I think came out last October, following the noble Lord's report—it said:

“Engagement is continuing between City Hall, the Cabinet Office and other partners on this work. MOPAC”—which is the Mayor’s Office for Policing and Crime—“will continue to work with central government to make the case for a trial in London of the technology suggested in Lord Harris’ review”.

So it is not the case that nothing was happening before the noble Lord tabled his Question.

Baroness Smith of Basildon (Lab): But, my Lords, I think it is almost a lack of progress report rather than a progress report. I am greatly encouraged that my noble friend Lord Harris put this on the table today; otherwise, the Minister might not have had the meeting at the Cabinet Office this morning. I put it to him that other countries seem to have resolved these issues: the US in 2012, and Australia has had a similar system since 2009, as, indeed, has the Netherlands. I ask him to reflect that this is about alerting people not just to terrorist incidents, but to the lack of an incident. He will recall two incidents last year when there were stampedes at Oxford Street station because misinformation went out. The sooner such information can get to people as quickly as possible, the sooner we can stop disinformation and the kind of injuries we saw in those two incidents. So I urge that we have a progress report as soon as possible, rather than a lack of progress report.

Lord Young of Cookham: I hope I was able to reassure noble Lords that progress is now being made. I accept the implied criticism that we could have got here a little sooner. There is the potential, as the noble Baroness has just said, to avoid the sorts of incidents that she mentioned. There is also an opportunity to use technology in a way that it is not used in other countries at the moment, I think, which is why we are looking at a slightly different scheme; for example, in the case of the attempted murder in Salisbury, with a modern system it would have been possible to identify anyone with a mobile phone who had been in an area of contamination at the relevant time and send them a specific message. This is new technology and we want to make sure that if we go ahead, we use all the benefits that modern IT provides.

Lord Watts (Lab): My Lords, can the Minister say what political issues are delaying the introduction of this technology?

Lord Young of Cookham: Well, there is the issue of whether somebody should have the right to send a message to somebody on their mobile phone—whether or not they want to receive it. There are those sorts of issues.

Noble Lords: Oh!

Lord Young of Cookham: Well, some people may not want to get a message. There are other issues about who would be in control of the system: the police or the other emergency services? There are some technical and administrative issues that need to be addressed.

Lord Craig of Radley (CB): Following up the particular point about data of the individual, bearing in mind the recent arrangements over personal data protection, will it be essential that individuals agree that they may be approached by this reverse 999 system?

Lord Young of Cookham: No, the system the Government are looking at is not one you would have to opt in to, as with many of the existing systems. You would get messages automatically, which is why I think it raises some of the issues touched on in the previous answer.

Lord Tomlinson (Lab): Does the Minister agree that the problems he has outlined are very large compared with the technological problems associated with introducing identity cards? Will he come forward with at least the same enthusiasm on identity cards in the future?

Lord Young of Cookham: I hate to disappoint the noble Lord but the introduction of ID cards is not on the Government’s agenda at the moment, nor do I think it will be in the near future.

Lord West of Spithead (Lab): My Lords, what advice does the Civil Contingencies Secretariat now give to households in case of emergencies? Until about 10 years ago quite detailed advice was given. Has this been updated recently and what provisions, et cetera, should households have in place should there be a crisis, particularly something affecting cyber and delivery, for example?

Lord Young of Cookham: I may need to write to the noble Lord on that and how it relates to the civil contingencies unit. In some parts of the country there are arrangements whereby if there is an emergency, the landlines of those who live in the immediate vicinity are automatically contacted and they are given a message. But I would like to do some more work on the specific question the noble Lord asked and then write to him.

Worldwide Free Trade

Question

2.53 pm

Asked by **Lord Spicer**

To ask Her Majesty’s Government whether they have prepared an analysis of the benefit to the United Kingdom of participation in worldwide free trade; and if so, whether they will publish that analysis.

The Minister of State, Department for International Trade (Baroness Fairhead) (Con): As part of its preparations for future trade negotiations, the Department for International Trade is conducting analysis of potential agreements with other countries. The DIT has provided a qualitative summary of existing literature on the impact of signing FTAs in the impact assessment accompanying the Trade Bill.

Lord Spicer (Con): My Lords, whatever happened to the European Union? In these troubled times, it has almost completely disappeared. Could it be that, when

[LORD SPICER]

there is a real crisis, the nation state—when it supports democracy, individual rights and, indeed, free trade—counts for everything?

Baroness Fairhead: Clearly, in the Department for International Trade we are great believers in the benefits of free trade. We believe that free trade must be fair and conducted within a rules-based environment. When we look to exiting the EU, we are looking for a strong ongoing trading partnership with it, and we are looking for a strong ongoing trading partnership with the Commonwealth and other nations. That is why it is particularly important this week, with the Commonwealth Heads of Government Meeting, that we concentrate on a number of areas, one of which is free trade and the trading relationships we have.

Lord Kinnock (Lab): My Lords, does the Minister recognise that 44% of our exports now go to the rest of the European Union and a further 17% of them go to the 50-odd countries with which the EU currently has free trade agreements, and that this constitutes in excess of 61% of British sales to other parts of the world? There is no substantial evidence to suggest that our departure from the European Union will in any way enhance the possibility of increasing our trade, under free trade terms or otherwise, with the remainder of the world.

Baroness Fairhead: Let me take that in two parts. On the relationship with the EU, it will clearly remain a very important trading partner for us. We need to make sure that we have as frictionless an environment with the EU as we possibly can. We believe that the freedom to be able to make free trade agreements with other countries will allow us to have the trading agreements in the future that can boost our trade further. Regarding those qualitative assessments that we made as part of the impact assessment, we looked at one report from Head and Mayer which had looked at 159 academic reports about the benefits of FTAs. All I can say is that from that information, while it depends on the scale, the relationship and the supply side, the median increase is around 32% from a free trade agreement.

Lord Purvis of Tweed (LD): My Lords, the official international trade in goods statistics, which were published on Friday, show that in the year to February there was a growth of 1.7% in the EU's trade with the rest of the world. Worryingly, those same statistics show a decline of 8% in UK trade with the rest of the world. As we embark on the first trade agreement in history with the EU 27 which will make trade harder rather than easier, if this House votes for the UK to remain part of the customs union with the EU—which, incidentally, saw a growth in our exports of 6% over the same period—we will be acting in the national economic and strategic interests of our country.

Baroness Fairhead: If we look at the exports total for the UK last year, it increased by over 11%. We therefore have seen export growth. We believe that the EU has to remain an ongoing and really important trading partner. We are working with trade and investment working groups across a number of countries—14 working groups involving 21 countries—in which we are exploring

where we can improve trade further. As I said earlier, the CHOGM this week is particularly important because, in many ways, the Commonwealth is an area where we have underinvested in trading relationships. This is a great opportunity for all members of the Commonwealth to change that.

Lord Flight (Con): My Lords, can the Minister confirm that the figure of 44% of our exports going to the EU includes trans-shipments, mostly via Holland, and that if those are excluded, which they should be, the figure is more like 39%?

Baroness Fairhead: I can confirm that. Having come into the department, I have to say that some of our information at the granular level has to be improved, particularly for the exports of services. But my noble friend is correct; I do not know the exact number, but it is probably something of that order.

Lord Wigley (PC): My Lords, does the Minister accept that one area of some concern with regard to increased imports from outside the European Union which may follow is in relation to food stuffs and the safety standards that will be applied in the countries of origin of the food that will be coming here? Can she give an assurance that the UK Government will maintain the current safety standards for food to protect consumers in these islands?

Baroness Fairhead: Yes. We are obviously committed to mutually beneficial trading relationships, but we have been very clear that we will maintain our high consumer and food standards. Without exception, any trading partner must meet all the relevant UK rules and regulations. Maintaining safety and public confidence in food is paramount.

Baroness Royall of Blaisdon (Lab): My Lords, the Government set great store by their trade with the Commonwealth and the need to improve it. I would be grateful for the Minister's comments on the fact that Britain does more trade with Belgium and Luxembourg than with Canada and Australia and that the UK does six times more trade with the EU than with the 10 Commonwealth countries for which data is held? How is the UK going to increase that trade?

Baroness Fairhead: Those facts are correct. We will want to continue and strengthen the relationship with the EU. In the more involvement and engagement we have with these working groups we are seeing potential for deepening and widening our relationships with our Commonwealth partners. We will be working on building our share of markets and on our trading relationships right across Europe and with our Commonwealth partners.

Brexit: Transition Period

Question

3.01 pm

Asked by *Baroness McIntosh of Pickering*

To ask Her Majesty's Government what assessment they have made of the implications for business of a short transition period as part of the United Kingdom's withdrawal from the European Union.

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, we have agreed a time-limited implementation period where businesses in the UK and the EU will continue to access each other's markets on current terms and will ensure that they have to make only one set of changes. That is what business has been asking for, and that is exactly what it is getting. We are working at pace to ensure that all the necessary arrangements are in place for 31 December 2020.

Baroness McIntosh of Pickering (Con): My Lords, my question actually related to the end of the transition period, which has been brought forward by three months. Will my noble friend commit the Government to keeping under constant review the state of preparedness of government departments and agencies, such as the Food Standards Agency and others, to ensure that all regulations will be in place? Assuming that the Government do not wish to be part of a customs arrangement with the EU, what will happen on the vexed question of rules of origin for industries such as the food industry, the car industry and other manufacturing industries that rely so much on imported goods?

Lord Callanan: I thank my noble friend for her question, but of course we want to be part of a customs arrangement with the EU. That is one of the matters that we will need to discuss with it. I can agree with her that the department keeps all the necessary arrangements under constant review, and we will do so throughout the implementation period to make sure that everything is in place for the end of that period on 31 December 2020.

Lord Wallace of Saltaire (LD): My Lords, every time I have heard or read a briefing from business over the past 18 months, it has talked about the need for certainty so that business can invest for the long term. By the long term, business means five years, not two. It seems to many of us that the Government are in danger of allowing a transition period to be used to put off telling business what the future arrangements will be for another 20 months. Can the Government assure us that by this October they will be able to give business detailed assurances about the sorts of future arrangements we are likely to have for trade and investment with the EU at the end of the transition period?

Lord Callanan: We have said that we want to get the withdrawal agreement bottomed out and agreed by October and that we also want to agree future partnerships in as much detail as possible to provide that certainty. I accept the noble Lord's point that this is a time of uncertainty. We are working at pace to try to provide that certainty.

Lord Watts (Lab): My Lords, can the Minister explain why any country in the world would want to do a better trade deal with a country with a population of 50 million when it would have a chance of getting a better deal with the rest of Europe, which has a population of 500 million?

Lord Callanan: The problem with the EU negotiating trade deals is that it does it on behalf of 28 countries, shortly to become 27, which all have different priorities and different things that they want to agree within that deal, and of course that makes them difficult to agree for the bloc as a whole. As a country that believes in free trade, we will be able to do it in a swifter and more efficient manner.

Lord Teverson (LD): My Lords—

Noble Lords: Cross Benches!

Lord Mountevans (CB): Would the Minister see merit in the implementation period having two elements—first, a bridging period to cover the time between exit and when the agreement is ratified and becomes unconditional, and, secondly, an adaptation period, starting on the expiry of the bridging period? This would enable businesses to be clearer and to adapt to whatever is finally agreed.

Lord Callanan: We set out in the agreement that we reached with the EU how we see the implementation period working, which is pretty much to maintain the existing arrangements in place to provide certainty for businesses.

Baroness Hayter of Kentish Town (Lab): My Lords, I would like to talk about the transition period. We now understand that we are coming out of all the agencies in March, so we will be out of the European Medicines Agency in March. What is the attitude of the pharmaceutical industry to that decision?

Lord Callanan: The noble Baroness makes a good point. We are continuing the discussions with the EU to see what the precise formulation of our involvement in the various agencies will be. We are clear that we want to remain involved and participate in the work of those agencies, which are so essential for many businesses in the UK, but we are currently discussing how precisely that will work during the implementation period.

Lord Teverson: My Lords, the Government were looking for a two-year transition period, which they themselves said was a short period of time.

Noble Lords: Conservatives!

Baroness Altmann (Con): My Lords, could my noble friend reassure us that the Government are listening to British business concerns about how long it will take to make new agreements on the rules of origin if we do not remain in a customs union with the EU, particularly as that will affect the food and automobile industries?

Lord Callanan: We have undertaken extensive consultations with industry and businesses. We are doing it all the time. I do it myself. We have undertaken more than 500 recorded DEXEU organised engagements with businesses and civil society to find out what the

[LORD CALLANAN]

concerns of businesses are. We are of course taking the feedback that we have received from them to the negotiations with the EU.

Lord Teverson: My Lords, I shall have my third attempt, and I thank the House for letting me. The Government were looking for a two-year transition deal, which they themselves understood was short. The EU said “21 months, that’s it”, and we just said yes. Why was that? Was that not selling out Britain and British industry?

Lord Callanan: No, I do not think it was. The Prime Minister made it clear that she was looking at an implementation period of around two years, which of course even the Liberal Democrats will know is 24 months. We eventually agreed that 21 months would be the period. We did not think that three months was a huge difference. These things are of course always subject to negotiations. We had to reach agreement, and we did. It is important that the implementation period is time-limited, and 31 December 2020 is a good time to end it because that is the end of the current multiannual financial framework.

Arrangement of Business

Announcement

3.08 pm

Lord Taylor of Holbeach (Con): My Lords, following the combined military operation in Syria over the weekend, noble Lords will be aware that the business of the House of Commons will be altered this week to allow for debate in that House on the operation and on the use of chemical weapons. I thought I should alert this House at the earliest opportunity of how we are proposing to handle the business in this House. With the agreement of the usual channels, we have brought the debate on the national security situation, which clearly will include the Syrian operation, forward from Thursday 26 April to this Thursday, 19 April.

The business scheduled for 19 April was debates on the report of the ad hoc committee on the sustainability of the NHS and of the EU External Affairs Sub-Committee on sanctions. The debate on the NHS will now take place as our first business on Thursday 26 April. The debate on sanctions will now take place as our first business on Thursday 3 May.

In addition to the debate on Thursday, later this afternoon, my noble friend the Leader of the House will repeat a Statement by the Prime Minister on Syria. We will take that Statement immediately after the repeated Answer to an Urgent Question on the immigration status of the Windrush generation children, which will take place at a convenient point after 4.30 pm. In view of the importance of the issue covered by the Statement, the usual channels have agreed to extend the time for Back-Bench Questions and Answers from the normal 20 minutes to 40.

I end by saying that I am, as always, grateful to my counterparts in the usual channels for their constructive engagement, and to the noble Lord, Lord Patel, and my noble friend Lady Verma, as well as to noble Lords signed up to speak in their debates, for their understanding.

European Union (Withdrawal) Bill

Order of Consideration Motion

3.10 pm

Moved by Lord Callanan

To move that the amendments for the Report stage be marshalled and considered in the following order:

Clauses 1 to 5, Schedule 1, Clauses 6 to 9, Clause 16, Schedule 7, Clause 17, Clause 10, Schedule 2, Clause 11, Schedule 3, Clause 14, Schedule 6, Clause 15, Clause 12, Schedule 4, Clause 13, Schedule 5, Clauses 18 and 19, Schedules 8 and 9, Title.

Motion agreed.

Employment Rights Act 1996 (Itemised Pay Statement) (Amendment) (No. 2)

Order 2018

Motion to Approve

3.11 pm

Moved by Lord Henley

That the draft Order laid before the House on 8 February be approved.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, the order was laid in the other place on 8 February 2018.

Providing workers with transparency over their employment rights underpins good work. It leads to a motivated and productive workforce. In the Government’s response to the Taylor review of modern working practices, we welcomed the principle of increasing transparency to workers.

The order goes beyond the recommendations made in the review. It was laid alongside a separate order, entitled the Employment Rights Act 1996 (Itemised Pay Statement) (Amendment) Order 2018. Together the two orders will provide workers with more information about their pay and help them to spot any cases of underpayment.

Specifically, the orders will give all workers in all sectors the right to regularly receive a payslip—addressing the current anomaly that only employees, a sub-category of workers, are legally entitled to receive a payslip. It will require all employers to provide clear information on the number of hours that workers are paid for in their payslips. This will ensure greater transparency over how their pay is calculated and what they are paid for.

Although a significant number of employers already provide their workers with a payslip, up to 30,000 workers do not receive one. They will once the order comes into force. The other order is subject to the negative resolution process. That order will require employers to clearly record the number of hours that time-paid employees are paid for in their payslips. This means that up to 1.6 million people will be entitled to receive hourly information in their payslips.

It is important to note that the hours recorded in employees' payslips are the hours they are paid for—not hours for national minimum wage purposes as defined by the National Minimum Wage Act. This information will therefore assist workers in spotting and addressing incidences of underpayment—including, but not limited to, national minimum wage underpayment.

When a worker thinks they may have been underpaid, I encourage them to raise this with their employer. However, where this is not possible, workers should contact ACAS for free and confidential advice.

I thank the independent and expert Low Pay Commission, which first recommended the need to provide greater transparency over pay in staff payslips. Its recommendation proposed that the Government,

“considers introducing a requirement that payslips of hourly-paid staff clearly state the hours they are being paid for”.

To develop our policy, the Government engaged with a wide range of stakeholders. They included worker and employer representatives and payroll and software providers. The majority of stakeholders supported an initiative that would encourage greater transparency and ensure that information is shared more widely with workers. The majority of employers are already compliant with this proposal and already provide all their workers, not just their employees, with a payslip. Some employers also already provide a breakdown of the hours worked. However, a significant minority do not. The order that I move today will ensure that all employers converge to the good practice evident during our consultation with stakeholders.

The Government are committed to creating an economy that works for everyone in terms of fair pay and fair working conditions. Bringing these orders into force is one of many government interventions to tackle non-compliance and ensure that workers are paid fairly. We are clear that anyone entitled to the minimum wage should receive it. This month, the national living wage and national minimum wage all increased above inflation. Those increases benefited over 2 million workers.

A rising minimum wage means a higher risk of non-compliance. Therefore, investment in minimum wage enforcement has nearly doubled. We now spend over £25 million annually on ensuring that employers meet their legal responsibilities, up from £13 million in 2015-16. When employers pay workers under the minimum wage rate, they face returning all back pay they owe to their staff, paying a fine of up to 200% of the underpayment, and being publicly named under the Government's naming scheme.

I am proud to lay these employment rights before the House. We all expect a basic fairness in the workplace. The right to receive clear payslips is just one element of the Government's good work agenda, which was published in February, following the review of modern employment practices. It underpins our vision for a workforce with fairer and more transparent employment practices, whereby workers can hold their employers to account for being paid fairly and for all hours worked. It will form an integral part of our efforts to prevent underpayment of the minimum wage. I commend the order to the House.

Lord Monks (Lab): My Lords, people may not have noticed that the TUC is 150 years old this year. In that long and rather chequered history, it has not been too often that the TUC has warmly welcomed a step taken by a Conservative Government, but there are exceptions—and one of them is certainly today. I recall the apprenticeship levy in recent years, but not too many other cases where there has been some rapprochement between the TUC and a Conservative Government. I hope that it is the start of further progress on the good work agenda, as has just been said, and that we see other areas where things are done constructively and not in a confrontational manner.

The order extends the right to a written pay statement to dependent workers who are not employees; there are plenty of those, and they are growing in number in the so-called gig economy at the moment. We can see the growth of temporary agency work, some self-employment that is not really self-employment, and zero-hours contract workers. Currently, employees must get a statement of gross pay, deductions and net pay and, when hours vary, have that recorded too. The extension of this is very welcome to this group of workers who are not employees, who live outside the present scope of employment law. That is a very important step for a group which is often the most vulnerable to the underpayment of the national minimum wage. The particular problem area has been in the social care sector, where we have come across quite a lot of problems, but there are other areas where there are some problems.

As the Minister correctly said, many employers are already doing it and progress has already been made, but there are some who still do not. It is important that the workers concerned find out exactly what they are paid and that they can check they are paid correctly. This order will make it harder to underpay workers, whether by mistake or design, and I warmly welcome it today.

Lord Fox (LD): My Lords, the Minister may find himself bathed in warmth from this corner of the House as well: we welcome this step forward. He raised a couple of points which we would like some clarity on. Will the Minister confirm whether the payslip itself will detail different hourly rates within the gross hourly performance, or simply an average number, as this was not clear? He also referred to raising with an employer the question of whether payment has been fair. Raising such an issue with an employer, and perhaps ultimately going to a tribunal, would be much easier if the burden of proof was on the employer rather than the employee. Have there been any thoughts about looking at the burden of proof in employee tribunals? Otherwise, the Minister's injunction to raise the matter with an employer is unlikely to yield the sort of result that he is implying.

Overall, the gig economy and the sort of jobs set out by the noble Lord, Lord Monks, have created a group of employees who sit between full employment and self-employment. This goes some way to reaching out and giving them rights. Noble Lords on this side of the House would be pleased if a new, clearer status of dependent contractor was carved out from the

[LORD FOX]

Taylor report. That would give rights such as this, as well as a variety of other employment rights, to workers who are neither fully employed nor fully self-employed but sit between the two. Where are we in terms of fuller implantation of the Taylor review?

Lord Anderson of Swansea (Lab): My Lords, to ensure that the provisions of this welcome order are fully complied with, have the Government considered the case for having some form of uniform payslip?

Lord Stevenson of Balmacara (Lab): My Lords, I join other noble Lords in congratulating the Government on bringing forward these two SIs for consideration today. This one is affirmative and the other will go through on a negative basis. At a time when the gig economy and zero-hours contracts are growing, it is right to raise the issue of treating workers differently from employees—and what can be more important than pay? I thank the Minister for his contribution to this debate, and for opening up the issues in the round. I also thank his department for its work on the impact statement.

I have noticed that a considerable amount of work has been put into recent SIs. Those who have looked at this will not be surprised that it is of the high standard that we now expect. Not only does it run to over 20 pages but it includes, for the first time, Venn diagrams and flow charts. However, I reiterate a point I have made before: it is quite hard to read them if they are not in colour. Can we at last invest in a machine that would allow noble Lords on these Benches, who see them in mere black and white, to read them in the same glorious technicolour as Ministers? Maybe that is just the status of being in opposition.

Noble Lords who have listened to me talking before about statutory instruments from the department for business, enterprise and training will know that I have a fixation about the dates on which regulations come into effect. It has been agreed by all parties that we should work to common commencement dates, and I have been punctilious in picking up every one of the orders coming forward that does not comply with that—and there are rather a lot of them. Last time we debated this, only a month ago, the Minister was gracious enough to say that he agreed with me that we should think harder about the impact that regulations made in this House have on people and businesses who have to implement them, and that he would do his best to ensure that the department paid more attention to that in future. There are occasions when it is necessary to do things in a different way, but this is not one of them. My point is not that they have selected a common commencement date—they have—but 6 April 2019 is almost a year away, for something which is clearly beneficial to a lot of people. I am surprised that the department did not wish to use the other common commencement date of 1 October, and I would be grateful for the Minister's comments.

I will make two points in passing. The first is on the way the Explanatory Memorandum is set out. It takes a line which is primarily about the advantages that will flow to the policing of the implementation of the

national living wage—or, in this case, the national minimum wage, as it is defined. However, the Minister in his introduction took a much stronger line, which is that there is a principle of equity here: people who receive a payment should understand the basis on which that payment is made. The Minister made that clear. We are talking about transparency, and this simple change here will make a huge difference to a lot of people who have difficulty in following that through. It should be welcomed on that ground alone.

It may be—and I am sure will be—effective as regards policing the national minimum wage and rooting out the very small number of employers now who do not pay the national minimum wage as they should do. Of course it will help, and I am not against that, but the important thing here is the question of transparency and helping all workers to understand the benefits that flow from the employment and what is part of it.

However, it seems that the Government's decision to move on this issue at this time, welcome though it is—and perhaps necessary as it is because of the changes in the economy, such as gig jobs and zero-hour contracts—raises wider questions about why we continue to differentiate between workers and employees. As the Government themselves say on their website, everybody is a worker—if they take out a certain number of issues that are tested in what they do—but not everybody is an employee. Employment rights, normally delivered under contract, are significantly better than workers' rights. Can the Minister comment on whether further consideration might be given to that in future work on the good work agenda?

It is bad enough that we still have difficulty in trying to work out what a person's employment status is in relation to taxation, and it is bad that we retain that in these regulations and that no attempt has been made to move that forward. It is very difficult; the onus is on the employer to ensure that the taxation arrangements are applied properly and correctly. However, the guidance given on the GOV.UK site is vague almost to the point of obscurity. It does not clarify—rather, it confuses. You are warned as you read it, as a possible employer, that you have to go through a checklist of nearly 15 bullet points which you test, and the answer to the question of whether an employee should be taxed as a self-employed or an employed person is the probability that most of the statements you are checking are true. That is not right for a modern economy that is looking to try to get people into work and to work productively and well. We should be better at it than that. Perhaps that might be part of the agenda.

To go back to my earlier point—which the noble Lord, Lord Fox, made as well—if we are to see a growth in workers as opposed to employees, we also need to think a bit harder about what we are saying to those in the worker category, which is the lesser of the two categories, as regards statutory sick pay, maternity pay, minimum notice periods, protections against unfair dismissal, the right to request flexible working and time off for emergencies. At the moment something like 290,000 people in the economy are workers and not employees, and it seems odd that in this world we still discriminate against them. I do not have an easy

solution, but perhaps the Minister might respond to it and take it forward in the agenda and in the department that is moving it forward. However, we support this statutory instrument.

Lord Henley: My Lords, I am grateful to the noble Lord, Lord Monks, and to all other noble Lords for the very constructive approach they have taken to this order. I trust that this constructive approach will be noticed by the House and will be continued throughout the week on all business that comes before us.

I hope to deal with some of the questions that have been raised by noble Lords. However, I start off by correcting some of my earlier words to save myself making a Personal Statement tomorrow. In my opening remarks I said that some 30,000 workers did not receive a payslip. The paragraph I read out stated: “Although a significant number of employers already provide their workers with a payslip, up to 30,000 workers do not receive one”. I should have said that, “up to 300,000 do not receive one”. They will now receive one. I just want the House to be aware: for “30,000”, please read “300,000”.

Perhaps I may deal briefly with some of the questions put by noble Lords. First, the noble Lord, Lord Anderson of Swansea, asked whether it might be appropriate to have uniform payslips. That sounds very attractive, but this order is designed to ensure convergence with best practice, and I think that it would be right to leave employers with a degree of flexibility in how they continue to provide that. However, I note what he said.

I also noted what the noble Lord, Lord Stevenson, had to say about common commencement dates. He has criticised me in the past, so I was grateful that he spotted that on this occasion we have observed the rules on having a common commencement date, although he regretted that it would not be until April 2019. We could have gone for the other common convergence date in 2018, but that would have given employers considerably less time to prepare for this matter, and we therefore decided that 2019 would be better.

The noble Lord, Lord Fox, asked whether hourly rates could be included in payslips. We listened to arguments for including even greater detail on payslips, which is what this would amount to. I accept that he makes a perfectly valid point and we notice that UNISON provided input on this to the Government. However, we tested the idea of requiring employers to include a full disaggregation of hours, including those on employees’ payslips, but the costs of doing so for employers would be high and, we reckoned, disproportionate. However, again, I note the arguments put forward by the noble Lord.

The noble Lords, Lord Fox and Lord Stevenson, made a number of comments about the difficulties faced by independent contractors involving the definitions of “employee” and “worker”. We all know the difficulties of managing the distinction between “employee” and “self-employed”—a matter that has only recently gone to the Supreme Court and one that we have discussed in this House. This goes slightly beyond what we are discussing today. I accept that these are very difficult matters and obviously they will be taken into account

in continuing to deal with the Taylor review. I certainly remember from my Bar exams some 40 years ago the difficulties around the definitions of “self-employed” and “employee”. The fact that it is going to the Supreme Court indicates that it is a very difficult matter. We also know that, as the noble Lord, Lord Fox, said when talking about the gig economy, times are changing. Again, these are difficult issues—but we have the Taylor review, which we will continue to consider.

I am grateful for all the remarks that have been made about this order and its relevance, and I think that I have had a degree of support from around the House. As I said, long may that continue. I commend the order to the House.

Motion agreed.

Companies (Disclosure of Address) (Amendment) Regulations 2018

Motion to Approve

3.33 pm

Moved by Lord Henley

That the draft Regulations laid before the House on 22 February be approved.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, these regulations will make it easier for people to protect information about their residential address on the companies register. Prior to the Companies Act 2006, directors’ residential addresses were generally publicly available on the register. The 2006 Act changed the general position by protecting this information from disclosure. However, this change did not apply retrospectively.

Regulations made in 2009 allow people to apply to the Registrar of Companies to make an address unavailable to the public in certain circumstances. An address can only be made unavailable where there is a serious risk of violence or intimidation to those living at the address, this risk arises because of the activities of the company and the information was filed with the registrar after 1 January 2003. These restrictions mean that residential address information cannot be protected if the information was filed before 2003, even if the person is at serious risk of violence or intimidation because of the company’s activities. Nor can the information be protected if the risk of violence or intimidation does not come from the company’s activities—for example, someone in the public domain who may attract abuse—or where someone is at risk of identity theft and fraud rather than violence or intimidation.

Since the companies register was made free to search online in 2015, it is much more widely used than ever. This has increased concerns about the availability of personal information. The draft regulations address these concerns, first by allowing applications where the information was filed before 2003. Most of this information is kept non-digitally; for example, on

[LORD HENLEY]

microfiche. When the original regulations were drafted in 2009, it was thought that it would not be possible to redact such non-electronic information without risking damage to the public record. However, subsequent improvements in technology mean that this is no longer the case. There is therefore no need to retain this restriction.

The regulations also remove the requirement in regulation 9 of the 2009 regulations to show a serious risk of violence or intimidation because of the company's activities. This is consistent with the general approach taken by the Companies Act 2006 that the registrar must protect directors' residential addresses.

The draft regulations do, however, retain this test for applications made under regulations 10 and 11 of the 2009 regulations. Regulation 10 allows applications from companies to protect the residential address information of all their members. Removing the test for such company applications could result in large-scale redactions of historic information, potentially involving thousands of members' addresses for larger companies. While we do not consider that this is justified, an individual member will be able to apply under new regulation 9 to have their residential address suppressed without having to show any risk of harm. We are also retaining the test for applications under regulation 11 from people who register a charge, as the registrar receives very few applications and no concerns have been raised about the test in this context.

People who are legally required to maintain a current address on the register—for example, current directors of live companies—will have to provide a service address as part of their application. This will be publicly available on the register in place of their residential address. However, people who are not subject to this requirement—such as former directors of dissolved companies—will not need to provide a service address. Instead, their residential address will be partially suppressed, leaving the first half of the postcode. Public authorities—such as a police force, the Insolvency Service and the Pensions Regulator—will still be able to obtain information about a person's residential address from the registrar, even where that information is not available to the public on the register.

We have not consulted in this instance. A number of cases have been raised recently with my department where the people involved are at risk of violence or intimidation yet cannot have their address information protected. Delaying action to consult would increase the risk that people may be caused actual harm. I believe that not consulting is justified in this case, particularly as the regulations apply the principle which has been in place since 2009 that residential address information should not be shown publicly on the register.

It is important that the information on the companies register is of real practical use to those who wish to find out information about a company. At the same time, the information should not become a tool for abuse by exposing people to a risk of harm. These regulations strike an appropriate balance between transparency and the protection of individuals, and I commend them to the House.

Lord Fox (LD): My Lords, before commenting and asking some questions, I declare an interest in that I have been having personal communication with Companies House on an issue not unadjacent to this.

The Minister set out what we see as a pragmatic balance between what is practical and what is desirable—trying to balance what is needed to retain security and privacy while at the same time doing something that is both technically and administratively possible. For those reasons, we welcome the regulations. I have a couple of questions about the criteria and process for assessing applications within Companies House. Can the Minister give your Lordships' House some idea of how the applications will be received and processed, and what criteria will be used to decide to remove a person's private address and insert a holding address?

The Minister set out that a holding address would not be required for dissolved companies or directors who have stepped down. Would he consider a cooling-off period? After a company is dissolved, there is a period when its activity remains salient and therefore the activities of those past directors remain salient. Then there is a point at which, clearly, it is a dormant company and there is no fallout from its activities. A cooling-off period would be from the time at which the company is wound up until the time at which directors' communications are removed.

It behoves me on these Benches to make the point that we still have a strong policy and we call for public registers of beneficial ownership to be extended to include British Overseas Territories. I understand that this SI does not necessarily cover that area, but I feel beholden to make that point. With those questions, we welcome the regulations.

Lord Campbell-Savours (Lab): My Lords, I have just a couple of questions. In the regulations under the title, "Effect of a section 1088 application", paragraph 13(4) states:

"In any other case the registrar must make the specified address unavailable for public inspection by removing all elements of that address, except—(a) for a United Kingdom address—(i) the outward code from the postcode".

The Minister referred to "leaving the first part of the postcode". What is the relevance of keeping that first part? Why any part of the postcode?

My second question relates to the Explanatory Memorandum, which states:

"Amendments have also been made to the 2009 Regulations by regulation 3 to ensure that one of the grounds on which an individual is able to make an application under section 243 of the Companies Act 2006 (to prevent disclosure of their address by the registrar to credit reference agencies) is that they are or have been a constable"—

that is, a policeman. Why is a special category of persons defined here in the legislation? Why do constables have this exemption?

Lord Stevenson of Balmacara (Lab): My Lords, I thank the Minister for introducing this statutory instrument. He expressed a view on the last one that we were at the dawn of a new era of understanding and mutual support across the Chamber. I am afraid it has lasted only 10 minutes because this is not a particularly easy SI to support. I have one or two comments that

will not fit into that category, for which I apologise in advance. Also, like the noble Lord, Lord Fox, I declare an interest as a former director of a former live company, so I will be caught by at least part of the regulations.

I wonder whether this instrument should be looked at carefully in terms of its standards. I have a number of comments to make, but it seems to be based on virtually no evidence at all. There has been no consultation and there is no impact statement, so we are looking at something that has been brought forward with little prior preparation and little detail around it. That reflects badly on the department in that this is an important area, and one that may receive more attention in the future, particularly because of the growth of the internet and so on, so we have to get it right. The regulations also seem—I would be grateful if the Minister could confirm this—to have been devised outside the ambit of the Data Protection Bill. The Bill is still in the other place but it will shortly become law. It covers a large number of areas that would otherwise have been picked up in this statutory instrument; indeed, in one respect it may be otiose.

3.45 pm

I turn now to the detailed points, the first of which concerns paragraph 7.3 of the Explanatory Memorandum. The only evidence we have of the need for this is the statement:

“Since the register was made freely available in June 2015, the Department has received an increasing number of complaints from individuals who are concerned that even though the public disclosure of their address puts them at risk they are unable to have this information suppressed”.

How many complaints have been received and what sort of information were those individuals concerned about? Is there a justifiable group here? I would be grateful if the Minister could comment on that.

Paragraph 7.4 concerns identity theft and fraud, the points I mentioned in relation to the Data Protection Bill currently in the other place. These are issues which specifically attract criminal penalties and their associated legal processes. Given that, I do not think it is necessary to change the regulations in relation to the Companies Act to avoid that. I would be grateful for any comment the Minister might wish to make about this point. I also wonder whether, in the broader scheme of things, it is right that company directors, for whom presumably the interest in making contact relates to their business, could pray in aid the fact that their domestic situation or their wider activities not associated with the company were sufficient for them to have this information concealed. It is unlikely that the information will be concealed in any case, given the pervasiveness of information on the web and the ease with which one can find it, but even so it seems a thin argument.

In paragraph 7.5, again the phrase appears:

“A number of the complaints received by the Department relate to information that was filed before”,

2003. I appreciate the issue, but that was a long time ago. Again, no information is given to judge whether the complaints were made in sufficiently large numbers to warrant the movement of a process through your Lordships’ House. The end of the paragraph makes it clear that it is now considered possible to remove information previously held on microfiche without

damage to broader data concerns, but no information is given on that. I would be grateful if the Minister, not necessarily today but perhaps in writing, could explain what the technology is that has changed in this matter. We are not given that information and we should know about it.

In paragraph 7.8 the point is made that those who are active directors of live companies must provide a service address, but their residential address can be partly suppressed, a point already raised by my noble friend. Although it is not mentioned in the Explanatory Memorandum, the Minister said that public authorities would be able to access the information. Can he confirm that there will be a process for doing that? In other words, it is not something that the local police could do just by walking in and saying that they need the address of a certain person. If the address has been removed for good reason, there must be a process for that which contains at least some form of check and balance.

This is a rather thinly argued case and the fact that the department has not consulted on this instrument at all seems a little strange. Also, the end of paragraph 8.1 states:

“The Department considers that the urgency of these cases means it is imperative to act rapidly”.

However, we have no qualification of that in terms of the number of cases and no sense of what is being asked for. The phrase imperative “to act rapidly” is presumably the trump card when I turn to Regulation 1, which is the coming into force provision. It says that the regulations will not come into force on a common commencement date—that one was not kept going for very long—but,

“on the day after the day on which they are made”.

Here, again, we have a substantial change for business that is unquantified by numbers or anything else, and it will be done without any reference to a common commencement date. I think we should get this right.

Finally, there is no impact statement so we cannot assess what impact this will have on the economy, wider or otherwise. We have no idea of what it will do to small and micro companies or to people who are starting up. However it states:

“A fee is charged by the Registrar for applications under the 2009 Regulations to cover the costs ... The same fee will be charged for future applications”.

Again, however, we have no detail. I would be grateful if the Minister could confirm what the figures are to be, if necessary by letter.

Lord Henley: My Lords, I am sorry that we could not continue with the same attitude as we had to the previous order, other than in relation to the noble Lord, Lord Stevenson. I am grateful that the noble Lord, Lord Fox, described this as a pragmatic balance. That is exactly what we have tried to achieve in providing protection for the individual but still making sure that certain public things continue to be public.

The noble Lord, Lord Stevenson, objected to the lack of consultation for something as important as this, saying that there was a lack of consultation and a lack of an impact statement. I will write to him in further detail on the lack of consultation but I assure him that we have received a number of inquiries—

[LORD HENLEY]

around 3,000, I am told. As the Minister who deals with letters from Members of another place on their constituents' concerns, I have had to sign a number of letters relating to their concerns over not being able to get something removed. It is depressing that I often have to say, "I'm terribly sorry, there is nothing we can do at this stage", so I was grateful that we could do something quickly and without the necessary consultation. Since individual companies are not required to do anything—or stop doing anything—an impact statement is not necessary. All the regulations do is give people the option of applying to have residential address information suppressed, if they so choose. There is no impact on Companies House, as the application fee will cover the costs of processing the application. In those circumstances, an impact assessment—whether coloured in for the noble Lord or in black and white—is not necessary.

The noble Lord, Lord Stevenson, picked up on the problem with microfiches. I understand that deleting something from a microfiche can affect it. Now that one can move things on to CDs, the process is somewhat easier, but the important thing is that the microfiches will be kept. From a historical point of view, we will still keep records from the past. I will write to him in greater detail about public authorities and how they get appropriate authority, but that will not change as a result of this order. The issue—the mere fact that it comes in immediately—does not affect companies and there will be no burden, so the lack of a commencement date is not a problem. As always, I note what the noble Lord, Lord Stevenson, said about the desirability of sticking to common commencement dates and will try to stick to that in future.

The noble Lord, Lord Campbell-Savours, asked rather a technical question about the category relating to constables in a police force. Under Regulation 5 of the 2009 regulations, on disclosing a residential address to a credit reference agency, one of the grounds for applying to the registrar is that a person is or has been employed by a police force. We are concerned that this may not cover constables because they are technically officeholders rather than employees. The draft regulations merely make it clear that police constables may apply to prevent disclosure under Regulation 5.

Lord Campbell-Savours: Why would they want that exemption?

Lord Henley: That would be a matter for the police constables themselves. It would probably be best, rather than ad-libbing an answer, if I wrote in greater detail to the noble Lord on that point.

Finally, the noble Lord, Lord Fox, asked about the criteria to be used by Companies House in considering this. The regulations merely allow a person to apply to have their residential address and information suppressed without having to give any reason. The criteria are not relevant in this case; they do not have to give a reason for their application, whereas in the past they did. That therefore simplifies matters and, I hope, continues to meet that pragmatic balance that the noble Lord so warmly welcomed. I hope that deals with all the points that were made.

Lord Campbell-Savours: I drew attention to half a postcode being published.

Lord Henley: I will possibly add this to my response to the noble Lord, but I suspect that giving half a postcode provides, as it were, some information without giving details. In other words, if someone added CA6 to my name one would know that I lived somewhere not so far from the noble Lord in Cumberland, but it would not say precisely where I live because it would not give the address. As the noble Lord, Lord Stevenson, said, there are other ways of finding out people's addresses. We are just trying to provide appropriate protection.

Lord Fox: Could the Minister share that information with me as well, and perhaps others, as we are all agog to know why this might be the case?

Lord Henley: I will write to the noble Lords, Lord Campbell-Savours, Lord Fox and Lord Stevenson. I will make sure that a copy of the letter is placed in the Library. With those explanations and the general support of the House, I commend the regulations to the House.

Motion agreed.

Welsh Ministers (Transfer of Functions) (Railways) Order 2018

Motion to Approve

3.56 pm

Moved by Baroness Sugg

That the draft Order laid before the House on 28 February be approved.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, this order will transfer certain railway functions of the Secretary of State relating to the Wales and borders franchise to Welsh Ministers. The devolution of these powers takes forward one of the Silk commission's recommendations and is an important part of our commitments in the St David's Day Command Paper on a lasting devolution settlement for Wales. My noble friend Lord Bourne assured the House in November 2016 that the UK Government were committed to giving the Welsh Government greater control over their trains and that amendment to the Wales Bill was not required to ensure that a transfer of franchising functions would be taken forward. With this statutory instrument we are delivering on that commitment.

We have agreed with the Welsh Government that the draft order will transfer franchising functions to Welsh Ministers only in so far as they relate to Wales and borders services and stations wholly within Wales, and certain ancillary and related matters. Welsh Ministers' statutory powers in Wales are to be supplemented by agency powers exercised on behalf of the Secretary of State for services in England up to the first station in Wales. These proposed arrangements will enable Welsh Ministers to procure and manage a replacement franchise

that, like the current franchise, includes important cross-border services to and from English towns and cities, as well as some services entirely within England, while also providing appropriate accountability for the Secretary of State for rail services within England.

Much positive and practical work has been done by both Governments in readiness for Welsh Ministers taking on these greater responsibilities. Transport for Wales has been established by the Welsh Government to help to deliver the next Wales and borders franchise and the South Wales Metro project. My department has provided extensive support to help progress their franchising and metro proposals. The procurement process for the next franchise is already well under way. Both Governments have worked together to successfully deliver a series of procurement milestones, most recently the issuing of the invitation to tender in September.

By the time of the planned award of the new franchise later this year, both Governments intend to conclude a suite of devolution arrangements that will supplement the draft order. A series of agency agreements will set out conditions on the specification and management of the English part of the franchise. This will include a requirement for the Wales and borders franchisee to set up a separate borders business unit to manage services and stations in England and act as a focal point for liaison with relevant local authorities, subnational transport bodies and user groups.

Further agreements will set out arrangements for partnership working in respect of the management of the new franchise, the relevant funding and outputs to be provided, and the terms under which the Welsh Ministers will for the time being subcontract to the Secretary of State the exercise of the operator-of-last-resort responsibilities transferred to them by the draft order.

4 pm

Department for Transport officials are working with the Welsh Government to finalise the day-to-day franchise working arrangements to ensure that they are fit for purpose. With the interests of both the Secretary of State and the Welsh Ministers at play, clear working principles and collaboration will be key to this process. A joint strategic board will be established to ensure that both Governments are working constructively in respect of the Wales and borders franchise, and they consult each other before exercising their respective functions under the Railways Act on matters of mutual interest.

We recognise the importance of ensuring that English residents and those who use parts of the Wales and borders franchise that are solely in England continue to have a mechanism to make their views known to their elected representatives following devolution. Both Governments have agreed a protocol whereby MPs for English constituencies can write to Welsh Ministers on behalf of constituents using Wales and borders franchise services in England with an expectation that they will receive a substantive response within a reasonable period. Welsh Ministers will also brief the department on the volume of correspondence from English MPs, the matters or concerns raised and how Welsh Ministers have responded to such correspondence.

On funding, I restate my department's commitment to the spirit and terms of the devolution agreement secured with the Welsh Government in 2014. We have agreed in principle that the present franchise funding levels and agreements between the department and the Welsh Government are to continue. The UK Government are also providing £125 million of funding towards upgrading the Valley Lines as part of the Welsh Government's ambitious metro project for the people of south Wales.

In giving effect to the transfer of functions, we sought to reconcile the need for appropriate accountability for both the UK and Welsh Governments for rail services solely in their territories, while ensuring that the experience of passengers in terms of connectivity and quality of service will be maintained and improved. Welsh Ministers have formally approved this draft order. I beg to move.

Lord Wigley (PC): My Lords, it would be very strange if I did not welcome a devolution order, but in extending that welcome I have some grave reservations and three questions I wish to raise with the Minister.

First, on achieving some integrity of service, surely the infrastructure of the railway system should be devolved to Wales alongside appropriate funding to ensure a holistic approach to railway services in Wales. The position in Wales is in stark contrast to that in Scotland. Can the Minister tell us why?

Secondly, why has there been such an inordinate delay? I understand that the order is 12 months behind schedule. The blame may be at one end of the M4 or the other, but it lies somewhere, because we are now coming right up against the deadline. The new franchise has to be up and running less than six months from now. Only two of the four companies remaining are bidding for it, and it is totally unsatisfactory that the two contenders should not have known sooner. Is it technically possible to carry out all the aspects of the new agreement within that timeframe, in fairness to the companies which take on the responsibility? Also, which department will take responsibility if there is a failure to deliver the franchise in that time?

Thirdly, regarding the powers and timescale, do the Welsh Government include as part of the franchise a requirement to negotiate with one of the two successful bidders the remaining development of the proposed Cardiff valley metro lines to which the Minister has referred? Has that been accepted as part of the contract requirements? Will it be the responsibility of the Welsh Government or the Department for Transport to make sure that that is rolled forward after this measure comes into operation?

Lord Bradshaw (LD): My Lords, there are several questions I should like to address to the Minister. First, I offer her a caution against the bureaucracy she has described. I have managed a Wales and borders franchise; I began my career on the railway at Shrewsbury, which is right in the middle of it. It does not need a lot of civil servants to manage a railway. The people who are going to take on the Wales and borders franchise will, we hope, be experienced railway managers who are able to deal with their customers and will expect to

[LORD BRADSHAW]

satisfy the rail regulator that they are doing so correctly. I find it very difficult to know what a joint board is going to do except add to the bureaucracy. The new Wales and borders franchise management will of course be accountable to the elected representatives in Wales and I am sure that people in places such as Ludlow will be able to write to their MP, who will take up any reservations they have with the department. Most respectable operators do not expect much involvement by MPs in the decisions about how to run their franchise: the competition is to determine somebody who is capable of running a franchise.

More specifically, I want to ask the Minister to make it clear whether investment in the railways in Wales forms part of the settlement between Westminster and Cardiff, or what happens if there are funds for which people have to bid? This Government have often, in all sorts of places, had a fund which has been open to all people. If such a fund has in the future to be the responsibility of the Welsh Government, does the money entirely come out of what Wales gets?

Secondly, I turn to the question of safety. I want an assurance that the regulations that apply to the railways are going to be handled evenly across Wales and England. I give as an example the recent failure of the much-vaunted signalling system on the Cambrian line, when two trains were found to be able to go into a section of signalling. Will that sort of thing still be the reserve of the regulators at the Office of Rail and Road across the UK, rather than a separate body of any sort having to be set up in Wales?

Thirdly, is there any variation in the arrangements for pensions, promotion, conditions of service, travel or other concessions which apply to people engaged in the franchise? That needs to be clarified. These are some of my concerns and I note that the noble Lord, Lord Wigley, has raised others. We can probably leave the question of the management of the franchise to the new franchisees, but we want it to be made quite clear how it is going to work and how issues such as investment will be determined in future.

Lord Jones (Lab): I am glad to follow the noble Lord, Lord Bradshaw. I recollect that in another place he gave helpful replies to a number of queries. I thank the Minister for her very competent outline of the order. I draw attention to my entry in the register of interests and welcome the additional executive functions.

On investment, which the Minister referred to, I ask when and how the Wrexham-Bidston rail line will obtain more investment and, particularly, more frequency of services. There is an urgent need for a spur from the Wrexham-Bidston line into the giant Deeside industrial park, which employs more than 9,000 people.

Is the Minister able to say when there will be more investment in signalling from Bangor to Holyhead—indeed, from Crewe to Holyhead? In the planned HS2 investment, positive consequences for the rail line from Crewe to Chester, Bangor and Holyhead are undoubtedly required.

There is an urgent need for a better local service from Crewe to Chester. Passengers who pay a lot of money for their seat often do not gain a seat, the rolling stock is ancient, and the conditions for passengers

are just not good enough. Many complaints have been made. Perhaps the intervention of the Minister or the new dispensation can help.

What plans are there to upgrade the facilities and status of Chester railway station? It has an honourable status in terms of architecture but it is showing its age and would be grateful for investment.

There is a Minister in Cardiff, Mr Ken Skates, who shrewdly and positively co-operates with the Minister in London. Mr Skates is a breath of fresh air as a Minister. He is ubiquitous, inclusive, very intelligent and co-operative. It seems he is developing a good relationship with the department in London. I ask the Minister to enable Mr Skates to have full consultation and more powers if they are available.

The direct service from Chester to Euston is very good and very frequent. But when you travel on that service, you realise how poor the other services are from Crewe into Wales as far as Holyhead. Please can we have investment and improvement? The cross-border economy is remarkable. In north-east Wales, which is served by the Wrexham-Bidston railway line, and Cheshire West and Chester Council, the cross-border economy is going very well. Its GDP percentage of manufacturing is very high and arguably it rivals any other part of the kingdom. But we are hobbled by the inefficient railway service. There is heavy traffic on the roads and at various times we see very serious traffic jams. There is a very good case for investing in rail so that this cross-border economy can advance further.

Finally, I emphasise the remarkably good work done by a local government alliance between north-east Wales, greater Chester, and Wirral and Birkenhead. Much of what it claims from government is investment in rail. The Mersey Dee Alliance is a remarkably good example of cross-border co-operation between local government in England and in Wales.

4.15 pm

Lord Anderson of Swansea (Lab): My Lords, I am happy to join the chorus of broad approval for the order, which follows an undertaking given by the noble Lord, Lord Bourne, and helps to implement a key part of the recommendations of the Silk commission. It is a practical, pragmatic way of dealing with the fact of rail lines which straddle the border, dealing therefore not only with those lines wholly within Wales but those which extend to England. I also congratulate those responsible on a clear Explanatory Memorandum—one of the best I have seen, in fact. Even I could understand every word in it.

It is clear that the process of devolution is incremental and that its context has changed remarkably from that of the 1970s, when I found myself on a different side from that of my noble friends Lord Wigley and Lord Morgan. I am not wholly sure where my noble friend Lord Jones was on it—

Lord Jones: Please be very sure.

Lord Anderson of Swansea: The context was certainly very different at that time. As I recall, there were a number of voices calling for complete independence

for Wales. There was a lack of precedents for devolution within a unitary context; therefore, many could plausibly argue that more care needed to be taken about the constitutional checks and balances, where there could be what was often called a slippery slope. That danger has disappeared and I am delighted to find myself on the same side as my noble friends, at a time when we are looking at this issue in a pragmatic and practical way. We can ignore those concerns of the 1970s, although it is fair to say that they were shared by a large swathe of the people of Wales. In the referendum of 1979, which we often forget, there was a 4:1 majority against the then devolution proposals.

The Government have mentioned the Scottish precedent and sought to draw a distinction between the position in Wales and the more advanced settlement in Scotland. I accept, of course, that the popular pressure is different in Scotland but I expect that we in Wales will move more and more, if perhaps more slowly, towards the Scottish precedent. That is why I was a little dubious about the wording of the March 2015 Command Paper, with its sub-heading *Towards a Lasting Devolution Settlement for Wales*, as if there was an end station or terminus. My own view is that it is unlikely, given the dynamic nature of the process, that there will be an easy terminus and certainly not one that we can foresee at the moment.

This emphasises the need for partnership and co-operation across the border. One feature which becomes clear in the Explanatory Memorandum is the close working relationship between the Department for Transport and the Government of Wales, which has led to this outcome. There will be increasing co-operation and I note also the provisions in the order relating to the closure and discontinuance of lines. This is an excellent movement because it places the decisions within the Welsh Government; if you have the responsibility for decisions, that leads to greater responsibility overall.

This is not a constituency matter but the Minister mentioned the Valley Lines. Yes, they are important, but the line which is most important to and most used by the people of Wales is the Paddington-Fishguard line. It will be helpful to know what, if any, implications there are for that line. Certainly, the previous decisions by the Government were wholly unwelcome and unhelpful to west Wales. It looked as if the world ended at Cardiff when the Government decided that the electrification which had been planned for a long time between Cardiff and Swansea would be ended. I will not develop this theme, save to say that part of the continuing problem of Swansea is that of attracting industry and development, and the perception of many people that west Wales is not worth looking at.

It must cause damage to Swansea and west Wales generally that the Government at Westminster decided not to continue, as promised, with the electrification of that line. Will there be any changes in relation to that important line? I hope that there will at least be a greater degree of consensus and of working together in the spirit of this order, but I end with this: the decision to end the electrification project was damaging and I hope that ultimately it will be reversed.

Lord Tunncliffe (Lab): My Lords, I, too, thank the Minister for introducing this order. We on these Benches welcome the order, but we welcome it noting that it is fundamentally somewhat second best in the eyes of the Welsh Government in the sense that they would have liked a settlement much closer to the Scotland model than this order provides. I cannot remember which noble Lord mentioned it, but there is an implication that there is a journey and a terminus on devolution. I think that over the next few years, as this order and its effects play out, we may see renewed pressure that railways in Wales should be managed on the Scotland model.

The order is précised in paragraph 7.2 of the Explanatory Memorandum. It is:

“to devolve executive franchising functions to the Welsh Ministers so that the Welsh Government could lead the procurement of the next Wales and Borders franchise, due to commence operations on 14 October 2018. This formed part of a wider agreement that included revised arrangements to enable the progression of two proposed rail electrification schemes in South Wales”.

This is no ordinary franchise. My judgment of its importance is very much built around the admirable objectives set out in the South Wales Metro proposals. They are somewhat flatteringly modelled on the London experience and envisage a totally integrated railway system around Cardiff and Newport using the Valley Lines. Therefore, the aspiration of the franchise is much wider than any previous one. The franchisee is to be called,

“an Operator and Development Partner”,

and will undertake,

“The operation of the Wales and Borders rail franchise ... The design and the management of the development and implementation of capital works to deliver a Metro style service on the Core Valleys Lines ... and subsequent infrastructure management of the Core Valleys Lines ... The operation of rail and related aspects of the South Wales Metro service”,

and,

“The design and development of further schemes to improve rail travel in Wales”.

My understanding is that that will mean that the ownership of the infrastructure, as referred to by the noble Lord, Lord Wigley, will transfer from Network Rail to either the Welsh Government or their agency, Transport for Wales. Essentially, there will be a change of ownership and responsibility. Could the Minister explain where the powers to make this transfer lie? In which particular Act are they, and who is exercising what powers under it? I remind the House that Network Rail was probably the most undramatic nationalisation in history, brought about by the Office for National Statistics, which said, “It’s yours, Government, and you’d better run it”. Perhaps the Minister would like to reflect on the joys of running a railway.

Has the transfer has taken place and, if it has, what are the details? A number of noble Lords have asked detailed questions about it, but the key issue in the transfer is what the associated financial arrangements are. I think the Minister referred to them in her speech, but I would be grateful if she could spell them out at a bit more length. Do the UK Government have any ongoing responsibility for revenue support, particularly to the railways in the South Wales Metro

[LORD TUNNICLIFFE]

and the Wales and borders franchise in general? Do they have any responsibility for supporting the capital programme in any way?

The aspect that frightens one when one looks at the aspirations of the South Wales Metro is that it involves some electrification. I have personal experience of exceeding my budget: if I remember correctly, I spent about £1.4 billion more than I was supposed to, but that was only 70% over budget. Network Rail, in its electrification of the Great Western main line, managed to drive the budget up from £2.6 billion to £5.7 billion, which is pretty heroic—about 120% again. Surely one of the problems of taking ownership of these lines, which by implication are not in great shape now, is that the Welsh Government will be exposed to possible significant increases in the project.

In a sense, my final question is: who will be responsible for these overruns? These sums of money are not insignificant for the UK Government but could be crippling for the Welsh Government.

Baroness Sugg: My Lords, I thank all noble Lords for their comments. I recognise the significant experience of the noble Lords, Lord Bradshaw, Lord Wigley and Lord Anderson, and many others in this area over many years. I will aim to address the questions that have been raised, but if I fail to do so I will follow up in writing.

The noble Lords, Lord Tunnicliffe and Lord Wigley, raised the issue of the wider devolution of infrastructure funding. The Government believe it is not desirable to reopen general discussion on Silk recommendations around which there is no consensus, so we do not intend to revisit the question of devolving Network Rail funding. As part of Network Rail's devolution arrangements, the Welsh Government will be represented on the Wales route supervisory board, and the board will work in partnership to drive improvements for customers in the Wales and borders area and hold the industry to account.

The noble Lord, Lord Wigley, raised the issue of the delay in this order. I acknowledge that delay but reassure him that the delay in transferring the rail powers to Welsh Ministers has not adversely affected the procurement process for the next franchise. The formal transfer of powers has required the resolution of a number of detailed policy and practical considerations around cross-border services, which has taken longer than anticipated. However, we have been working closely with the Welsh Government to ensure that they can proceed in a timely manner with the franchise procurement. The ongoing procurement of the next franchise is being facilitated through agency agreements, enabling Welsh Ministers to exercise the Secretary of State's relevant functions in advance of the order being made.

The noble Lord, Lord Bradshaw, asked about wider government spending in Wales. The department will continue to liaise closely with the Welsh Government on the specification funding of Network Rail's operations in England and Wales for each of the five-year railway control periods to ensure that the requirements for Wales for increased capacity on the network are reflected.

We are investing a record amount in Wales infrastructure and our spending goes where it is most needed, where it delivers the greatest value for money and we make decisions for both England and Wales based on a rigorous and fair appraisal process that ensures that.

The noble Lord, Lord Tunnicliffe, and others mentioned the Cardiff Valley Lines, and I will go into some detail on that. As part of the procurement, the Government are leading on the development of proposals for the creation of the South Wales Metro and, alongside refranchising Wales and borders services, the Welsh Government seek to take ownership of the core Valley Lines infrastructure from Network Rail. They then intend to vertically integrate the core Valley Lines by contracting a supplier to run trains and manage the infrastructure.

4.30 pm

The Secretary of State has been very clear that he wants the rail industry to work more closely together to deliver better services for passengers and is pleased that the Welsh Government Cabinet Secretary for Economy and Infrastructure, Ken Skates, supports that. Following the comments of the noble Lord, Lord Jones, I am pleased to confirm that we work very closely with Mr Skates and will continue to do so.

The Welsh Government are working closely with Network Rail to agree the principles for the proposed transfer of the core Valley Lines infrastructure. Although the Government support the proposal in principle, it will be subject to final agreement and recommendation of approval by Network Rail. If agreed, it is expected that the ownership of the core Valley Lines infrastructure would transfer between autumn 2019 and spring 2020.

The Cardiff region is benefiting from millions of pounds of UK Government investment. This includes £125 million towards upgrade of the Valley Lines, which has been incorporated in a wider contribution of £500 million to the Cardiff capital regional investment fund. The agreement in principle to provide funding towards the upgrade of the Valley Lines was conditional on the Welsh Government taking over sponsorship of the project and being liable for costs and risks of all elements of the project, so the Welsh Government will have full freedom to optimise the final scope of the scheme so as to achieve the best value for money but, in direct answer to the question of the noble Lord, Lord Tunnicliffe, they will be responsible for any overspend there. The Welsh Government agree that this is a final settlement between the two Governments in relation to the costs, so they will not subsequently seek further UK Government funding for that.

The noble Lord, Lord Jones, mentioned HS2 and Crewe. HS2 will significantly benefit Wales through faster journey times between north Wales and London via Crewe. We continue to support the vision for a Crewe hub station. He also raised some issues that passengers face. I am pleased that he enjoys the Chester to London line and very much hope that the new franchising agreements will improve services across Wales and in the cross-border areas. On his specific questions about the Wrexham-Bidston line, the Secretary

of State has agreed to fund the development of a strategic outline business case for improvements to line speeds on that line, and on the north Wales main line. We are working closely with the Welsh Government to assist them in their development work on that. On Chester station, again, we are providing assistance and advice to Cheshire West and Chester Council as it develops a business case for Chester station for consideration for DfT funding.

The noble Lord, Lord Bradshaw, asked about variation of terms and conditions and pensions in the new franchise. Employment terms and conditions are not directly impacted by the order. It will be a matter for Welsh Ministers and bidders to address in the context of the procurement process. In the normal course of events, the employees of a train operating company which ceases to run a franchise will be protected by the transfer of undertakings regulations, and their employment contracts will transfer to the new train operating company by that operation. Safety is of course paramount, and I assure the noble Lord that the Office of Rail and Road will remain the safety and economic regulator for infrastructure in Wales.

The noble Lord, Lord Anderson, highlighted the cancellation of electrification. We remain committed to delivering outcomes for rail transport in Wales but will commit to electrified lines only where they provide a genuine benefit for passengers. As the noble Lord will know, the recent reappraisal found that that would be poor value for money.

The introduction of bimodal intercity express trains means that journey times have improved, and we are working with the Welsh Government, who are taking a similar passenger benefits-focused approach to the procurement of the South Wales Metro. Once the whole new fleet is introduced and electrification to Cardiff is complete, passengers will benefit from 40% more seats in the morning peak and journey times between Swansea and London and other stations along the route will be approximately 15 minutes shorter. We will continue to work with the Welsh Government to make improvements where we can.

I hope that that has addressed all the questions. If I have missed anything, I will follow up in writing.

The devolution approach that we have chosen recognises the inherently joint nature of a significant proportion of the Wales and borders franchise and ensures that the current extensive cross-links will be maintained and developed for the benefit of passengers and Welsh and English border economies. I hope that noble Lords will agree that the devolution of these rail powers is an example of effective co-operation between the UK and Welsh Governments. We will continue to support the Welsh Government to enable them to achieve the successful procurement of the next franchise, and expect that the new franchise will improve rail travel in Wales and the English border areas in the coming years. I welcome the broad approval of noble Lords for this and commend the regulations to the House.

Motion agreed.

Windrush Generation: Immigration Status Statement

4.35 pm

The Earl of Courtown (Con): My Lords, I shall now repeat a Statement made in another place by my right honourable friend the Home Secretary. The Statement is as follows:

“I would like to thank the honourable Member for Tottenham for raising this Question and giving me the chance to build on what I have already told this House earlier this afternoon.

I recognise the concern from some people in the Windrush generation. I would not want anyone who has made their life in the United Kingdom to feel unwelcome or to be in any doubt about their right to remain here. As my right honourable friend the Prime Minister has already made clear, there is absolutely no question about their right to remain, and I am very sorry for any confusion or anxiety felt.

While the vast majority of people who came here before 1973 will already have the documentation that proves their rights to be in the United Kingdom, I know that some do not. I know that there are those who have never applied for a passport in their own name or had their immigration status formalised. That is why today I am announcing a new dedicated team that will be set up to help these people evidence their right to be here and to access services. This team will help these applicants to demonstrate they are entitled to live in the United Kingdom and will be tasked with resolving cases within two weeks of when the evidence has been provided.

Of course, no one should be left out of pocket as they go through this process and so, given the uniqueness of the situation this group find themselves in, I intend to ensure that this group will not pay for this documentation. We have set up a webpage and a dedicated contact point for people with concerns and have been speaking to charities, community groups and the high commissioners about providing advice and reassurance to those affected. Tomorrow the Prime Minister will meet with the Heads of Government and I will meet with the high commissioners this week to discuss this issue as a matter of urgency. I hope that this will provide people with the reassurance that they need”.

My Lords, that concludes the Statement.

4.37 pm

Lord Kennedy of Southwark (Lab Co-op): While I am pleased that the Government are taking action today, we are in a shameful situation. Immigrants from the Caribbean who came here after the Second World War, some of whom fought with British forces in the Second World War, are now elderly people who have worked and paid their taxes in the United Kingdom and have been treated in a shabby way by the Home Office. Can the noble Earl outline what action he and his department are taking to ensure that no one in this group will be denied NHS treatment, that none of them will lose their pensions and that none will be detained, held prisoner or deported from the UK?

[LORD KENNEDY OF SOUTHWARK]

If anyone has had their rights infringed in any of the ways that I have highlighted, they should urgently have that reversed and receive a full personal apology for this shabby and shameful treatment. Will he also commit to updating Parliament on the number of people who have had any of their rights abused in any of the ways that I have outlined, without the need for noble Lords to table Questions to get that information from the Government?

The Earl of Courtown: My Lords, I quite understand the noble Lord's feelings on this subject. My right honourable friend the Home Secretary made it very clear in her Statement that this was not in an area that we wanted to be in and that she was very sorry for any of the confusion or anxiety felt. She also said that there will be no removal or detention. The most important thing that we can do at the department now is to process these claims as quickly as possible. It has been made clear in the Statement that these claims will be processed within two weeks, and it is up to all noble Lords, if they are aware of any individuals who have found themselves in this situation, to make the department, through myself or the Minister, aware of who they are. The noble Lord also asked for updates on numbers. I cannot answer at this point, because it is not clear what the numbers are. However, I understand that the vast majority of the Windrush generation will already have their documents. If any information relating to numbers comes forward I will place a copy of the letter in the Library.

Baroness Benjamin (LD): My Lords, it is good to hear the Government's positive response to this distressing, inconsiderate and heartless situation. I came to Britain in 1960 as a British citizen; a Windrush generation child who was told that I was part of the motherland and would be welcomed. Luckily for me, I had my own passport as I travelled without my parents, otherwise I too would be having to prove my status. Many who travelled on their parents' passports are now—due to unbelievable incompetence and lack of common sense and compassion by the Home Office—being treated as criminals and asked to provide evidence of their immigration status. Who in this House can provide school reports and payslips from 50 years ago? In this 70th anniversary year, we are meant to be commemorating Windrush, but these recent events threaten to sour the celebrations. There is a feeling of resentment, rejection and mistrust. Will the Government make amends by creating a Windrush day to celebrate every 22 June, to honour the pioneers and their descendants and to prove that we are valued?

The Earl of Courtown: My Lords, the noble Baroness made a number of points. We have to build up a picture from individuals. This is not done by asking for a payslip for a certain month 30 years ago. We need to know national insurance numbers, if they have them; where they work; where they were at school—we are not looking for school reports. We want to build up a picture with that information and other data held across government which will enable these individuals to be here. These cases must be processed as quickly as possible, so that people are not put under undue

pressure. This is why my right honourable friend the Home Secretary made it quite clear that we want to clear all these applications within a two-week period.

I also repeat what my right honourable friend the Prime Minister said. She deeply values the contribution made by these, and all, Commonwealth citizens who have made a life in the United Kingdom. She is making sure that the Home Office is offering the correct solution for individual situations.

Lord Howard of Lympne (Con): My Lords, I view this lamentable state of affairs with a mixture of concern and bewilderment. Can my noble friend the Minister shed any light on the circumstances in which the confusion and anxiety to which the Statement refers has been allowed to arise in the first place?

The Earl of Courtown: My Lords, my noble friend, who has great experience in this department, makes a very good point. We will be able to build up a picture of the whys and wherefores of this situation. As the noble Baroness said, it initially arose with the Windrush generation. Many of them are documented, but some came here undocumented. The job now is to make sure that this is put right and that they get the correct documentation.

Baroness Hayman (CB): My Lords, I too welcome the Statement, and the apology contained within it. I much regret the confusion and insensitivity that has led to it needing to be made. I was born and raised in Wolverhampton. In 1972, I was selected to fight Enoch Powell in the forthcoming general election and to fight his poisonous views on immigration. I am mortified that children who were brought up in that town and performed huge and valuable services to this country should have had their immigration status—their right to be citizens of this country—put in doubt in this way. I will ask the Minister one question. The Statement dealt with immigration status, but issues around access to healthcare, some of which are urgent, have also been raised in some cases. Can he give us some information about putting those right as well?

The Earl of Courtown: My Lords, I understand the noble Baroness's concerns. She mentioned healthcare in particular. If certain individuals have suffered from being unable to get healthcare, once again, if she could let me know about them, I will pass that back to the department, which will consider it.

The Lord Bishop of Coventry: My Lords, I have written to the Prime Minister about this matter, as have a number of other Bishops. It has given us a great deal of concern and is a deeply distressing matter. We have heard already from the noble Baroness, Lady Benjamin, and I am sure that we will hear from the noble Lord, Lord Boateng, about the depth of hurt. There will be a great need for healing in this situation and to address that hurt, which extends beyond the Windrush community to others who feel a sense of deep hostility. Can the Minister say whether the Churches, and in particular the black-majority Churches and other faith communities, will be involved in advising on ways to bring about that healing in our community?

The Earl of Courtown: My Lords, I thank the right reverend Prelate for the points he makes. My right honourable friend the Home Secretary has made it clear that we will reach out to charities, community groups and to the high commissioners to try to reassure people through those channels as well.

Lord Boateng (Lab): My Lords, the confusion and anxiety is clear, and it came about because of the Home Office—its bureaucracy, its failings and the nature of the correspondence that was sent to the people who have suffered as a result of its action. These were children. They did not come here of their own volition but because their parents were here. But they have lived their lives and paid their taxes in this country, and they have helped it grow and develop into the successful multiracial democracy that it is. They have been insulted, and they were insulted as children. My generation was described as “wide-eyed grinning piccaninnies” by a Member of the other House. To that insult in their childhood has now been added this injury in their old age. They have been sent letters that question their right to be here with their children and grandchildren. They have lost jobs—look at the cases that have been reported in the newspapers only today. Some may even have been removed. So we do not want warm words but the unequivocal promise that those who have paid fees will have them returned; that those who have lost their jobs—and they have—will be compensated; that there will be no more removals, and that those who may have been removed will be returned. Nothing less will do. Anything less makes us complicit in this shameful action.

The Earl of Courtown: My Lords, I quite understand the concerns of the noble Lord, Lord Boateng. As I said earlier, my right honourable friend the Home Secretary has already confirmed that there will be no removal or detention. The noble Lord asked a number of other questions concerning individuals but I do not have that information to hand—I know that we do not have some of the information from this shameful exercise. However, if any of that information does come to light, I will be sure to write to the noble Lord.

Syria *Statement*

4.49 pm

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, with the leave of the House, I will now repeat a Statement made by my right honourable friend the Prime Minister in another place:

“Mr Speaker, I would like to start by saying that I am sure the whole House will wish to join me in offering our heartfelt condolences to the family and friends of Sergeant Matt Tonroe from the 3rd Battalion the Parachute Regiment, who was killed by an improvised explosive device on 29 March. Sergeant Tonroe was embedded with US forces on a counter-Daesh operation. He served his country with great distinction and it is clear he was a gifted and intelligent instructor who was respected by everyone he served with. Sergeant Tonroe fought to protect British values and our freedoms, and to keep this country safe.

With permission, I would like to make a Statement on the actions that we have taken, together with our American and French allies, to degrade the Syrian regime’s chemical weapons capabilities and to deter their future use.

On Saturday 7 April, up to 70 people, including young children, were killed in a horrific attack in Douma, with as many as 500 further casualties. All indications are that this was a chemical weapons attack. UK medical and scientific experts have analysed open-source reports, images and video footage from the incident and have concluded that the victims were exposed to a toxic chemical. This is corroborated by first-hand accounts from NGOs and aid workers.

The World Health Organization received reports that hundreds of patients arrived at Syrian health facilities on Saturday night with, ‘signs and symptoms consistent with exposure to toxic chemicals’. Based on our assessment, we do not think that these reports could be falsified on this scale. Furthermore, the Syrian regime has reportedly been attempting to conceal the evidence by searching evacuees from Douma to ensure samples are not being smuggled from this area. A wider operation to conceal the facts of the attack is under way, supported by the Russians.

The images of this suffering are utterly haunting—innocent families, seeking shelter in underground bunkers, found dead with foam in their mouths, burns to their eyes and their bodies surrounded by a chlorine-like odour, and children gasping for life as chemicals choked their lungs. The fact that such an atrocity can take place in our world today is a stain on our humanity, and we are clear about who is responsible. A significant body of information, including intelligence, indicates the Syrian regime is responsible for this latest attack. Open-source accounts state that barrel bombs were used to deliver the chemicals. Barrel bombs are usually delivered by helicopters. Multiple open-source reports and intelligence indicate that regime helicopters operated over Douma on the evening of 7 April, shortly before reports emerged on social media of a chemical attack, and that Syrian military officials co-ordinated what appears to be the use of chlorine weapons.

No other group could have carried out this attack. The opposition do not operate helicopters or use barrel bombs, and Daesh does not even have a presence in Douma. The reports of this attack are consistent with previous regime attacks. These include the attack on 21 August 2013, when over 800 people were killed and thousands more injured in a chemical attack also in Ghouta. Fourteen further smaller-scale chemical attacks were reported prior to that summer, with three further chlorine attacks in 2014 and 2015 which the independent UNSC-mandated investigation attributed to the regime, and there was the attack at Khan Shaykhun on 4 April last year, where the Syrian regime used sarin against its people, killing around 100 with a further 500 casualties.

Based on the regime’s persistent pattern of behaviour and the cumulative analysis of specific incidents, we judged it highly likely that the Syrian regime had continued to use chemical weapons on at least four occasions since the attack in Khan Shaykhun, and we judged that it would have continued to do so, so we needed to intervene rapidly to alleviate further indiscriminate

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humanitarian suffering. We have explored every possible diplomatic channel to do so but our efforts have been repeatedly thwarted.

Following the sarin attack in eastern Damascus back in August 2013, the Syrian regime committed to dismantle its chemical weapon programme and Russia promised to ensure that Syria did this, overseen by the Organisation for the Prohibition of Chemical Weapons. At the weekend, the leader of the Opposition cited this diplomatic agreement as,

‘precedent that this process can work’.

But this process did not work. It did not eradicate the chemical weapons capability of the Syrian regime, with only last month the OPCW finding that Syria’s declaration of its former chemical weapons programme is incomplete. As I have already set out, it did not stop the Syrian regime from carrying out the most abhorrent atrocities using these weapons. Furthermore, on each occasion when we have seen every sign of chemical weapons being used, Russia has blocked any attempt to hold the perpetrators to account at the UN Security Council, with six such vetoes since the start of 2017. And just last week, Russia blocked a UN resolution that would have established an independent investigation able to determine responsibility for this latest attack. So regrettably, we had no choice but to conclude that diplomatic action on its own is not going to work. The leader of the Opposition has said that he can countenance involvement in Syria only if there is UN authority behind it. The House should be clear that that would mean a Russian veto on our foreign policy.

When the Cabinet met on Thursday, we considered the advice of the Attorney-General. Based on this advice we agreed that it was not just morally right but also legally right to take military action, together with our closest allies, to alleviate further humanitarian suffering. This was not about intervening in a civil war and it was not about regime change. It was about a limited, targeted and effective strike that sought to alleviate the humanitarian suffering of the Syrian people by degrading the Syrian regime’s chemical weapons capability and deterring their use.

We have published the legal basis for this action. It required three conditions to be met. First, there must be convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale requiring immediate and urgent relief. Secondly, it must be objectively clear that there is no practicable alternative to the use of force if lives are to be saved. Thirdly, the proposed use of force must be necessary and proportionate to the aim of relief of humanitarian suffering and must be strictly limited in time and in scope to this aim. These are the same three criteria used as the legal justification for the UK’s role in the NATO intervention in Kosovo. Our interventions, in 1991 with the US and France and in 1992 with the US, to create safe havens and enforce the no-fly zones in Iraq following the Gulf War were also justified on the basis of humanitarian intervention. Governments of all colours have long considered that military action, on an exceptional basis where necessary and proportionate, and as a last resort to avert an overwhelming humanitarian catastrophe, is permissible under international law.

I have set out why we are convinced by the evidence and why there was no practicable alternative. Let me set out how this military response was also proportionate. This was a limited, targeted and effective strike that would significantly degrade Syrian chemical weapons capabilities and deter their future use, and with clear boundaries that expressly sought to avoid escalation and did everything possible to prevent civilian casualties. As a result, the co-ordinated actions of the US, the UK and France were successfully and specifically targeted at three sites.

Contrary to what the leader of the Opposition said at the weekend, these were not ‘empty buildings’. The first was the Barzeh branch of the Scientific Studies and Research Centre in northern Damascus. This was a centre for the research and development of Syria’s chemical and biological programme. It was hit by 57 American TLAMs and 19 American JASSMs.

The second site was the Him Shinsar chemical weapons bunkers, 15 miles west of the city of Homs, which contained both a chemical weapons equipment and storage facility and an important command post. These were successfully hit by seven French Scalp cruise missiles. The third site was the Him Shinsar chemical weapons storage site and former missile base, which is now a military facility. This was assessed to be a location of Syrian sarin and precursor production equipment whose destruction would degrade Syria’s ability to deliver sarin in the future. This was hit by nine US TLAMs, five naval and two Scalp cruise missiles from France, and eight Storm Shadow missiles launched by our four RAF Tornado GR4s. Very careful scientific analysis was used to determine where best to target these missiles to maximise the destruction of stockpiled chemicals and to minimise any risks to the surrounding area, and the facility that we targeted is located some distance from any known population centres, reducing yet further any such risk of civilian casualties.

While targeted and limited, these strikes by the US, UK and France were significantly larger than the US action a year ago after the attack at Khan Shaykhun—and specifically designed to have a greater impact on the regime’s capability and willingness to use chemical weapons. We also minimised the chances of wider escalation through our carefully targeted approach and the House will note that Russia has not reported any losses of personnel or equipment as a result of the strikes. I am sure that the whole House will want to join me in paying tribute to all the British service men and women—and their American and French allies—who successfully carried out this mission with such courage and professionalism.

Let me deal specifically with three important questions. First, why did we not wait for the investigation from the OPCW? UNSC-mandated inspectors have investigated previous attacks and on four occasions decided that the regime was indeed responsible. We are confident in our own assessment that the Syrian regime was highly likely responsible for this attack and that its persistent pattern of behaviour meant that it was highly likely to continue using chemical weapons. Furthermore, there

were clearly attempts to block any proper investigation, as we saw with the Russian veto at the UN earlier in the week.

Let me set this out in detail. We support strongly the work of the OPCW fact-finding mission that is currently in Damascus. But that mission is able to make an assessment only of whether chemical weapons were used. Even if the OPCW team is able to visit Douma to gather information to make that assessment—and it is currently being prevented from doing so by the regime and the Russians—it cannot attribute responsibility. This is because Russia vetoed in November 2017 an extension of the joint investigatory mechanism set up to do this and last week, in the wake of the Douma attack, it again vetoed a new UNSC resolution to re-establish such a mechanism. Even if we had OPCW's findings and a mechanism to attribute, for as long as Russia continues to veto, the UN Security Council still would not be able to act, so we cannot wait to alleviate further humanitarian suffering caused by chemical weapons attacks.

Secondly, were we not just following orders from America? Let me be absolutely clear: we have acted because it is in our national interest to do so. It is in our national interest to prevent the further use of chemical weapons in Syria—and to uphold and defend the global consensus that these weapons should not be used. For we cannot allow the use of chemical weapons to become normalised—within Syria, on the streets of the UK or anywhere else. So we have not done this because President Trump asked us to do so. We have done it because we believed it was the right thing to do and we are not alone.

There is broad-based international support for the action we have taken. NATO has issued a statement setting out its support, as have the Gulf Cooperation Council and a number of countries in the region, and over the weekend I have spoken to a range of world leaders, including Chancellor Merkel, Prime Minister Gentiloni, Prime Minister Trudeau, Prime Minister Turnbull and the European Council President, Donald Tusk. All have expressed their support for the actions that Britain, France and America have taken.

Thirdly, why did we not recall Parliament? The speed with which we acted was essential in co-operating with our partners to alleviate further humanitarian suffering and to maintain the vital security of our operations. This was a limited, targeted strike on a legal basis that has been used before. It was a decision which required the evaluation of intelligence and information, much of which was of a nature that could not be shared with Parliament. We have always been clear that the Government have the right to act quickly in the national interest. I am absolutely clear that it is Parliament's responsibility to hold me to account for such decisions. Parliament will do so, but it is my responsibility as Prime Minister to make these decisions, and I will make them.

I have been clear that this military action was not about intervening in the civil war in Syria or about regime change, but we are determined to do our utmost to help to resolve the conflict in Syria. That means concluding the fight against Daesh, which still holds pockets of territory in Syria. It means working to enable humanitarian access and continuing our

efforts at the forefront of the global response, where the UK has already committed almost £2.5 billion, our largest ever response to a single humanitarian crisis. Next week we will attend the second Brussels Conference on Supporting the Future of Syria and the Region, which will focus on humanitarian support, bolstering the UN-led political process in Geneva and ensuring continued international support for refugees and host countries, thus driving forward the legacy of our own London conference held in 2016. And it means supporting international efforts to reinvigorate the process to deliver a political solution, for this is the best long-term hope for the Syrian people. The UK will do all of these things, but as I have also been clear, that is not what these military strikes were about.

As I have set out, the military action that we have taken this weekend was specifically focused on degrading the Syrian regime's chemical weapons capability and deterring its future use. In order to achieve this, there must also be a wider diplomatic effort, including the full range of political and economic levers, to strengthen the global norms prohibiting the use of chemical weapons which have stood for nearly a century. We will continue to work with our international partners on tough economic action against those involved with the production or dissemination of chemical weapons.

I welcome the conclusions of today's European Foreign Affairs Council, attended by my right honourable friend the Foreign Secretary, which confirmed that the Council is willing to consider further restrictive measures on those involved in the development and use of chemical weapons in Syria. We will continue to push for the re-establishment of an international investigative mechanism which can attribute responsibility for chemical weapon use in Syria. We will advance with our French allies the new International Partnership against Impunity for the Use of Chemical Weapons, which will meet in the coming weeks, and we will continue to strengthen the international coalition we have built since the attack on Salisbury.

Last Thursday's report from the OPCW has confirmed our findings that it was indeed a Novichok attack in Salisbury, and I have placed a copy of the report's executive summary in the Library of the House. While of a much lower order of magnitude, the use of a nerve agent on the streets of Salisbury is part of a pattern of disregard for the global norms that prohibit the use of chemical weapons. While the action was taken to alleviate humanitarian suffering in Syria by degrading the regime's chemical weapons capability and deterring its use of these weapons, it will also send a clear message to anyone who believes that they can use chemical weapons with impunity. We cannot go back to a world where the use of chemical weapons becomes normalised.

I am deeply conscious of the gravity of these decisions. They affect all Members of this House, and me personally. I also understand the questions that rightly will be asked about British military action, particularly in such a complex region, but I am clear that the way we protect our national interest is to stand up for the global rules and standards that keep us safe. That is what we have done and what we will continue to do. I commend this Statement to the House".

5.09 pm

Baroness Smith of Basildon (Lab): My Lords, I first thank the noble Baroness for repeating the Statement. I am grateful—along with the noble Lord, Lord Newby, and the Lord Speaker—for the briefing we were given by Cabinet Office Privy Counsellors today, as well as the offer of a wider detailed background briefing for all Peers.

First, I want to join in the condolences to the family, friends and colleagues of Sergeant Matt Tonroe, who was killed in the service of his country. I entirely endorse the Minister's comments. His family has rightly regarded his highly regarded military service with great pride. They, and he, would always have known how dangerous that service was—but that will not make the pain of their loss any easier. We rely on men and women such as Sergeant Tonroe to keep us safe, and we should never forget how much of a sacrifice they are prepared to make.

The attack on Douma, which has brought so much suffering, was the latest and most serious of a number of chemical weapons attacks since 2013 in Syria. The Syrian conflict is estimated already to have cost more than 400,000 lives, and many more people have been injured, maimed or forced to flee their homes as refugees. This area had already seen intense air and ground assaults when—as we heard from the Minister—on 7 April, reports and images emerged of what now appears to have been corroborated as a horrific chemical attack, leaving hundreds of people affected and around 70 dead. No one can read those reports or see the images of such suffering without being deeply moved. We completely and unreservedly condemn such attacks.

The multilateral action that has followed this attack was clearly one of limited precision targeting, aimed specifically at chemical weapons installations, including storage. It is to the credit of those involved in both the planning and execution of the attack that there are no reported fatalities and that the installations have been destroyed. We welcome the fact that all our personnel arrived home safely. It must be clear that an operation of this kind cannot ever be in retaliation but must be to prevent further such atrocities.

I am grateful to the Government for publishing some of the information that was made available to the Cabinet at its meeting on Thursday. It would be helpful if the Minister could say more about the international legal position, including the advice of the Attorney-General. Clearly, the use of chemical weapons is against all international law and conventions. I am grateful for the Minister's comments on the moral and legal case, but she will also be aware that humanitarian intervention is not universally accepted; indeed, it is disputed by some. What discussions have the Government had with the United Nations on this issue, including prior to the operation? Specifically, are any discussions ongoing?

We are also aware that this conflict remains ongoing—not just with chemical weapons but with conventional weapons as well—bringing enormous suffering with no real end in sight. It is vital that we continue to play a role in humanitarian relief and medical support and care. Will the Minister say more about this in her response? That brings us to the much-needed pressure to renew diplomatic efforts to ensure they are resumed.

What discussions are taking place on that? Have the Government made any assessment of the risk of retaliation after these attacks?

A crucial part of this is the role of the OPCW. I understand that the director-general told a meeting of his executive council today that inspectors had not been allowed to visit the sites. According to Sweden's representative on the council, Syria and Russia told the inspectors that their safety could not be guaranteed. Additionally, I am informed that Russia's Deputy Foreign Minister said that the inspectors would not be allowed to access the site until they produced an appropriate UN permit. What efforts are being made to engage with all parties? It is essential that the OPCW is allowed to continue its work and visit these sites. What discussions are taking place so that it can do that with the full co-operation of both Syria and Russia?

The Minister said that, even if the OPCW team can visit Douma to gather information about that assessment, it cannot attribute responsibility because Russia vetoed in November 2017 an extension of the joint investigatory mechanism set up to do that. Then, last week, as we heard, in the wake of the Douma attack, Russia again vetoed a new UN Security Council resolution to re-establish such a mechanism. What plans do the Government have to engage with other members of the Security Council to ensure that the OPCW has the necessary powers to undertake full investigations?

Finally, I will ask the noble Baroness about parliamentary engagement. We all understand that there will be times when Governments, in an emergency, have to act in the national interest and when there is no opportunity to return to Parliament until after an operation. We also understand that there are times when details cannot be made public—even in your Lordships' House—and when rapid action is needed. But in the past there were a number of occasions when the Government consulted Parliament and even voted on an issue before military action. Will she say something about why in this case it was deemed impossible to consult Parliament prior to action and possible to return to Parliament for debate only after the operation had been concluded?

Lord Newby (LD): My Lords, I too thank the Leader of the House for repeating the Statement. We on these Benches associate ourselves with the Government's condolences to the family and friends of Sergeant Tonroe.

Last week, the Government and their allies were faced with a painful dilemma. The atrocious attack in Douma was only the latest and most lethal in a series of chemical attacks that have occurred in Syria over the last year. The only credible perpetrator of these attacks is the Assad regime. The stark choice which the Government and their allies faced was either to do nothing or to take some form of military action to signal our abhorrence of the use of chemical weapons. Given the attitude of the Assad regime and its Russian allies, there was, in the short term, no third effective diplomatic avenue open.

To undertake military action the Government needed to ensure that it was legal, effective and proportionate, and did not lead to an escalation of the multidimensional

conflicts that beset Syria. The strict targeting of facilities, the extraordinary accuracy of the missiles, the avoidance of civilian casualties, the forewarning of the Russians and the assurance that the military action was a one-off event appear to have met those requirements. Another requirement for the use of military action, however, that was not met was the need to gain the prior approval of Parliament. It would have been possible to recall Parliament last week at very short notice and the Government should have done so. They might have had in mind the precedent of 2013, when the Commons refused to back unspecified military action in response to chemical attacks in Syria, but the hesitancy of the Commons to authorise military action then only strengthens the case for getting its approval now.

However effective the air strikes might have been in degrading Assad's short-term ability to manufacture chemical weapons, they do not constitute a strategy. Indeed, the Government make no such claim. But the need for a way forward in Syria that goes beyond the brutal suppression of all resistance by the current regime has never been greater. As far as the UK's role in achieving this is concerned, we can be effective only when working over a sustained period with our allies and the wider international community.

As the Statement makes clear, the Foreign Secretary has today, alongside his French counterpart, briefed the EU Foreign Affairs Council about Syria. This is commendable but, if the Government have their way, in 12 months' time he would not be in the room. So I repeat a question that I have put before: after 29 March next year, how do the Government foresee being able to have a voice in EU Councils when they discuss Syria and foreign affairs more generally?

As for the US, it is reported that President Macron and Chancellor Merkel are to visit Washington next week. Does this mean that the French and Germans are now speaking for the European allies instead of the E3, of which the UK was a partner, which handled the Iranian nuclear negotiations?

On the prospects of a long-term settlement in Syria, while the Geneva talks appear to be deadlocked, there are more encouraging signs from the discussions convened by Russia in Sochi with the participation of the Iranians and the Turks. What is the Government's assessment of the potential of these talks and are they in any way associating themselves with them? Will the Government offer their support to those within Syria gathering information about those committing war crimes so that they can eventually be brought to justice before the ICC?

The multi-layered conflicts being played out in Syria—Assad v al-Qaeda, Turkey v Kurds and Iran v Israel—have the potential to cause further horrific suffering and senseless violence beyond that which we have already seen. At the very least, we must ensure that action by the UK does nothing to escalate these conflicts. Last week's raid appears not to have done so, but the Government must approach any further such interventions with great care and should take action only when they have the support of Parliament.

Baroness Evans of Bowes Park: I thank the noble Baroness and the noble Lord for their comments. As they will be aware, the UK is permitted under international

law on an exceptional basis to take measures to alleviate human suffering, which is what we did. As the noble Baroness rightly said, we have published our legal position, which sets out how we believe that the military action taken has met this requirement. That is available for all to see.

The noble Lord and noble Baroness both asked about escalation. They are absolutely right: escalation is not in anybody's interest, and I hope that the Statement I repeated made it clear that escalation was considered in discussions about what action to take. This was a discrete action to degrade chemical weapons and deter their use by the Syrian regime. We do not want to escalate tensions in the region. The Syrian regime and Russian and Iranian forces were not the target of the operation.

We are committed to playing our part to help the humanitarian catastrophe. As the noble Baroness rightly said, more than 400,000 people have been killed and half of Syria's population has been displaced. As the Statement made clear, the UK is the second-biggest bilateral donor to the humanitarian response in Syria. Since 2012, our help has provided more than 26 million food rations, more than 10 million health consultations, more than 9.8 million relief packages and more than 8 million vaccinations. We have provided more than £200 million through the Conflict, Stability and Security Fund, and we remain committed to continue this within that region. I can reassure the House that we remain committed to achieving our goals in Syria: defeating the scourge of Daesh and achieving a political settlement that ends the suffering and provides stability for all Syrians. Alongside our US and French allies, we will continue to pursue diplomatic resolution—as I mentioned, there will be a further meeting of various partners next week to look at how we can continue to do that.

As I said in the Statement, and as the noble Baroness rightly mentioned, it appears that the OPCW team is being prevented from continuing its assessments in Douma. This has come out in a meeting today, so it is quite early days in terms of the information being passed back, but we will now work with our international partners to see what further steps can be taken. We must at the very least find out what is happening and we will work with our international allies to do that.

The noble Lord and noble Baroness both asked about parliamentary involvement. As I am sure they are both aware, the *Cabinet Manual* acknowledges that parliamentary debate is not necessary where there is an emergency and such action would not be appropriate. We believe that we acted in accordance with the convention. It was necessary to strike with speed so that we could allow our Armed Forces to act decisively, maintain the vital security of their operation and protect the security and interests of the UK. This is in accordance with the convention on the deployment of troops and Parliament.

This action has shown us once again to be playing a leading role internationally. As permanent members of the Security Council, we, the US and France have a particular role in upholding the international laws that keep us safe. That is what we were doing with this action. Support has been wide-ranging, including through

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many of our European allies, the EU, NATO, Canada, Saudi Arabia, Qatar and Turkey. We will continue to play a leading role in maintaining international order and making sure that we can keep people safe.

5.24 pm

Lord Howard of Lympne (Con): My Lords, does my noble friend agree that the consequences of inaction are often more serious than those that flow from action? Does she further agree that had action been taken in 2013 it might well have been unnecessary to take action now?

Baroness Evans of Bowes Park: I certainly agree with my noble friend that, having looked at the assessment, the intelligence and the suffering of the Syrian people we felt that action was necessary. But let us be very clear: this was a co-ordinated and targeted strike to degrade the Syrian regime's chemical weapons capability and to ensure that chemical weapons do not become normalised, which none of us wishes to see.

Lord Jay of Ewelme (CB): My Lords, I am grateful to the Leader of the House for repeating the Statement. I spoke against intervention in Syria in 2013 because I thought it was ill thought-through and poorly presented. I support the intervention this time: I believe it is properly thought-through, limited, focused and well concerted with allies. It is clearly designed to deter the use of chemical weapons. It may well do so and such deterrence is clearly to be welcomed, but this action will have little or no effect on the longer-term conflict in Syria. Will she say more about the Government's intention to work with others—including, however difficult, the Russians and Iran—to achieve some sort of settled solution in Syria? Only in that way will there be an end to the humanitarian disaster that we now see.

Baroness Evans of Bowes Park: I am grateful for the noble Lord's support for the action taken. I reiterate to the House that we remain committed to the UN-led political process, but we have to be aware that it is the Syrian regime, with Russian and Iranian support, that is choosing to continue the conflict rather than come to the negotiating table. However, we will continue to try and pursue diplomatic resolution. As I mentioned in the Statement, next week we will attend the second Brussels Conference on Supporting the Future of Syria and the Region, which will focus on humanitarian support, bolstering the UN-led political process in Geneva and ensuring continued international support for refugees and host countries. We are committed to finding a diplomatic solution but I think we all acknowledge how difficult the circumstances are.

The Lord Bishop of Coventry: My Lords, it was very good to hear that assurance from the Leader of the House on the commitment to a long-term diplomatic solution. It does not appear very loud and clear in the Statement—it is only two lines—but great energy and skill has been given to the military action and the consensus that has been gathered around it is really impressive. It would really help many of us to hear more about whether the same energy, skill and confidence

that there can be a negotiated solution will be given to that, with the same sort of targeted, intense effect that was given to the military action. I want to repeat a question I asked when this House last met—in the Syria debate on the humanitarian crisis—about whether the degradation in relations between Britain and Russia was going to cause the Syrian people to be the long-term victims, because of the failure in efforts to bring all parties together. I failed to get an answer to that: will the Leader of the House say something about the state of those relations today and whether the recent deterioration has made the prospect of that concerted effort for peace possible?

Baroness Evans of Bowes Park: I can certainly assure the right reverend Prelate that we are committed to continuing with diplomatic means and to looking for a long-term sustainable solution to the situation in Syria, because that is the only way that the Syrian people will have a bright future ahead of them. We will absolutely continue to do that. Of course, hitting these targets with the force that we have done will significantly degrade the Syrian regime's ability to research, develop and deploy chemical weapons, which was obviously the main aim of this particular action. I also reassure him that we remain committed to the humanitarian support that we have provided. I have already set out the range of ways in which the UK has provided help—indeed, we have committed £2.46 billion since 2012, our largest ever response to a humanitarian crisis—and we will continue to do so.

Lord Morris of Aberavon (Lab): My Lords, I broadly support the legal advice of the Attorney-General on armed intervention on humanitarian grounds. As Attorney-General, I developed this doctrine in Kosovo, which is an important parallel, again in circumstances in which it was hopeless to expect United Nations action. Legal advice cannot always be certain but will the Government accept that there is an arguable case—a respectable legal argument—which is enough to satisfy our Armed Forces that they have acted legally, on the same basis as they did in Kosovo, as mentioned by the Prime Minister?

Baroness Evans of Bowes Park: I thank the noble and learned Lord for his comments and his experience in this area. Indeed, humanitarian intervention is the legal justification we have put forward, which was indeed the justification we used for intervention in Kosovo. We have published the legal advice and we believe it is right. We are very grateful to our military for the work it did over those very difficult hours.

Lord Campbell of Pittenweem (LD): My Lords, I find it difficult to see how anyone could reach the conclusion that this proportionate and targeted attack was anything other than lawful, although I understand it is the position of some in the other place to continue to doubt that. Having regard to the behaviour of the Assad regime, in particular following what one might call the warning of September 2013, the determination to persist in these unlawful attacks must inevitably provoke response.

However, I believe that the Government made a mistake, if I may put it as delicately as that, in not recalling Parliament—for the sake of 48 hours. If the

question of urgency is to be raised in support of the Government's attitude to that, it is worth pointing out how little urgency President Trump displayed over a period of several days. The United Kingdom was not at imminent risk. It would have been possible to debate these matters without reference to detailed and confidential intelligence and certainly without identifying targets. I do not expect the Leader of the House to agree with me, but I urge upon her that on any future occasion a more positive approach is taken to obtaining the discussion and, if necessary, the approval of both Houses of Parliament.

Baroness Evans of Bowes Park: I thank the noble Lord for his support in relation to the legal basis for the action. I am afraid he is right: I do not entirely agree with the second part of his comments. We believe we need to maintain the prerogative powers that allow the Executive to act in emergencies to alleviate human suffering, and we felt it was necessary to strike with speed so that we could allow our Armed Forces to act decisively, maintain the vital security of their operation, and protect the security and interests of the UK.

Lord King of Bridgwater (Con): I strongly support the Statement made by my right honourable friend the Prime Minister. I pay particular tribute to the extraordinary professionalism of all three countries involved. They have conducted this very difficult exercise and appear to have achieved exactly the objectives set out, with the minimum risk of civilian casualties and with the safe return of those involved in the exercise.

This is a very important point. I have had occasion in Parliament to seek the deployment of our forces and we have consulted Parliament in advance, in certain circumstances. On other occasions, I had the responsibility for being involved in launching attacks of one sort or another, which had to be done before Parliament could be consulted. But at all times, we were accountable to Parliament. We returned to it afterwards and made a full account. That is exactly what is happening now; it is accountability in Parliament.

To those people who have said, "Why couldn't we have a good debate in advance of this?", I say: what actual details are to be given about what is proposed and how much greater a risk would that represent for those whom we then ask to undertake that exercise? I hope the House understands that Parliament is sovereign but the Government have a responsibility. They must not duck that responsibility by ducking behind a vote taken in Parliament in advance and saying, "It might have been a tough decision but Parliament would not let us do it". That is what went wrong before and I commend entirely the courage of the Prime Minister in taking this decision now.

Baroness Evans of Bowes Park: My noble friend is right that this was a limited, targeted and effective strike with clear boundaries, expressly sought to avoid escalation, and with everything possible done to prevent civilian casualties. We had four RAF Tornados operating from the UK's sovereign base in Akrotiri, using Storm missiles to strike a chemical weapons storage facility. The missiles were launched outside Syrian airspace and the Tornados were supported by four Typhoon aircraft, also operating from Cyprus.

Lord Hannay of Chiswick (CB): My Lords, does the Minister recognise that I, along with the noble Lord, Lord Howard of Lympne, was one of the rather few people who supported the Government's line in this House in 2013? It is therefore not altogether surprising that I should be quite clear in my own mind that the action taken on Friday was proportionate, justified and legitimate.

Perhaps the Minister could answer two questions which have not yet come up in the discussion. First, the situation now is, in legal and international terms, quite different from that of 2013. At that time, Syria had not yet signed the chemical weapons convention and was not bound by international law, other than the agreement of 1928, not to use them. The situation is now completely different; it has signed and ratified the convention in bad faith and is now using sarin, in some cases, and chlorine, which it is illegal to use as a weapon. That makes the situation far more clear-cut. Secondly, do the Government not recognise that there will not be a peaceful settlement in Syria until all parties to this conflict—heaven knows, there are far too many of them—recognise that there is no possibility of a sustainable peace won by a military victory? I would like to hear what the Government plan to do to ensure that that truth is brought home to some of those who are engaged in that unhappy country, so that we do not have to repeat this exercise.

Baroness Evans of Bowes Park: The noble Lord is absolutely right that despite Russia's promise in 2013 to ensure that Syria would dismantle its chemical weapons programme, overseen by the OPCW, that has not happened. Indeed, only last month the OPCW was once again unable to verify Syria's declaration of its chemical weapons programme, so work obviously has to continue in that area. He is absolutely right as well that we need to see a transition to a new, inclusive, non-sectarian Government who can protect the rights of all Syrians and unite the country. That is what we continue to work towards and we remain committed to the UN-led political process.

Lord Winston (Lab): My Lords, it seems just a little naive to have listened to the noble Baroness's reiteration of the Prime Minister's speech. Does she not agree that while we can bomb what is visible the intelligent scientists in that country, some of them trained in universities in this country and who are very good chemists, will continue to exist and to have the moral attitude that they have? That is together with the fact that the more we bomb what is visible, the more we force things underground to places which are invisible. That is one reason why parliamentary debate is so important and I wonder whether she would like to respond to that question.

Baroness Evans of Bowes Park: By hitting the targets that we have hit, we have significantly downgraded the Syrian regime's ability to research, develop and deploy chemical weapons. As we have seen from the use of the nerve agent on the streets of the UK, there has been a pattern of disregard for international norms. Part of what we absolutely have to do is to reinstate the global consensus that chemical weapons cannot and should not be used.

Baroness Falkner of Margravine (LD): My Lords, this is a sober moment for this country because, although we are extremely relieved that the operation has been successful, we have not seen the threatened Russian retaliation yet, so the game is not over and it is time to reflect a little bit. I am concerned that the Statement repeated here said two things. One was that speed was essential, yet we took seven days. The definition of an emergency is a serious, unexpected and often dangerous situation demanding immediate action. The second thing we have been told today is that the House of Commons is not to be trusted. Despite assurances given by Mr Hague in 2011 and the assurances Mr Cameron gave after the Chilcot report in 2016, when he repeatedly told the other place that it would be extremely exceptional that the convention that had been agreed and established in both Houses would be disregarded, this week that convention has been disregarded. The Minister may know that I had a Private Member's Bill to codify a war powers Act that would have allowed this action to go ahead had it been codified. Will the Government now go back and contemplate resolving this once and for all?

Baroness Evans of Bowes Park: I am afraid I disagree with the noble Baroness's question. We made a decision and there was a Written Statement a couple of years ago. The position remains that we will not be codifying the convention in law or by resolution of the House in order to retain the ability of this and future Governments and the Armed Forces to protect the security and interests of the UK in circumstances that we cannot predict and to avoid such decisions becoming subject to legal action. That is what we have stated and that remains our position.

Lord Dobbs (Con): My Lords, there is a great deal to be welcomed in the Prime Minister's Statement, but does my noble friend recall that the last time we debated the bombing of Syria more than 70 Members spoke and only three clearly supported bombing Syria on that occasion? Of course, these circumstances are very different, but perhaps that reluctance came from the fact that there have been 20 years of failure of British foreign policy in the Middle East—one might even take it back to Suez. Interventions in the Middle East have been ill-planned and have generally missed the point. The term "Mission accomplished" should never be used in these circumstances. If this intervention is to be supported—and I do support it—and it is to continue to be supported and stand the test of time, does my noble friend accept that this should form part of a developing strategy for British foreign policy intervention in the Middle East and not simply be yet another example of gesture politics which over the past 20 years have stumbled from one confusion to the next?

Baroness Evans of Bowes Park: I do not accept that this is gesture politics and I hope that the explanation given in the Statement makes clear how thought through and intelligence based this action was. We hit a specific and limited number of targets in order to degrade the Syrian regime's chemical weapons capability and to deter their use. That is what this action was about and that is what it has successfully achieved.

Lord Kerr of Kinlochard (CB): My Lords, I strongly agree with what the noble and learned Lord, Lord Morris, said about legality and I think the Kosovo precedent is very apt. I support the Government on it. I also very much agree with what the noble Lord, Lord King, said about the circumstances in which one can and cannot consult Parliament in advance, and I support the Government on that. My unease is precisely over not knowing what the future strategy is. When the Statement speaks about diplomatic action, I would feel happier if it told us about when we are going to get an embassy in Damascus. I would feel happier about the idea of our involvement in international discussions on the future if we stopped saying that the man who is actually winning the civil war must go before there can be any future settlement. It seems to me that we have parroted that slogan for too long, and we have to face the fact that we have not done very well. As many people have been killed in that country, where we have not intervened, as have been killed in Iraq, where we have intervened. We need to be a little humble about our approach and think about a strategy for real diplomatic engagement.

Baroness Evans of Bowes Park: As I have made clear, this action was specifically focused on degrading the regime's chemical weapons capability. Our position remains that we do not believe there can be a sustainable peace in Syria with Assad in power, and that we need a transition to a new and inclusive non-sectarian Government. We will continue to work diplomatically and, as I have mentioned a couple of times, we are attending a conference next week aimed at supporting the future of Syria and the region. We remain committed to the UN political process and will continue to use all the diplomatic means that we can to achieve a lasting peace in Syria.

Lord Campbell-Savours (Lab): My Lords, in the Statement the Leader of the House said that the intelligence cannot be shared with Parliament. If that is the case, can the detailed intelligence be shared with the Intelligence and Security Committee? As I understand it, since the period when I was on the committee under the chairmanship of the noble Lord, Lord King, the services have been far more open with that committee. If that is the case, why do we not now use it as a vehicle for providing the information that Parliament requires?

Baroness Evans of Bowes Park: As the noble Baroness said, there have been briefings on Privy Council terms and various other things that happen today. I do not know specifically about that committee. I can go and check and am happy to write to the noble Lord. Where information can be shared, it will be. We have published the Attorney-General's advice. We are trying to be transparent where we can, but obviously we have to respect the intelligence services as well.

Lord Robathan (Con): My Lords, in August 2013 I was working in the Ministry of Defence, and I well remember the vote. Surely the lesson from August 2013 is not what the noble Lord, Lord Newby, said; surely it is that, as my noble friend Lord Howard said,

inaction can be much worse than military action, however awful that may be. The convention that has sprung up that Parliament must be consulted before taking any military action is foolish. No Government can survive without the support of Parliament for military action, but to stop to allow parliamentarians, who have very little knowledge of the issue, to take a vote, as happened in August 2013, is the wrong lesson. I suggest that it is likely and reasonable to believe that many Syrians have died from chemical attacks because Parliament voted against taking action nearly five years ago.

Baroness Evans of Bowes Park: Bringing forward this Statement was the first opportunity through which to update Parliament. I am very pleased to say that this Thursday we have brought forward a debate within this House to take note of the national security situation. The list is open, so I look forward to hearing noble Lords' contributions to that later on this week.

Lord Alton of Liverpool (CB): My Lords, in the snake pit of competing interests and proxy wars in Syria, it will have been of little comfort, as the noble Lord said a few moments ago, to hear the words "Mission accomplished", certainly for the relatives of some 400,000 people who have died and the 12 million displaced in Syria. I too would welcome more from the noble Baroness about what diplomatic action we are going to take to try to bring a conclusion to this terrible conflict.

I would also like to return to what she said about the veto that has been used in the Security Council and the accountability to which people will be held, whether they are responsible for genocidal crimes against humanity, in the case of Daesh, or for chemical weapons being used, in the case of the Syrian regime. What are we doing to create new mechanisms, such as a regional court that does not need a decision taken by the Security Council, which could be established by the United States, France, the UK and our allies so that those who have been responsible for these depredations will be brought to justice? Surely what marks us out from people like Assad or, for that matter, Daesh is our belief in the upholding of the rule of law.

Baroness Evans of Bowes Park: I entirely agree with the noble Lord's sentiment. Russia has used its veto six times on the topic of chemical weapons use in Syria since 2017, including, as I mentioned, the recent veto of the draft resolution which would have established an independent investigation. Of course, we have used other mechanisms. Through the EU, we have brought sanctions against those involved in the use of chemical weapons in Syria, and we will continue to try to work through international bodies to ensure that those who commit these heinous crimes are brought to justice.

Lord Cormack (Con): My Lords, I entirely agree with what my noble friend Lord King and the noble Lord, Lord Kerr, said about the role of Parliament. I express the hope and, indeed, make the request that in the debate on Thursday, when we will have a chance to discuss these things at some length, the Government come up with a coherent position. Although the Prime

Minister said that this was not about regime change, we have from the word go reduced our potential influence by refusing to recognise what might be an ultimate outcome by derecognising the regime. The first thing we should do as we seek to bring parties together is to establish a diplomatic presence in Damascus. Can we please not have that ruled out yet again?

Baroness Evans of Bowes Park: I can certainly reiterate that this action was not about regime change or intervening in a civil war; it was about preventing further humanitarian catastrophe and restoring the international norm against the use of chemical weapons.

Lord Hain (Lab): My Lords, I agree that a line must be drawn internationally against the use of chemical weapons, but does not this terrible war also represent a catastrophic failure of UK foreign policy, beginning with bombast from David Cameron in 2011-12, which I am afraid the noble Baroness has repeated today, that Assad must go, refusing to allow both him and Iran into the negotiations—in other words, excluding the main players? This has never been about a barbaric Assad, as he is, against his people, but a complex civil war of Sunni versus Shia, of Iran versus Saudi Arabia, of the US versus Russia, an inter-state and proxy conflict involving also Israel, Turkey and the Kurds. Britain will remain culpable as long as we adopt a partisan role, rather than an honest broker role to promote a negotiated settlement to what otherwise looks like a war without end.

Baroness Evans of Bowes Park: I certainly agree that this is an extremely complex situation and we need to pursue a diplomatic resolution, which is why we need a genuine and sustained ceasefire; we want an independent investigation into the recent attack; and we want safe passage for aid convoys and medical evacuation. The noble Lord is right that this is a complex area. We will continue to work with our international partners and allies to try to help to get a resolution in this area, because the people who are suffering, the Syrians, have been suffering for far too long.

Baroness Sheehan (LD): My Lords, I should like to focus on that part of the Statement which refers to the alleviation of humanitarian suffering in Syria. Do the Government recognise the greater urgency which now exists and will they, with respect to both the Syrian vulnerable persons resettlement programme and the vulnerable children's resettlement programme, bring forward the timescales that they are working to and increase the number they are prepared to help?

Baroness Evans of Bowes Park: We can certainly be proud of the humanitarian approach that we have taken to the area. Our commitment to resettle 20,000 of the most vulnerable refugees fleeing Syria remains. More than 10,000 people have been resettled through the vulnerable persons resettlement scheme so far, with about half of those children. Indeed, Eurostat figures show that, in 2016, the UK resettled more refugees from outside Europe than any other EU member state. Overall, more than a third of all resettlement to the EU was to the UK. That is a record of which we can be proud.

Lord Green of Deddington (CB): I declare an interest as a former ambassador in Damascus and as a member of the board of the British Syrian Society.

I understand the reasons for the Government's actions, I support them and I strongly endorse what the noble Lords, Lord Kerr and Lord Jay, said on the subject. I also endorse their concern at a lack of strategy in tackling what is an extremely complex situation, as the noble Lord, Lord Hain, so clearly explained.

The reality is that the Assad regime is winning the civil war and, given that it has the support of Russia and Iran, it is going to stay there. So we had better wake up to that. This will not be popular, but we need to move from the support that we are giving to his opposition to a neutral position where we can actually help, with such influence as we have, to get some kind of discussion going. Let us face it, it will be a discussion that will leave in place the present regime in Damascus, whether or not it is led by Bashar—which, by the way, is very much the wish of many of those in the government-controlled region, especially the minorities, and especially the Christians.

Baroness Evans of Bowes Park: All I can do is to reiterate that we remain committed to the UN-led political process. This particular action was about degrading the regime's chemical weapons capability and deterring their use. We remain committed to broader diplomatic efforts to deal with the Syrian crisis in a broader sense, but this military action was specifically focused on chemical weapons.

Lord Forsyth of Drumlean (Con): I commend the Prime Minister for her courage and resolution in authorising the action over the weekend, and also our Tornado pilots for the excellent job that they did, together with those charged with cybersecurity and other responsibilities. Does this event not point to the need for us to review particularly our naval capability and our capability to launch missiles from ships? Does it not point to the fact that, in an increasingly dangerous world, we need to consider the needs of defence expenditure in the immediate future?

Baroness Evans of Bowes Park: As I am sure my noble friend knows, the defence budget for 2018-19 is £37 billion. We are committed to meeting the NATO guideline to spend at least 2% of our GDP on defence every year of this Parliament, and this commitment should be seen as a floor not a ceiling. Of course, the purpose of our modernising defence programme is to make sure that our defence is configured to address the evolving threats that we face, which is why we have put in place a plan for more ships and planes alongside greater spending on special forces and investment in stealth aircraft, nuclear submarines and cyber technology.

Lord Glasman (Lab): My Lords, I have just come back from Syria—I spent five days there last week—so I wanted to share what I saw over there. I was the guest of the Kurdish democratic forces of the Democratic Federation of Northern Syria. I wish to address the issue of the alleviation of humanitarian suffering but also commend the noble Lords, Lord Kerr, Lord Hain

and Lord Cormack, for pointing out that there is no discernible strategic logic in what the Government are doing.

I saw something very inspirational in northern and eastern Syria. I saw the building of a genuine democracy, led by women. There were women and men co-chairs in a local democracy. I saw the participation of the Assyrian Christians as well as the local Sunni Muslims in building that democracy. I went to a cemetery where, for young men and young women, the average date of birth was 1995, in a war that went on four years ago in Kobane; they gave their lives to resist Daesh/ISIS. I also met injured soldiers who had fought with British forces all the way to Raqqa in order to defeat that iniquitous force. So I saw something extraordinarily inspiring, but I also saw something terrible that has not really been mentioned—the fact that Turkey has invaded Afrin, which is part of Syria. It has actually bombed for 56 consecutive days and has paid local al-Qaeda and al-Nusra forces, as well as defeated Daesh forces, to expel the Kurds and Christians from their homes in Afrin. They are now refugees from a land that they have lived in for more than 4,000 years.

I find it disquieting that I have not heard anything from the Government on this issue. Very specifically, will the Government maintain the British forces in Manbij to deter Turkey from expanding its war into the other areas that are controlled at the moment by the Democratic Federation of Northern Syria? What steps are they taking to provide humanitarian aid to the refugees, of which there are now many tens of thousands? In what way have they expressed their disquiet to the Turkish Government about a policy of ethnic cleansing?

Baroness Evans of Bowes Park: I reassure the noble Lord that we have called for the de-escalation and protection of these citizens and are urging our Turkish counterparts to do everything they can to minimise humanitarian suffering. We support ongoing discussions between Turkey and the US and believe that a negotiated agreement, taking into account the security concerns of both parties, is necessary to prevent further conflict. However, we remain concerned about suggestions of further operations and are calling for a period of stability to allow for the distribution of aid and humanitarian care for these citizens. We will continue to monitor the situation.

Lord Hennessy of Nympsfield (CB): My Lords, I support the Government's view that there needed to be a response to the appalling chemical attack on Douma. I am sure that considerable care was taken in assessing the Rubik's cube of possibilities that might flow from military action undertaken with our allies. Can the noble Baroness the Leader of the House confirm that the decision-making process was what the Prime Minister, in the *National Security Capability Review* published on 28 March, called "Chilcot-compliant"? In other words, was the Government's 10-point Chilcot checklist applied before the final decision was taken to launch the Tornados' missiles?

Baroness Evans of Bowes Park: I can certainly assure the noble Lord that the lessons from the Chilcot report have been learned and we have paid attention to it.

Lord Roberts of Llandudno (LD): My Lords, is the Minister basking in self-congratulation about the UK's humanitarian aid to Syria? I remember the night when we voted on the Dubs amendment. We wanted 3,000 children from Syria to be accepted into the UK and those on the Government Benches walked into the Not-Content Lobby. Is that a measure of congratulation? There are still children in Calais and Dunkirk, yet every step we take builds a barrier—a wall, not a bridge—for those children.

Baroness Evans of Bowes Park: I am sorry that the noble Lord thinks we have been self-congratulatory. I do not believe that we have. This country has a strong record in this area and we should be proud of it. We have committed to resettle 480 unaccompanied children from Europe under the Dubs amendment and over 220 children have already been transferred to the UK. We provided refuge, or other forms of leave, to more than 9,000 children in 2016 and more than 42,000 children since 2010. That does not take away from the suffering of the many children who we have not been able to help. However, we do have a record in this area and we will continue to do what we can to help those most in need.

Lord Elton (Con): My Lords, the noble Lord, Lord Winston, has drawn our attention to the impunity of the individuals who make it possible to invent weapons of this disgusting nature. The noble Lord, Lord Alton, has again drawn attention to the fact that it is almost impossible to pursue individuals. From the large number of atrocities that are committed round the world, the number who are caught and punished is very small indeed. Will my noble friend take on board the concern of those two Peers and myself that usable mechanisms should be developed so that individuals do not feel sheltered by corporate membership of corrupt regimes but are themselves in danger if they break United Nations conventions?

Baroness Evans of Bowes Park: I absolutely accept the concerns of my noble friend and other noble Lords. That is why we were pleased that today's European Foreign Affairs Council has confirmed that it is willing to consider further restrictive measures on those involved in the development and use of chemical weapons in Syria. We have also brought sanctions, through the EU, against those involved in the use of chemical weapons in Syria. We will continue to work to bring those who commit these terrible crimes to justice.

Lord West of Spithead (Lab): My Lords, the Minister will be aware that I have concerns about the intelligence that absolutely, certainly shows that Assad's people did this. However, assuming that they did, I believe that the action was proportionate and well conducted. It was the right thing to do and right not to go before Parliament. However, I will raise the point that was raised by the noble Lord, Lord Forsyth. We dropped, effectively, eight bombs. Let us not now consider ourselves this great power that can have global reach. I am afraid that our military has been squeezed and squeezed. We had a Type 45 there, which should have had 60 cruise missiles on board. However, because of cuts through the years we do not have that. I am afraid that

no matter what is said, the military has been starved of resources and we are in a position where, if we are needed for proper action—something larger than this—the nation will find that the military cannot do it. That is of great concern. Does the Minister believe that we are spending sufficient money on defence, bearing in mind the now clearly apparent risks in the world?

Baroness Evans of Bowes Park: On the noble Lord's first point, we worked with our allies to establish what happened, and a significant amount of information, including intelligence, indicated that this was a chemical weapons attack. We have analysed a lot of intelligence and the World Health Organization has received reports that hundreds of patients arrived at Syrian hospitals with signs and symptoms consistent with exposure to toxic chemicals. So we believe that the evidence was there. On defence spending, the noble Lord will be aware that the UK is one of very few allies both to meet the NATO spending guidelines, spending 2% of GDP on defence, and to spend 20% of annual defence expenditure on major equipment and associated research and development. We recognise the evolving threats, we continue to invest in defence, and we once again thank our brave armed services for all the work they do for us.

UK Convergence Programme

Motion to Approve

6.06 pm

Moved by Lord Bates

That this House approves, for the purposes of Section 5 of the European Communities (Amendment) Act 1993, HM Government's assessment of the medium term economic and fiscal position as set out in the latest Budget document and the Office for Budget Responsibility's most recent Economic and Fiscal Outlook and Fiscal Sustainability Report, which forms the basis of the United Kingdom's Convergence Programme.

The Minister of State, Department for International Development (Lord Bates) (Con): My Lords, the legal requirement to give the European Commission an update of the UK's economic and budgetary position—our convergence programme—means a welcome opportunity for a wider economic debate today.

In accordance with the outcome of the referendum, we are leaving the European Union and will make our own decisions, take control of things that matter to us, and seize every opportunity to build a stronger and fairer Britain. But, given our decision to leave, some Members may find it odd that we are debating the UK's convergence programme here today. However, it is right that we do so, because we continue to exercise our full membership of the EU until our exit, and because doing so is a legal requirement that must be taken seriously.

I remind the House that the content of the convergence programme is drawn from the Government's assessment of the UK's economic and budgetary position. This assessment is based on the Autumn Budget report and

[LORD BATES]

the OBR's most recent economic and fiscal outlook, and it is this content, not the convergence programme itself, that requires the approval of the House.

I also remind noble Lords that, although the UK participates in the stability and growth pact that requires convergence programmes to be submitted, by virtue of our protocol to the treaty opting out of the euro we are required only to "endeavour to avoid" excessive deficits. The UK cannot be subject to any action or sanctions as a result of our participation.

I will provide a brief overview of the information that we will set out in the UK's convergence programme. Noble Lords should note that this does not represent new information but rather captures the Government's assessment of the UK's medium-term economic and budgetary position, as we set out in the Autumn Budget, and again recently in the Spring Statement.

The UK economy has been growing for five consecutive years. It has added 3 million jobs since 2010, and our manufacturing sector has enjoyed its longest unbroken run of growth in more than 50 years. Since April 2015, the wages of the lowest paid have risen by almost 7% above inflation. Growth remained solid in 2017, and at the Spring Statement the OBR revised up the outlook for the UK economy this year, with forecast growth in 2018 higher than it was in November. The OBR forecasts more jobs in every year of this Parliament, and over 500,000 more people in work by 2022. The OBR expects inflation to fall back to the Bank of England's target rate over the next 12 months, meaning that real-wage growth is expected to be positive from the first quarter of 2018-19 and to increase steadily thereafter.

Since 2010, the Government have made significant progress in reducing the deficit; 2016-17 was the first year since the financial crisis in which the UK's general government deficit was below the 3% Maastricht treaty limit, and in December of last year the European Council acknowledged this achievement by closing our excessive deficit procedure.

In the Spring Statement, the OBR forecast that public sector net borrowing is expected to be £45.2 billion this year—£4.7 billion lower than forecast in November and £108 billion lower than in 2009-10. As a percentage of GDP, public sector net borrowing is forecast to fall from 2.2% in 2017-18 to 1.8% this year. Borrowing is then forecast to continue falling, reaching 0.9% in 2022-23—its lowest level in more than two decades.

The OBR forecast that public sector net debt will peak at 85.6% of GDP in 2017-18 and then fall as a share of GDP in every subsequent year. This is an important turning point for the public finances, with debt projected to fall as a share of GDP on a sustained basis for the first time in 17 years. Getting debt falling is important in order to enhance the UK's economic resilience, improve financial sustainability and reduce the burden on future generations. The Government's balanced approach to fiscal policy is underpinned by our fiscal rules. The OBR forecast that we will meet our targets both on structural borrowing and on getting debt falling two years early.

Although committed to getting debt falling, the Budget took a balanced approach to government spending, supporting households and businesses in the near term and investing in the UK's economic

potential in the medium term. That includes building the homes that our country needs to restore the dream of home ownership for a new generation. It includes helping young people across the country to get the skills they need for the high-paid, high-skilled jobs of the future, and it includes investing in cutting-edge technology and innovation so that Britain continues to be at the forefront of the global technology revolution.

Those three things will be at the heart of our efforts to finally address the country's long-standing productivity challenges. The Government are working to strengthen our public services over the long term, too, in our determination to bring down the deficit and get the UK back to living within our means, as well as funding our public services for the long term through a fair and sustainable tax system. The Budget supported our world-class public services, including putting our NHS on a stronger, more sustainable footing.

Following the House's approval of the economic and budgetary assessment that forms the basis of the convergence programme, the Government will submit the programme to the Council of the European Union and the European Commission, with recommendations expected from the Commission in May. The submission of convergence programmes by non-euro area member states, and stability programmes by euro area member states, also provides a useful framework for co-ordinating fiscal policies. A degree of fiscal policy co-ordination across countries can be beneficial to ensuring a stable global economy, which is in the UK's national interest. The UK has always taken part in international mechanisms for policy co-ordination such as the G7, the G20 and the OECD.

Although we are leaving the EU, we will of course continue to have a deep interest in the economic stability and prosperity of our European friends and neighbours, so we will continue to play our part in this process while we remain an EU member, and in other international policy co-ordination processes once we have left the EU.

The Government are committed to ensuring that we act in full accordance with Section 5 of the European Communities (Amendment) Act 1993 and that this House approves the economic and budgetary assessment that forms the basis of the convergence programme. I beg to move.

6.15 pm

Baroness Kramer (LD): My Lords, in a way this is a slightly poignant debate because, as the Minister has outlined, although the UK reports against the various economic benchmarks for the stability and growth pact, it is not required to take notice of any recommendations of the European Union that might follow from that but merely to promise that it will endeavour to avoid deficit. That is an example of one of the many ways in which the European Union accommodated the preferences of the UK and its desire to pursue some independence in certain areas, particularly the economic—greater than that enjoyed by other countries. It shows the mutual respect that framed the years in which we participated as a full and enthusiastic member of the European Union. When we consider how we have responded to the positive

and creative ways of making sure that the most significant needs of the UK were always dealt with in a rational and reasonable way, it makes Brexit even sadder.

I just want to say a few words. Within the last few weeks we have had several debates on the economy, so rather than constantly repeat their content I want to make a couple of comments. The first is that I am concerned that the Government—weeks later—still have not recognised the significance of the very poor growth forecast for the UK that was presented by the OBR: 1.7% in this fiscal year, dropping to 1.5%. That is at a time when every one of our major export markets is absolutely going gangbusters, with growth in excess of 3%. Rather than take on board seriously the importance and relevance of responding to that issue, the Minister once again stands up and merely quotes reductions in deficit rather than dealing with the fundamental problems that we face.

Obviously some of those fundamental problems are around productivity. Again, the Government always cite the recent slight improvement in productivity. However, I remind the Government that, if they are minded to cite that again, it was caused by a drop in the number of hours worked—a very worrying warning sign—and not by improvements in output.

Today, again, we have reports on consumer spending, which continues to decline. Looking at the UK consumer spending index, I see that consumer spend declined by 2.1% year on year in March following a 1% year-on-year drop in February. Those are significant numbers, and they concern not just face-to-face spending—in other words, the high street retailers and shops. We know that there has been a shift from face-to-face spending to online spending, but now, for the first time, there is a significant fall in the online spending numbers as well. The Government have to take this very seriously, rather than simply assume that all is well and that the economy is in a positive state. We know from the many people we talk to that wage pressures are having a significant impact on individuals as they face inflation every time they go to the shops, and that the pressure on public spending has become completely intolerable.

Before I sit down, I will use this occasion to say once again that the Government have to tackle the lack of public spending in schools, in prisons and, above all, in the NHS and social care. This is the time to put in place a team to look at a dedicated tax to support the NHS and social care. If we do not start to do that soon, and to put in place the appropriate response to the needs of that critical service, we will find ourselves in a dire position.

Unfortunately, the Minister praised Brexit as the future for Britain, but we know from the Government's own analysis—we have all gone and read it over in 100 Parliament Street and have heard it in other places—that the forecast is for the UK to function at a significantly lower level than it would have otherwise. We are looking at a dark economic situation, and for the Government to constantly present it as rosy takes away any confidence we can have that they will tackle these fundamental and underlying problems.

Lord Tunnicliffe (Lab): My Lords, we are holding this debate today in the context of weeks of key Brexit debates ahead. It seems odd to be debating a Motion

on the issue of convergence as we embark on weeks of debate about how we will leave the EU. I will not make this speech Brexit heavy but focus on what the Motion asks us to approve.

The Motion asks us to approve the Autumn Budget 2017 report and the most recent OBR economic and fiscal outlook for the purposes of Section 5 of the European Communities (Amendment) Act 1993. This is made difficult because we cannot be confident about what the economy will look like this time next year when, according to the Government's Brexit timetable, we will no longer be a member of the EU—and presumably will no longer be holding this yearly debate. It is also made difficult by a number of other concerns.

I do not share the Chancellor's view of light at the end of the tunnel, nor do the households for whom the squeeze on incomes and living standards is a daily pressure. The OBR forecasts from March are marginally better in the short term, but they have revised forecast growth down in both 2021 and 2022 since the Autumn Statement. Amid such uncertainty in the face of leaving the EU, how can we expect these to be revised up at any point? Last year, growth in our economy was the lowest in the G7 and the slowest since 2012. In the last quarter of 2017, GDP growth was just 0.4%. That means that Britain was the slowest-growing major economy across 2017, behind both Italy and Japan. OBR forecasts predict growth will fall below even the weak 1.7% level that the Chancellor spent most of the Spring Statement boasting about. So we are looking at having 1.5% growth in 2022, 15 years after the financial crisis, which is absolutely nothing to boast about.

This Government have missed every deficit target they have set themselves. Public sector borrowing is still higher than forecast a year ago, and debt is over £700 billion higher than when the Tories came to power. George Osborne's target for a 2020 surplus is a distant memory. The Government may be quick to point to productivity growth. However, we know from the OBR outlook that stronger productivity has in fact reflected the fall in average hours worked in the second half of 2017, as the noble Baroness, Lady Kramer, said, rather than stronger output. The OBR forecasts in November actually revised down productivity and business investment every year for the next five years. We are lagging behind the rest of Europe, with the productivity gap between us and other G7 countries the widest it has been since 1991.

This Government are failing to support working people. We have an economy running on low pay and insecure employment. Some 60% of people in poverty in the UK live in households where someone is in work. Clearly something is wrong here. The Government say that the economy is growing, but the UK is the only major nation in which wages have fallen at the same time. Wages are still below their level in 2010 and wage growth is being outstripped by inflation. The IFS has said that real average earnings are expected to grow by just 3.5% over the next five years, meaning that their level in 2022-23 would be similar to 2007-08. The OBR has said that real earnings growth over the next five years is expected to remain subdued, averaging

[LORD TUNNICLIFFE]
just 0.7% a year. Growth in real household disposable income per person is expected to average only 0.4% a year. The national living wage was once again revised down. It will not hit the £9 per hour that the Tories originally promised. In the Spring Statement, it was projected to be just £8.57.

The Government's headline figures on the deficit exist only because debt is being pushed on to local councils, schools and hospitals. Our public services are suffering a government onslaught. National Health Service trusts will end this financial year £1 billion in deficit. Doctors and nurses are struggling and being asked to do more, while 100,000 NHS posts go unfilled. Recorded crime is rising, yet the Government have cut the number of police officers by 21,500 and the number of firefighters by more than 8,500. Our prison and probation services are in dangerous crisis, and yet another prison riot has been reported today.

This Government are responsible for the first real-terms per capita cut in school funding in 20 years and are today trying to deprive 1 million children of a decent school dinner. They have trebled student fees to £9,000 and abolished the maintenance grant, meaning that the average working class student leaves university heavily in debt. Local government will face a funding gap of £5.8 billion by 2020 and is drawing down more reserves. More children are being taken into care, yet children's services alone are facing a £2 billion funding gap by 2020, while more than 1 million of our elderly people are living with their care needs unmet.

After eight years of failure on housing, from rising homelessness to falling home ownership, the Government have no plan to fix the housing crisis. Statistics released just before the Spring Statement reveal that housebuilding has still not recovered even to pre-crisis levels. The OBR was not able to adjust its forecast on housebuilding as a result of any policies in the Budget.

The Spring Statement missed an opportunity to prepare our economy for Brexit and was a missed opportunity to invest in the services that we as a country will rely on increasingly in the post-Brexit future. The Chancellor may have kept his promise of no new fiscal policies, but that means that struggling families with low pay facing benefit cuts to free school meals will have to wait until the autumn for any kind of relief. I am not sure that they can afford to wait that long.

Lord Bates: My Lords, the noble Baroness rightly pointed out that we have had a few of these debates. They tend to come down to a debate between the optimists and the pessimists, and I have to say that the Government and indeed I myself are very much in the optimistic territory on this. We believe that we can make a success of Brexit and that our best days are ahead of us. The forecasts which are made are not targets to be met but are there to be beaten. Evidence of that is in the OBR forecast last year, which was mentioned in the debate, and the Autumn Budget. The forecast for growth was 1.5%, but the actual outturn in growth was 1.8%, which is welcome and something we want to see continue to happen.

The noble Lord, Lord Tunncliffe, accused us of failing to support working people. Well, there are a lot more working people around whom we are supporting with jobs. There are some 3 million additional jobs in the economy, and that level of employment is likely to increase over the period of the OBR forecast, so there is a significant amount going on.

The noble Lord also challenged whether we are doing enough on housing. The whole point and thrust of the Spring Statement and the Autumn Budget was in the housing area. I am sure that my noble friend Lord Young, who is of course a specialist in this matter and in his place on the Front Bench, is longing to leap to the Dispatch Box to correct the record on what incredible things we are doing to give people an opportunity to have a stake in the future.

The economy is 16.7% larger than it was in 2010, and the IFS has said that, by the end of this Parliament, government plans will see public investment increase to its highest sustained level in 40 years. As the noble Baroness almost anticipated that I would say, we have announced a £31 billion national productivity investment fund to tackle our productivity challenge head on, and we are seeing some encouraging signs in that area. Ultimately, while the people who have confidence in the economy may not be found on the Opposition Benches, they can be found in companies like Toyota, which has said that it will build the next generation of its Auris hatchback in Derbyshire; BMW, which has said that it will build a fully electric version of the Mini in Oxford; Boeing, which will open its first European factory in Sheffield; and Dyson, which has announced that it is to begin work on a second technology campus.

We on this side certainly take a positive view of the underlying strength of the economy, while not diminishing the challenges we face. They were set out in the Autumn Budget and expanded upon in the Spring Statement, and they are contained in the convergence document which is being presented to your Lordships' House today and which I have no hesitation in commending for approval, should noble Lords so wish.

Motion agreed.

Lifelong Learning *Question for Short Debate*

6.30 pm

Asked by Baroness Garden of Frogna

To ask Her Majesty's Government what progress is being made in developing a sustainable lifelong learning culture in England.

Baroness Garden of Frogna (LD): My Lords, I make no apology for reintroducing a debate on lifelong learning. It has not been long since the previous one, but the Minister and I agreed that we would not simply rehash our previous speeches, because life moves on and different factors have come into play.

It was heartening to hear the Prime Minister in February announcing a wide-ranging review into post-18 education, with a remit to include lifelong learning. I hope the Minister will be able to give us some encouragement now and not kick all our questions

into touch pending the review. I thank all those who are speaking today. We have wide-ranging expertise in our speakers' list. I am very sorry that we have lost the noble Baronesses, Lady Bottomley and Lady Warwick, who are unable to stay until the end of the debate and have had to scratch. I have apologies from my noble friend Lord Storey, who has a family commitment. I also had apologies from the noble Baroness, Lady Bakewell, who is celebrating her birthday today. It is in the papers that this is a most venerable birthday, but it is certainly a well-kept secret how she manages to appear very many years younger than her actual age. Perhaps it is down to lifelong learning. Whatever the cause, we are delighted that she will now be speaking in the gap and I am sure that we all wish her many happy returns.

I start with a word about Birkbeck, which was founded in 1823 when Dr George Birkbeck championed the importance of educating the working people of London. It continues its evening teaching to enable working people to study and progress in their life goals. It is a noble aim, good for social mobility and the economy, yet Birkbeck has seen a dramatic fall between 2010 and 2015. Degree take-up has fallen by 64%, sub-degree by 68%. This should set alarm bells ringing. How can such a worthwhile institution find its numbers so reduced?

A similar vision led to the foundation of the Open University in 1969 for part-time students. The OU has been transformational for many people enthusiastic about learning and self-improvement, yet over the same five-year period, there was a 63% fall in its number of entrants. With the resignation of its vice-chancellor, the OU is facing turbulent times as it conducts a radical overhaul to face the challenges of the next half century. We have to wish it success in that exercise and hope it can find ways of enhancing people's lives in the future, as it has in the past. These two unique institutions report the difficulties for the very people for whom they were set up, who now find them inaccessible because of the financial barriers. What is the Government's answer? I trust we will hear more about the WEA—another great institution and key to adult education—in the course of this debate.

In the March report from the Sutton Trust—*The Lost Part-Timers: The Decline of Part-time Undergraduate Higher Education in England*—the findings make grim reading. Current funding is undoubtedly one of the major factors that prevents adults from upskilling or reskilling. Part-time study in England has been decimated over the last decade, with numbers collapsing by over half. The tuition fee changes of 2012 have affected participation in the part-time sector. Those reforms abolished means-tested fee and course grants and introduced fee loans and reduced teaching grants, leading to big increases in tuition fees. For many, the alternative to loans is not paying up front, but deciding that study is not for them. Studying later in life is an important second-chance route to social mobility. Part-time learners are more likely to be from less well-off backgrounds. The tuition fee rise is a serious blow for those who missed out on university as teenagers. Can the Minister say what steps the Government are taking to review the fee changes in the light of the detrimental impact they are having on disadvantaged groups?

At school, children's enthusiasm for learning—their natural curiosity—is systematically curtailed to meet the needs of a remorseless testing and assessment system. Learning should be fun and exciting. If children associate learning with failing exams and coming bottom of the class, this will do nothing to encourage social mobility. Our focus today is on adult education, which we know brings benefits such as better health and well-being, greater social engagement, increased confidence and better employability and benefits to family and community life.

We now have technology that will make huge changes to employment opportunities. For older people who were not brought up with smartphones, email or Twitter, technology does not come naturally. In contrast, we hear of young children starting school who try to swipe books because they have never come across paper pages. Could the Minister say what progress is being made with the *Made Smarter* review, with its proposal for 1 million workers in industry to be digitally upskilled over five years through an online learning platform? Industry supports this. Do the Government?

Let us not forget the important role of libraries in providing access not just to books, but to technology and other resources. Our libraries are also under threat, but are particularly important for disadvantaged learners.

Technology means that jobs will be lost in some traditional skill areas, but we shall need more media professionals, engineering roles, hospitality and leisure managers, and natural and social science professionals, all of which tend to be highly skilled. So we welcome the work of Universities UK and the Confederation of British Industry in examining the decline in part-time student numbers and future skills needs to discover which employers and sectors have been affected most by the fall in part-time and mature students and how employers have responded.

Some skills that people can come to later in life, requiring patience and attention to detail, are the wonderful crafts, where this country has long excelled—crafts such as jewellery and clock-making, basket-weaving, fashion, stone carving and bookbinding, where people seek to create something beautiful and lasting. These can be engaging hobbies, but they can also lead to profitable work. They are encouraged by the Sainsbury trusts, the royal warrant holders and the livery companies, which do so much for education and creativity. City & Guilds, in which I declare an interest as a vice-president, has long awarded well-respected qualifications in crafts, which should be a pride and credit to the country, with further education colleges, against many a challenge, providing the opportunities for such important practical and work-based learning. Could the Minister say what encouragement the Government are giving, or can give, to craft and creativity, which has largely been squeezed out of the school curriculum in favour of undiluted academic content?

In the balmy days when colleges could offer a wide range of learning opportunities, I taught French and Spanish classes. Some learners aimed to pass exams; some simply looked for the satisfaction and pleasure of speaking another tongue. We have seen an alarming decline in language learning. If and when we leave the

[BARONESS GARDEN OF FROGNAL]

EU, it will be ever more important that we speak the languages of those countries with whom we have broken off relations. What plans are there to reverse this monolingual trend? How can we encourage adults to learn a language they might have neglected at school?

Long before I thought I would be involved with politics, both as a teacher and working for City & Guilds, I had occasion to curse politicians for making decisions that involved a great deal of stress and pointless work, without regard to education professionals. In recent days, we had diplomas, changes to GCSE gradings and now we have T-levels—how long will they last with a change of Minister? Swathes of teacher time are taken up not in teaching but in developing and implementing ill-thought-through government policies that may well be reversed. Education Ministers rarely stay more than a year or two, to be replaced by someone else with cunning plans and bright ideas. The Liberal Democrats would like to see these policy decisions removed from politicians and put into the hands of education experts with long-term recommendations. Could the Minister encourage his new Secretary of State to earn the admiration of educators and to give real benefit to learners by taking party politics out of education policy? What a ground-breaking improvement that would be. What about reconsideration of personal loan accounts, individual learning accounts with contributions from individuals, employers and government, or increased teaching grants to universities through a part-time premium?

Lifelong learning is such a wide-ranging topic. I have not touched on the arguments for funding equivalent or lower-level qualifications, which was removed some years ago, the damaging impact of Ofsted on FE, the pointless resits in English and Maths, or the vexatious apprenticeship levy. Perhaps others will. People are living and working longer, but training across working lives is going down. We urge the Government to lead a radical focus on lifelong learning and create an infrastructure that enables individuals of all ages to make transitions and compete in this ever-changing job market. I look forward to hearing the debate and to the Minister's reply. I know his heart is in the right place. I hope his words can provide some hope and encouragement.

6.39 pm

Lord Knight of Weymouth (Lab): My Lords, I must first refer your Lordships to my education interests as declared in the register. I am also grateful to the noble Baroness, Lady Garden, for securing this debate and for the way in which she introduced it.

Our education system is still stuck in thinking from 70 years ago. This is reflected in our lifelong learning culture that is a long way from where it needs to be to meet the needs of individuals, society and our economy. Our whole post-war model is based on people drawing on state-provided education services as children and young people. They should then be well equipped to enter the workforce and, through their taxes, repay that cost and contribute to the future cost of their health and pensions when they retire.

The model assumes retirement to be short. It also assumes that adult skills are something that a small minority may need help with—probably the same people who did not do so well at school. It assumes a relatively static industrial economy, where those who get to university are then equipped to prosper and to contribute to a final salary pension scheme and a mortgage out of the enhanced earnings commanded by graduates in lucrative professions. That model is now woefully out of date, and our public finances, the crisis in the care system and the disengagement of swathes of the population from our politics are a result.

Our school system is increasingly obsessed by pure academic knowledge and is preparing children to be really good at recalling that knowledge and thereby preparing them to be outcompeted by machines.

A successful school career results in a university place. Our higher education system exists to generate more researchers and as a gateway to the professions. However, as set out brilliantly in Richard and Daniel Susskind's book, *The Future of the Professions*, we now see professions such as medicine, law, accountancy, architecture, management consulting, banking and even teaching disrupted by ever advancing technology. It is credible that young people will be sold a degree with £50,000 of debt and entry into a profession that is running out of road.

However, thanks to the wonderful gains being made in healthcare, young people are likely to live longer. This means they need either to amass more wealth in their working lives for their retirement or to work well into their 80s. They need to be able to change careers several times, as technology deskills and reskills their profession. As a consequence, a culture of lifelong learning is vital. If the population is to be productive, if we are to be less dependent on migrant skills and if we are to avoid a contagion of disaffection spreading from the rust belt, we need an education system designed around a culture of lifelong learning. Yet, as we have heard from the noble Baroness, Lady Garden, that great iconic cultural institution of lifelong learning, the Open University, is struggling to recruit part-time learners, which is why the past five years have seen a 17% fall in the number of undergraduates from disadvantaged backgrounds across our university system.

I was delighted to read paragraph 236 in today's Select Committee report on artificial intelligence. The committee states:

"The UK must be ready for the disruption that AI will have on the way in which we work. We support the Government's interest in developing adult retraining schemes, as we believe that AI will disrupt a wide range of jobs over the coming decades, and both blue- and white-collar jobs which exist today will be put at risk ... Industry should assist in the financing of the National Retraining Scheme by matching Government funding. This partnership would help improve the number of people who can access the scheme and better identify the skills required. Such an approach must reflect the lessons learned from the execution of the Apprenticeship Levy".

I am delighted that the apprenticeship levy was introduced as the beginnings of a return to the training levies of the past, but apprenticeships are proving inflexible, as their frameworks are as interested in the time taken to study as they are in the skills and

knowledge learned. Incidentally, I am also alarmed that work experience that is baked into qualifications is used to exclude foreign nationals because they require work visas, and not just study visas, to complete their degree. Will the Minister meet me to discuss this own goal that we are achieving in this country on education exports?

It is also worth noting that larger employers are now starting to take more seriously the need for learning in their workforces. However, I worry that, for as long as senior executives are incentivised on share price, as our management culture dictates, workplace training will be focused on the short term and less on generally improving the stock of skills in the labour market as a whole.

So what should we do to develop a fit-for-purpose lifelong learning culture? We need four things. We need a school system that values applied learning and builds resilience and a love of self-directed learning. We need a university system that has a lifelong relationship with students, perhaps even on a subscription model. We need a rebooted universal adult skills system that is a mixed economy of public and private providers with a new funding model. We need to convert the apprenticeship levy into a lifelong learning levy that employers, the Exchequer and the employee all pay into and that individuals can draw on through their life for university and for skills training.

This is urgent. I hope that not only the noble Viscount but other Ministers in the Department for Education and elsewhere are listening. We need radical reform, not just tinkering with a redundant system.

6.45 pm

Baroness Janke (LD): My Lords, I am very pleased to contribute to this debate today and I thank my noble friend Lady Garden for initiating it. As someone who has been a lifelong learning tutor, I have seen the transformational effect on the lives of individuals and their families that the lifelong learning habit can have. Also, as a former city leader, I am aware of the immense opportunities lifelong learning can offer. However, ever fewer of these are available, as cuts to local government funding have affected the provision of lifelong learning and ensured that most of the budget is focused on learning for employment. Many in the sector had hoped that the industrial strategy would contain more commitments to lifelong learning, particularly as so many people will need to retrain and keep learning for longer now that the statutory pension age has been extended.

Access to lifelong learning is also crucial for communities—I am thinking here of the poorest and most deprived. Many in these communities have had a poor experience of formal education. They have little knowledge of educational achievement and are very often locked in a cycle of deprivation that is very difficult to break out of. People need local agencies that offer them advice and opportunities to get back into learning, with routes of progression to enable them to acquire the skills they need to break out of poverty. There needs to be local provision so that people who have to work can access a local centre. Libraries and the opportunities they offer are also very much needed, with technology and opportunities

to use equipment for people who do not have their own. Cuts to local government funding have meant that most of these are now closed or under threat, and there is a fragmentation in provision that makes it more difficult to know where to start.

As well as local provision, there needs to be flexibility for people to access lifelong learning in a range of ways and at different times, to enable people to earn and learn at the same time. Evening courses, online courses, distance learning—many of these were pioneered by the OU and I share the hope expressed by other speakers that the OU will find a way out of its difficulties. As a former OU student, I can say that it was certainly indispensable to me, but also, having met lots of other students, I can testify to the range and diversity of students and just how they have blossomed and prospered from having a second chance to study for a degree. As we have seen from many briefings, particularly that from the Open University, there has been a dramatic fall in the number of part-time learners. As the noble Baroness, Lady Garden, said, the very people for whom the OU was set up are now finding it inaccessible because of the financial barriers. I very much hope that the Minister will assure us that the review will take seriously the deterrence to part-time learning and will come forward with proposals to incentivise part-time learning.

There are so many benefits from adult education, whether through getting back to study, specialised courses or language courses. In my city, adult education courses such as these are fully funded by the individuals who follow them, but of course that means that life-enhancing courses are now the privilege of those who can afford to pay for them, while there are large numbers of pensioners, particularly, who are not entitled to any support or benefits and would really welcome such opportunities. The advantages include such things as public health—champions for public health help people to take up healthier lifestyles, including diet, cycle promotion and walking clubs—and helping communities to benefit from the opportunities of technology. In my city of Bristol, we had a system of recycling computers and giving out a learning package with each recycled computer for £30. This enabled many people and was most popular with the retired community, particularly in care homes. We had competitions, including Wii Sports competitions, between local care homes. Councils have led in many innovative approaches to providing lifelong learning in this way. If councils had the resources and were given the responsibility by government, they could co-ordinate, energise and lead local lifelong learning.

Bristol is a learning city. I am sure the Minister knows that it was the first English city to be awarded UNESCO learning city status. A framework is in place there focusing on three core areas: learning in education, learning for work and learning in communities. In Bristol we are also starting to look at the excellent lifelong learning ventures that other learning cities, such as Cork, are taking forward. I hope the Government will take account of what is happening in those learning cities.

The LGA has proposed that we have work communities—working neighbourhoods. The idea of neighbourhood learning has been pioneered by the

[BARONESS JANKE]

learning cities. One suggestion from those cities is that to pull out of sluggish growth and ensure that every person is able to fulfil their potential, local authorities should be encouraged and supported to place lifelong learning at the heart of our civic identity, pulling together employers, community organisations, public agencies and learning providers to promote and celebrate learning, providing overt communication about the value of lifelong learning and showcasing positive role models everywhere. I hope the Minister will take this on board. I hope he will also assure us that what is left of publicly supported adult and community learning via the Education and Skills Funding Agency grants to local authorities will be protected. On behalf of the providers in Bristol, I extend an invitation to him to an event in June, celebrating the transformational change that has been achieved as a result of lifelong learning.

6.52 pm

Baroness Greenfield (CB): I commend the noble Baroness, Lady Garden, on enabling this timely debate. For some 30 years I taught neuroscience at Oxford University, and take a keen interest in the evolving role of universities in the wider educational landscape.

The benefits of lifelong learning are clear. Peer-reviewed reports show that lifelong learning raises the basic skills proficiency such that individuals respond more effectively to changing circumstances. It helps those with mental health problems—the leading cause of absence from work, with 70 million work days lost each year, at a cost of £2.4 billion. One investigation of the effects of a formal learning programme on those with either schizophrenia or bipolar disorder showed an increase in the number of those in paid employment, from 33% to 48%, while the number undertaking voluntary work increased significantly, from 8% to 38%. There are also particular benefits to those over 60; namely, enhanced social capital, health and self-confidence. This issue is especially important given that by 2020 one-third of the workers in the UK labour market will be over 50.

The benefits of lifelong learning may be irrefutable but the means for realising those benefits are less assured. Many universities are now contributing to the lifelong learning market, with some specialist institutions such as the Open University and Birkbeck leading the way. However, in the latest profile document from the Russell group—the 24 leading and most highly regarded UK universities—lifelong learning does not receive much attention at all. A review of each of the Russell group university strategy documents reveals that only one, Leeds, specifically mentions lifelong learning and a further four—Cambridge, Durham, Imperial and Newcastle—indicate it only in relation to their alumni. That leaves almost 80% of the Russell group universities not identifying lifelong learning specifically as part of their overall strategy. Arguably, universities may incorporate it under the banner of distance learning, which is often sufficiently flexible that it can be carried out alongside other commitments at any stage in life. Based on this criterion, 10 of the Russell group make reference to a distance learning provision, but that still means that less than half of our elite universities are actively supportive. A final educational provision,

however, is the development of open education resources, which can be produced in the form of massive open online courses delivered via platforms such as FutureLearn. Three Russell group universities—Birmingham, Manchester and Sheffield—refer to such courses or other similar resources in their strategies.

The main point is that, collectively, the elite universities in the UK appear to be largely neglecting lifelong learning. Of course, such support may be stronger in less research-intensive universities but, even then, there may be barriers to this provision. These include: technical barriers, namely the availability of systems such as FutureLearn, financial barriers to the development of additional resources, especially open education resources, and pedagogic barriers. Recent comments in the media by a leading figure in higher education suggested that the only real form of teaching is when an academic is directly engaged with students. Such lifelong learning is now often delivered online, so universities with this view may be implicitly discouraging it.

In addition, personal barriers could exist including the current student loan system, which stipulates that students must study at least 30 credits to qualify for financial support. Given that this represents 25% study—that is, 10 hours a week—many lifelong learners may not be able to commit to this amount of time. Moreover, most students who hold a higher education qualification are currently not entitled to apply for an additional fee loan for a second course if that course leads to a qualification equivalent to or lower in level than their previous one. While the rules have been relaxed slightly to encourage training in key areas, many areas remain unsupported. A further obstacle is a lack of affordable childcare or other care support to help co-ordinate the demands of lifelong learning. At present schemes exist—for example, the adult dependant's grant, childcare grant and parent's learning allowance—but these are not necessarily widely publicised.

In conclusion, several steps could be taken. First, there could be government recognition that lifelong learning is critical, with the explicit recommendation that all universities—including the Russell group—should consider how best to support this educational provision, either through developing a more flexible curriculum or producing open educational resources. Secondly, there could be more flexible student financing available for those engaging in university study at a lower intensity rate, or even by module rather than qualification, and additional schemes to support professional development. Thirdly, students wishing to start a second honours degree with student finance could be allowed to do so, irrespective of their programme of study. Fourthly, there could be financial support or in-kind support for institutions fulfilling a commitment to lifelong learning; for example, capping the fee income that universities can collect in a manner dependent on their provision in this area.

The idea of a job for life is now defunct, with some jobs simply being eradicated by automation, but previously unforeseen opportunities are emerging all the time. It is not merely important but essential and urgent to optimise the possibilities for continued learning throughout life. Inevitably, much comes down to money and the need for more but the cost will be far greater if we

shy away from enabling adults to continue stretching themselves, finding new challenges and realising their full potential.

6.58 pm

The Lord Bishop of Coventry: My Lords, I join in thanking the noble Baroness, Lady Garden of Frognal, for securing this debate and for her very comprehensive introduction.

I wonder whether I might tell your Lordships a bit about the wanderings of a bishop on a Sunday. Yesterday, I began the day with the Greek Orthodox community in Coventry to mark the 30th anniversary of His Eminence Archbishop Gregorios's ministry in leading that community in Great Britain. He is a 90 year-old man full of wisdom, hope and dignity who is teaching his community to live well. After the service there was a wonderful lunch in the church hall, which on a Saturday, I was told, becomes a school where the community's children learn not only the Greek language but that community's culture and tradition. They are having their eyes opened to a whole new set of possibilities that formal education will not train them for.

I left there to head down into south Warwickshire for a confirmation service, the culmination of a course for a group of young people of a range of ages. I asked them, "What happens now with what you've been learning?" "This is only the foundation", they said. "It sets us out on a journey that will take us through life". They were talking not just about lifelong learning—learning throughout life, as it were—but about learning for life, learning how to live life fully.

Those two Sunday experiences gave me a lot to reflect on as I thought about this debate. It is not only the Christian tradition that is committed to inculcating habits of learning in people at an early stage and expecting them to go on learning through life, for life. It is a shared value and common practice among the traditions. What can be learned from those traditions about what lifelong learning really is and to how to encourage it and shape a culture of lifelong learning? The most fundamental insight is that learning is fundamental to human identity. It belongs to what it means to be a human being. Rabbis, Jesus among them, have disciples. "Mathetai", a Greek word I learned in my Greek classes, means "learners". It is interesting that, like other rabbis, Jesus's level 1 teaching for his disciples, his learners, was the shaping of their characters, their attitudes to others and the way they treated them. Everything followed from that.

We also learn from the religious traditions that learning is not just for economic benefit: man does not live by bread alone. Of course, it is partly about learning for work, which is vital, but it is really about something much deeper. We learn that learning is not just about what happens at school. It is about a life of learning, because life is endlessly interesting and tantalisingly mysterious, always inviting us to learn more. Learning does not happen just through formal methods. It is not only taught and measured but is caught through a network of relationships and lived out in communities where people learn from others in myriad ways. So I am glad to note that Office for Science's foresight report *Future of Skills and Lifelong Learning* recognises that character skills are vital for

readiness to work and that these skills are often attained through informal learning in a range of voluntary associations.

The *Church of England Vision for Education*, published in 2016, defines education as learning to live fully, and it proposes four spheres of education relevant to our debate today. The first is learning for wisdom, knowledge and skills. Other noble Lords will be able to speak better than I can about how people can be better educated in the learning of skills. I want to say something about learning for wisdom, not just because the readiness to learn new skills relies on a prior formation in wisdom but because skills are, according to the Jewish tradition, a form of practical wisdom. Wisdom requires knowledge and experience and is built up over time and in relationships. It is lifelong. It requires active searching and reasoning and demands breadth and depth. It requires discipline and resilience and inspires inquisitiveness, passion, confidence and delight in learning. It prepares us for life in an unknown future.

Secondly, education is for hope and aspiration. When I was at school—it was not an academic school—I told one of my teachers that a teacher I had met in another school had said I should think about applying to Oxbridge. My teacher replied, "That's the problem with schools like that; they put ideas into people's heads. Boys like you don't go to Oxford or Cambridge". So I never applied, but years later I found myself an associate lecturer at Cambridge University. It was a religious community that made up the deficit in my education. It educated me for hope: hope to imagine a different future and hope for myself and the world. That drove a lifetime pursuit of learning.

The third sphere of the Church of England's vision for education is learning for community and in the community. Education socialises the individual. Learning lifts our eyes out of ourselves to appreciate the other and enables us to belong to the past and the present, and to affect the future—learning to see that I am because we are. The drive to understand history, art, music and culture comes from a desire to be part of a community. The fourth sphere follows on from that. It is education for dignity and respect. Learning enables us to embrace the uniqueness of each individual. Raising the dignity of each person, it celebrates difference, drives a desire to investigate difference and enables us to appreciate different perspectives.

That sort of learning—wisdom, hope, community and dignity—is good not only for the person learning, although of course it helps them to live fully, but for the country and the economy. It grows human capital—the sort of people with the aptitude for learning and the attitudes towards others that the country and the economy need to grow more fully: more richly, in the deepest sense.

7.05 pm

Lord Bird (CB): My Lords, I congratulate the noble Baroness, Lady Garden, on this important debate today. It is one of those debates that remind us of the pauperisation of what is going on in Britain at the moment. There are many young people, and not so young people, who really want to get on in life. They want to make changes in their own lives and to be learning eternally until the last moment. By doing so,

[LORD BIRD]

they want to demonstrate to children and indeed to everyone that learning is the key to social justice, democracy and other things.

However, what has been happening since probably 2010, if not earlier, is that we are losing people who should be using education to bring about enormous change in their own lives and, hopefully, in the lives of others. I would say that that is very much to do with what happened around the economic crisis—the way that we came out of it, the enormous austerity that we have gone through and the sense in the country of just about hanging on and of putting perspectives of the future on the back burner rather than saying, “Actually, whatever happens, we need to educate ourselves through this crisis”.

What we need is a Government, and I hope it is this Government, who will say, “We will not allow education to shrivel up”. I am not very good at quoting Shakespeare, but if it is true that those who the gods wish to destroy they first make mad, a variation on that could be that if the gods want to destroy anyone, they first make them ignorant and rip from them all the intricate systems of education that have been growing over the years: Birkbeck, the Open University and the Workers’ Educational Association, which has been running since the beginning of the 20th century. I have to declare an interest: when I was banged up, on many occasions there were people from the WEA and the then National Association of Boys’ Clubs who gave us all the classes that we wanted on art, brickwork, crafts and things like that, so I am a recipient of that lifelong learning. On occasion, I have used it to pick up a bit of calligraphy and so on.

I want to talk about the problems of a particular organisation in which I have to declare an interest because I am a fellow: the WEA. It is in a bit of a cleft stick because of localism. We know that localism is about bringing the process of decision-making down to as local a level as possible, especially around education and so on. The WEA will be stripped of about £7 million, so one-third of its income will disappear if localism is followed through. In the process it will also have to try to bid, as there will be a process of local bidding. That will push up the costs of this organisation, which has 50,000 people going through its doors at any one time in 2,000 different settings. It does not own any buildings. It does not have a shed load of money stacked up somewhere. It cannot save for a rainy day, because everything is done simply and 84% of the money made goes direct to the teaching—and the opportunities that come from it. Of those who come to the WEA without work, 59% find work. If we really want to find a way to help this organisation and others that are calling for support, we could do a lot to heal the problem of the shrinking numbers.

The other thing that we have to do is to look into how we educate our children—the way we use education. As the noble Baroness, Lady Garden, said, schools are driven by the bottom line, their results. We must find a new way of looking at education which is about getting as much as possible out of our children so that they can grow and develop. If we can get it right about education, perhaps Brexit is something that we will be able to weather. The fact that we now learn fewer

languages than we did 10 years ago is an abomination and should be addressed by a central Government who will not allow the quality of life that education brings and the offspring that it creates around justice and democracy to shrivel up. The only way that we will lose our democracy is if we stop learning and developing as people.

I would like the Minister to tell us what he will do about organisations such as the WEA so that they do not run out of money.

7.12 pm

Lord Sawyer (Lab): My Lords, I thank the noble Baroness, Lady Garden of Frogna, for initiating this debate, which is very important. I have always had a keen interest in lifelong learning. This stems from my days as a trade union official in NUPE/UNISON. NUPE was a union whose members were mainly part-time women workers.

One of my colleagues there, a pioneer of lifelong learning called Jim Sutherland, a gifted and dedicated innovator, told me that it was reading Einstein, who said that learning is not the product of schooling but a lifetime’s attempt to acquire it, that set him on his path to be a champion of lifelong learning. Jim produced and directed some very innovative courses. I remember in the 1980s going to a group of Filipino workers in a hospital who were doing basic literacy and numeracy work and being very proud that my union was doing such work for people working in the National Health Service for whom English was not their main language.

I met many part-time women workers when I was a trade union official who realised that they were capable of much more than catering and cleaning for others and, in middle age, enrolled for lifelong learning to become the kind of people that they had the capacity and ability to be. They became lawyers or teachers. I even knew one part-time woman worker from the north of England who became a Member of Parliament through the lifelong learning opportunities provided by her union. She is now a Metropolitan Police commissioner, and those of you who come from the north may guess her name.

Those were the days when a spirit of pioneering in lifelong learning, a spirit of adventure, exploration and fulfilment, was in the air—something that I feel has been lost as the concept has been taken over or absorbed by the debate about skills, university funding or the needs of the digital age. Of course we need to set lifelong learning in a modern context, but we need to do so in a way that captures and retains the true spirit of lifelong learning, which is not about structures, colleges, universities or productivity but fulfilling the human needs of people—particularly in my case, in my union, those who have missed out on full-time education and development and did not get the chance to grow to be the person they had the capacity to be. That is why I have been so disappointed over recent years to see the number of people in part-time education plummeting. Between 2010-11 and 2015, the number of part-time undergraduate entries at UK universities and colleges decreased by 58%—a big number. We have heard enough about the Open University and other colleges today, but that should be taken very seriously by the Government and the Minister.

The problem in the main is due to a big increase in tuition fees; the fees are too high, and the loans eligibility criteria are too restrictive. Fewer than half the part-time entrants qualify and, without loans, potential students have to pay for courses up front and out of their own pockets. So, as often happens with studying part-time, it is often older people who do not have the finances or have family commitments that do not allow them to take on these responsibilities and financial commitments. Loans are not the right policy for part-time learners, and I hope that this major review that we look forward to will rethink the funding arrangements for those who want to study part-time. There is a strong case for those older workers, who have already made contributions to the economy and paid national insurance and tax, being offered much more generous terms either to begin a journey into higher education for the first time or continue their education onward journey. It is acknowledged by some in the Government that the fall in part-time numbers is not good and needs to be addressed, and I hope some attempt will be made to tackle the problem.

Really, it is a time to go back to basics and create a funding regime that allows returns to learning and for many people who have missed out to be excited and optimistic about what may be possible for them—as opposed to the negative impact that costs are having on them. There is a general belief in working-class communities in the north of England that older people cannot go back to learn any more.

I have one very simple question to ask the Minister. What are the future prospects for people who choose to study later in life and return to learn when they have work, family and other commitments, and when they do not have much money but want to study and develop as their predecessors were able to do in the years when I first became a trade union official?

7.17 pm

Baroness Bakewell (Lab): My Lords, I speak as a latecomer to this debate, but I am delighted to do so, for two particular reasons that are both topical. First, however, I thank the noble Baroness, Lady Garden, for raising the debate. She and I have rehearsed many times together the reasons why we believe passionately in lifelong learning, and I endorse everything that she said. I also support the noble Lord, Lord Bird, because I am not here simply as the president of Birkbeck but as the child of parents who left school at 13. When I was doing my homework at 16, my parents were attending WEA lessons where they learned about Beethoven, philosophy and modern art, so I believe in the WEA wholeheartedly.

One of the two events that prompted me to want to speak is the crisis in the Open University. We have to find a way of saving it, as it is one of Europe's outstanding institutions, and to let it go to the wall in any way would be catastrophic. What has happened? There has been a huge fall in attendance and participation in the Open University. Three years ago, a former BBC colleague of mine, Peter Horrocks, was made vice-chancellor. He threw himself into that job; he held receptions in the House of Lords that I attended. I suspect that he rushed at it rather too hard because, in the course of events, he alienated many of his staff,

who last week called on and pressured him to resign. He is a talented person and it is a great institution, and a way has to be found to save it.

The second reason that I wanted to speak is that the House of Lords Select Committee on Artificial Intelligence published its report today. I sat on that committee and what I heard, over a great number of meetings taking evidence from experts, was profoundly important. We are facing the fourth industrial revolution, which is going to transform the way we live, work and experience our lives personally. One of the important findings of the report is that, as they grow up, young people should be educated about algorithms and data mining. However, more particularly, the existing population of older people now need to be brought on board in terms of artificial intelligence and what it means for our community. If we do not do this, we will be seriously left behind in the world that is coming into being.

For those two topical reasons, I have important questions about the review which has been pending for some time. These issues must be rolled into any consideration of the future of over-18 education. What are the Government doing to confront this fourth industrial revolution? What are they doing to teach people how to handle, and be part of, the gigantic companies—Amazon, Facebook, Google and so on—that are penetrating into their lives and which they need to understand. Another old hobby horse of mine is what people are going to do as they get older—much older, as some of them do, and I thank the noble Baroness for her kind remarks. How are we going to live our old age with opportunity rather than depression; with insight rather than isolation? Old people need help in living in their communities in a changing world that they may well find difficult to understand. These are new reasons which I bring on board in pressing the case for lifelong learning.

7.22 pm

Lord Addington (LD): I thank my noble friend Lady Garden for raising this topic. Perhaps I should blame her as well, because this topic should probably be raised about once a week: it is that big and important. This debate has covered various facets of it, from the possible decline of the Open University—one of the most revolutionary universities of the late 20th century—to the reworking of the old idea of apprenticeships, and dozens of other points. It is a massive subject and we are merely writing a small chapter of it. That being said, can we accuse the Government of doing nothing? Not according to the briefing that I got from the Local Government Association. Lifelong learning is being run by eight different departments or Whitehall agencies—20 different schemes, all with different eligibility criteria. How many people actually knew that before the information was collated? We knew it was complicated and difficult and we knew it was going on.

I do not know whether the apprenticeship levy is included in that. If ever there was a good idea that seems to have irritated everyone who has had anything to do with it, it wins the prize. Nearly £1.3 billion has not been allocated and is sitting there, possibly going back to the Treasury. That is quite an achievement, when we claim to have a need for more training.

[LORD ADDINGTON]

The Local Government Association briefing recommends some form of local hub to deal with this. My noble friend Lady Janke would agree, I think. If that is not the model for getting a slightly better handle on training needs, what else is? Surely that is part of what we are talking about. If we are talking about learning and a whole education, as opposed to one that is simply preparation for employment, it cannot be the whole of it but it is certainly a part. Unless we make this a slightly simpler and more straightforward process, we will guarantee one thing: that those who need the training most of all will miss it.

Noble Lords will seldom get me coming to my feet to talk about a subject that relates to education when I do not touch upon dyslexia and especially the other hidden disabilities. They are a complicated series of structures. That group do not handle paperwork that well, be it on a screen or on paper, and they will find access difficult. Unless you get some unifying guidance, better career prospects or someone to guide you through, that group will miss out, regardless of how well they did at school and when they were identified. I heard a great deal about this when I was at the international conference of the British Dyslexia Association at the weekend in sunny Telford—although most of the day I was inside; I am told that one of the days it was sunny. We heard a lot about that and about how my brain—and that of the noble Lord, Lord Bird—differs from those of most of the rest. Apparently, we use the front lobes of our brain more than others do. I then received a rude comment that night, to the effect that maybe as an old rugby player I do not use them quite so well because that is the bit that gets hit first. On into the night it went. If you have groups that have problems which do not fit the mould, that will be more difficult to identify. At that same conference we heard from Ambitious about Autism. There the issue is a related but different set of problems: the interrelation of the person and the skill.

In addition, surely for lifelong learning we should encourage such people to take on their own initiatives. I shall give noble Lords another anecdote: somebody who last cut my hair turned out to be dyslexic. I said, “Do you use any of the amazing technology out there?”. He answered, “I don’t have to—my wife does it for me”. A person who is on your side is still the best bit of support you can get. However, as the British Dyslexia Association’s helpline proves—I was told this anecdotally—when that person does something inconvenient like dying or leaving you, you are in trouble. When you cannot fill out your timesheets, your application forms or your insurance details, you are in trouble. What are we doing to make sure that these groups that need the help can access it easily and well?

I could go on about the problems we have had with people who provide apprenticeships for this group saying that you need an education and healthcare plan to get this—that is the descendant of the old statement—when that qualification is designed for only a small fraction of those in that disability group, which means that you effectively exclude from the qualification those who would most benefit from it and most easily function in society with it. A degree of coherence is

required here, which goes across the field and which allows these people in. This is probably a good example of a chaotic system, which does not think ahead or holistically. Unless we can start to address this, we will come back again and again, fighting many rearguard or small-scale actions to try to correct this. I hope that the Government can give us at least a hint that they take this seriously.

7.28 pm

Lord Watson of Invergowrie (Lab): My Lords, I am also most grateful to the noble Baroness, Lady Garden, for initiating this debate, which has highlighted the need for an overarching strategy for lifelong learning, which was the main recommendation of the recent report by the National Audit Office.

In fairness to the Government, it seems that they have at least acknowledged the issues flowing from these skills gaps. Over the past year we have had the *Made Smarter Review*; the *Industrial Strategy*; the Government Office for Science’s report *Future of Skills and Lifelong Learning*; the PM’s announcement of the post-18 review and subsequent publication of its terms of reference; the *Careers Strategy* and the national retraining scheme; and at the start of this month the Institute for Apprenticeships expanded to become the Institute for Apprenticeships and Technical Education. However, along with many others, we have warned that the Government’s obsession with 3 million apprenticeship starts by 2020 could lead to quantity triumphing over quality, and the same concern applies to that plethora of announcements and initiatives. I hope that that can be avoided and I invite the Minister to make the Government’s priorities clear.

I want to reference another report—this time by the Organisation for Economic Co-operation and Development. It was published last November and highlighted that as many as 40% of workers in the UK are either overskilled or underqualified for their jobs, while the same percentage are working in industries or jobs different from the sector in which they trained. The OECD goes on to say that employers put too little effort into training workers in the right skills and that they should work more closely with the education system to ensure that school, college and university students build the skills actually required by the economy.

That should come as no surprise, because the Government themselves have accepted that for too long too many employers have been unwilling to make available the necessary time or resources to train and retrain their workforce. That is why the Government took the rare step of intervening in the economy by imposing the apprenticeship levy last year. They know that, without it, employers would have lacked the necessary commitment to take on apprentices at anything like the rate needed to make the Government’s 3 million target remotely achievable.

Apprenticeships have a vital role to play in addressing skills shortages, not least for small firms. One means of improving the current model would be to increase the flexibility of the levy, supporting the development of higher-level technical skills by adopting the modular apprenticeship idea contained in the *Made Smarter Review*, to which I referred earlier. Can the Minister tell noble Lords the Government’s intentions in that regard?

However, in addition to that, much more needs to be done to facilitate an “earning and learning” framework, because the reality is that, for this and future generations, lifelong and career learning will be an economic necessity. As my noble friend Lord Knight said—and he is very experienced in the future of work—the model of work has changed and will continue to change. Increasing automation and the development of artificial intelligence will introduce many new skilled roles that will require some form of formal higher qualification short of a full degree. For individuals to thrive in this new jobs landscape, the focus must be on continuous learning and development, including through the MOOCs referred to by the noble Baroness, Lady Greenfield.

Yet, as other noble Lords have said, since 2012 there has been a dramatic decline in the uptake of part-time higher education by those already in work. The main reason, as almost every noble Lord has said, has been the tripling of tuition fees and the effect that this has had on the Open University in particular. It led to the severe funding pressures, which in turn led to the vice-chancellor resigning following a vote of no confidence by staff.

In reality, that was a vote of no confidence in the Government, who have allowed tuition fees to spiral out of control to the extent that they now bear little relation to the actual cost of delivering higher education courses, full or part-time. A Labour Government will abolish tuition fees. However, I welcome the proposal, contained in the briefing provided by the Open University to all noble Lords participating in this debate, for the direct funding of part-time higher education so that the cost to students is more affordable. The Open University is right to say that offering people an incentive to learn while they earn saves taxpayers money in the long run because higher skills bring economic benefits, boosting their careers and life chances. Developing a culture of sustainable lifelong learning will involve the development of a national skills strategy, together with a reversal of the cuts in adult education, to enable people to train and upskill throughout their working lives.

The decision to devolve the adult education budget from next year will, as the noble Lord, Lord Bird, said, have serious consequences for the ability of the Workers’ Educational Association to maintain the level of its contribution to lifelong learning. I should declare an interest as a former employee of the WEA. With its vast experience, that organisation has a vital role to play in the landscape outlined by noble Lords in this debate, and it must not be denied the resources to do so.

Further, the Conservatives have cut funding for further education colleges—our main provider of adult and vocational education—and reduced entitlements for adult learners. Unsurprisingly, this has led to diminishing numbers of courses and students. Labour will introduce free lifelong education in FE colleges, enabling everyone to upskill or retrain at any point in their life, which is surely a necessity.

A lifelong learning commission was a commitment that we gave in last year’s general election manifesto and it is now being worked through as part of the development of the national education service. That will

form the overarching framework for a systematic, radical plan of action covering the whole age spectrum—one that recognises the changing patterns of work, including the gig economy and the consequences of automation, and the need for proper work-life balances. It will value the input of skills to education from as early as late primary education and into the teenage years, giving people second chances in their 20s and continuing opportunities to retrain and develop new career pathways right through into their 60s.

That is the basis of Labour’s comprehensive lifelong learning road map, spelling out a clear narrative of progression, social justice and mobility. It shows that Labour has a strategy for people at every stage of their age cycle, in contrast to the silos and barriers that Conservative-led Governments have erected since 2010. The sooner Labour is in a position to introduce that road map, the sooner this country will be able to build the sustainable lifelong learning culture on which its economic future depends.

7.35 pm

Viscount Younger of Leckie (Con): My Lords, I start by saying that I am very grateful to the noble Baroness, Lady Garden of Frogna, for tabling this debate. Noble Lords will know that we had a similar debate only in November. My remarks are not dissimilar, but they are not too similar, as there have been some important changes since I last spoke on this subject. I will attempt to answer the questions that have been raised and will write to noble Lords if I am unable to answer all of them. Two debates in five or six months is an indication of the seriousness with which we all, including myself, take this subject.

I start by defining lifelong learning: simply, it is the continuous learning process throughout a person’s life. It can be helpful to people at different stages of life, including parents who wish to return to the workforce or those aiming to change careers. However, I agree with the noble Lord, Lord Bird, that it is applicable also to the young, and even the very young, as they set out on their important educational path.

Lifelong learning is becoming increasingly important due to a number of trends and challenges that are shaping the future of work in the UK. The noble Lord, Lord Knight, eloquently highlighted a number of the major changes in the economy, in our demographics and in society. First, as we know, people are living longer and some are choosing to work longer—the number of people aged 50 and over is expected to reach 30 million by 2035. Secondly, technological change is having an effect on existing roles: for example, the opportunities and challenges brought about by automation. I took note of the point made by the noble Baroness, Lady Bakewell, about artificial intelligence—she is quite right. By the way, I also wish her a very happy birthday. Thirdly, there are skills shortages in particular sectors. For example, nearly 40% of employers continue to report difficulties in recruiting staff with relevant STEM skills.

To address this, we must strive to create a sustainable lifelong learning culture—starting, as the noble Lord, Lord Knight, said, in schools with the fostering of a positive attitude towards lifelong learning that instils

[VISCOUNT YOUNGER OF LECKIE]

an ethos of learning that keeps the momentum going throughout people's working life. There is much to do. We are rising to such challenges and I would like to touch on a few of the action points, including a new national retraining scheme, apprenticeships for older learners and a review of higher-level technical qualifications.

I turn first to the national retraining scheme. This ambitious and far-reaching programme will help workers develop the skills needed to address changes in the economy. The scheme's strategic direction and implementation will be overseen by a national retraining partnership, which met for the first time on 5 March. The partnership is chaired by the Secretary of State for Education, with representation from the Confederation of British Industry, the Trades Union Congress and the Treasury, thereby ensuring that the voices of businesses and workers feed directly into the national strategy and the development of policy. There will be a series of phased impactful interventions commencing over the next two years, starting with £30 million to develop digital skills in conjunction with the Department for Digital, Culture, Media and Sport, and £34 million to scale up innovative models of training in the construction industry, which is a very important sector for our economy.

I turn now to career learning pilots. To help inform the national retraining scheme, we are investing up to £40 million in career learning pilots, as announced in the Spring Budget last year, to explore the barriers that adult learners face. I am pleased to say that we have already launched the following pilots, and I can now expand on what I informed the House of last November.

First, on the flexible learning fund, we announced on 29 March that the fund will provide £11.7 million to support 32 projects, increased from the initial allocation of £10 million. The projects will develop and test flexible, accessible ways of delivering technical and basic skills, such as GCSE maths and English, to adults. The funded proposals include projects aimed at increasing the maths skills and confidence of adults already in work, and at improving the digital skills of older workers.

Secondly, launched on 30 November, the outreach and cost pilots are: testing the best ways to reach and motivate adult learners to undertake qualifications; providing subsidies at different levels to test solutions to barriers of financial cost—a point raised in today's debate; and working with local colleges and training providers, the National Careers Service and a wide range of employers in five areas, to explain and market content. Everything we learn from these pilots will inform the new national retraining scheme.

I now turn to T-levels, an issue that has been much debated in this House in the recent past. We want our technical education system to be as prestigious as higher education and to rival the best systems in the world. T-level qualifications, primarily designed for 16 to 19 year-olds, will ensure that students have the latest skills, knowledge and behaviours most valued by employers. As published in the T-level action plan, we are creating 15 new technical education routes. The first T-levels will be taught from 2020, and all routes

will be available from 2022. I mentioned in the debate in November that we would launch a consultation on T-level implementation. That is now complete and the response will follow very soon.

As we are talking about technical education, we are currently undertaking a review of higher-level technical education at levels 4 and 5—that is, above T-levels but below a bachelor's degree. In our actions we want to support attractive progression routes to higher-earning technical roles which address the intermediate and higher skills needs of the economy. These programmes of work—the level 4/5 review and the T-level action plan—will ensure that we can provide the necessary skills to meet the needs of learners and employers in the future.

Some noble Lords touched on the issue of apprenticeships. Apprenticeships can be just as relevant for older learners as they are for young people, and they provide a route to skilled employment. We remain committed to achieving 3 million apprenticeship starts in England by 2020 and we have achieved over 1.3 million new starts since May 2015. That includes over 500,000 starts by adults over the age of 25, or around 40% of the total. In 2016-17, more than 58,000 of those starting an apprenticeship were aged between 45 and 59. In addition, more than 3,600 were aged 60 or over, underlining the point that older people can and do access apprenticeships.

The House will be aware of the review of post-18 education and funding. This will focus on the following issues: how we ensure that tertiary education is accessible to everyone, from every background; how our funding system provides value for money, both for students and taxpayers; how we incentivise choice and competition right across the sector; and, finally, how we deliver the skills that we need as a country.

The noble Lord, Lord Watson, and the noble Baronesses, Lady Garden and Lady Janke, raised the important issue of part-time learning and the barriers that some adults face in accessing funding to take up part-time study. I know that this is an important issue. We are now introducing full-time equivalent maintenance loans for 2018-19, providing financial support to part-time students similar to the support that we give to full-time students. The review of the post-18 education-plus funding will look at how we can encourage flexible and part-time learning to allow people to study throughout their lives. I hope that that helps with the question raised by the noble Baroness, Lady Bakewell, about the review. I reassure her that this important area will be looked at as part of the review and I will focus on the OU at a later stage in my remarks.

The noble Lords, Lord Watson and Lord Bird, and the noble Baroness, Lady Garden, raised the issue of the funding arrangements for the Workers' Educational Association. Perhaps I may add that devolution, or localism as the noble Lord mentioned, presents an opportunity for providers to develop their provision to meet local needs. It is important that providers such as the WEA begin to make contact with the mayoral combined authorities and the Greater London Authority to start a working relationship and to demonstrate the ways in which they can contribute to meeting skills needs locally. I should also say that I acknowledge that

I have received a letter from the noble Lord, Lord Bird, addressed to me and to my noble friend Lord Agnew, making a number of important points. I can reassure him that we will be replying in full to that letter and, if the House would like to see a copy of the response, provided that the noble Lord is happy for us to do so, a copy will be made available in the Library.

I turn to the important subject of social mobility and the careers strategy, which was raised by the noble Baroness, Lady Garden. Of course our overriding wish is to ensure that every person, no matter their background, is able to build a rewarding career. Our careers strategy sets out a long-term plan to build a world-class careers system. The strategy will give people from all backgrounds the best possible preparation to move into a job or training that enables them to have a fulfilling life and helps to build a formidable homegrown skills base. It has been developed in partnership with the Gatsby Charitable Foundation and will be co-ordinated to an expanded role for the Careers & Enterprise Company, working across all the Gatsby benchmarks to help deliver the ambitions set out. The National Careers Service will continue to be the single service that provides free and impartial information, advice and guidance on careers, skills and the labour market in England.

I was interested in the comments of the noble Baroness, Lady Janke, about the experience in Bristol, a city that I know well. She is absolutely right that it is important to ensure that pensioners are given opportunities as they retire from mainstream life. They can then look forward to a happy and fulfilling life, hopefully doing some work, whatever that work might be. I was also particularly interested in the remarks of the right reverend Prelate the Bishop of Coventry in, if I may put it this way, his Sunday wanderings. He is right to say that lifelong learning should cover all points in a person's life. It includes the dignity and importance of the person as an individual and being fulfilled as a human being. If that is the case, people may be better able to help in the community, as the right reverend Prelate mentioned, and they can learn from the past in order to help society and themselves in the future. The noble Lord, Lord Sawyer, also made some interesting points in his remarks. The noble Baroness, Lady Bakewell, was right to make the point about pensioners needing help in order to seek fulfilment

in their lives, which is the other side of the debate. It is not just about the economy, a point which I think another speaker raised.

I should like to talk briefly about the Open University. Obviously from the Government's perspective we have been following the developments closely and I know that the Minister responsible for universities, my honourable friend Sam Gyimah, has commented on this issue. As the Universities Minister he has declared his support for the Open University. It is a very important institution and he wants its valuable work to increase the opportunities available for accessing higher education, including support for lifelong learning. He also personally thanked Peter Horrocks for his service and hard work. This is just a reassurance that we need to look at the future and the Government want this to move forward in the right direction.

The noble Baroness, Lady Garden, asked what progress has been made on digital upskilling. We are taking action on a number of fronts, from the introduction of the first digital T-levels to the development of new apprenticeship standards, which include the appropriate digital skills components, including degree apprenticeships. However, we need to go further, and in our digital strategy which was published in March 2017, we set out our intentions to ensure that everyone has the opportunity to increase their digital capability. As I mentioned earlier, in the Autumn Budget the Government committed £30 million for this specific area.

I realise that I am running out of time, but perhaps I may conclude by saying that I hope that I have been able to set out a broad agenda to promote lifelong learning and that other work is going on across government to complement it. For example, there is £5 million in funding to support people who have left paid employment to take on caring responsibilities, nearly 90% of whom are women. Helping them to return to work is part of the jigsaw. I hope that it is understood that we are making some progress. There is much work to do, but it does not matter whether you are eight, 18 or 80, lifelong learning is becoming increasingly important to all of us. That is why the Government have so far invested more than £100 million, which demonstrates our commitment to meeting this important challenge.

House adjourned at 7.49 pm.

