

Vol. 790  
No. 129



Friday  
27 April 2018

PARLIAMENTARY DEBATES  
(HANSARD)

# HOUSE OF LORDS

## OFFICIAL REPORT

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<b>Abbreviation</b>	<b>Party/Group</b>
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

Friday 27 April 2018

10 am

Prayers—read by the Lord Bishop of Norwich.

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

Committee

10.06 am

### Clause 1: Duty of local authorities to monitor children receiving elective home education

#### Amendment 1

Moved by Lord Lucas

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

“436AA Duty of local authorities to collect and share information where the proprietor of a school has received written notification from parents that a pupil is receiving elective home education.

- (1) A local authority must make a return to the Department for Education in such form and at such intervals as may be specified on children removed from roll at each school in its area where the proprietor has received written notification from parents that one or more pupils are receiving elective home education.
- (2) A return made under subsection (1) must include information as to whether the children concerned have Education and Health Care Plans.
- (3) A local authority must record and keep up to date the names and addresses of all such children and of their parents.
- (4) When so requested by the Department for Education or on their behalf, a local authority must write to some or all of such parents as are specified in subsection (3) in such form as the Department may specify.”

**Lord Lucas (Con):** My Lords, there has been considerable noise in the press and elsewhere about off-rolling: the idea that schools are pushing the parents of troublesome pupils into home education. Looking at the statistics for Northamptonshire, which I happen to have, there does appear to be some evidence of a move in that direction. During the 2016-17 academic year, 1,182 pupils in Northamptonshire were known to be home educated, and by the end of the year it was 784, which is double the rate of two years previously. The pattern of home education in that county is a level of about 60 pupils per national curriculum year—that is, from the beginning, so those are presumably the dedicated home educators. Then, from year 4 to year 10, the rate of home education picks up rapidly. By the time you get to year 10, 180 pupils are being home educated. A chunk of those—about an eighth—had exclusion problems before being home educated and about one-third are children who have had some contact with social services. The analysis by school shows that some schools are notably excluding very few pupils relative to others and sending a lot to home education. There seems to be evidence that some schools are making it a practice to tip children into home education.

That is not, in itself, a wrong thing. In the circumstances of an individual child, family and school, home education may be the best alternative. Some children who have been suffering in school will flourish in home education. You just do not know, without going into the details, whether this is malpractice or good practice. In too many places in this country, the alternative to home education is exclusion, and the pathway from exclusion is into desolation. We ought to provide, but do not, a strong system of alternative education for children who are persistently excluded.

**Lord Adonis (Lab):** My Lords, does the noble Lord think that a better solution might be if schools did not exclude pupils in the first place?

**Lord Lucas:** I am sorry, but I did not hear the noble Lord.

**Lord Adonis:** Does the noble Lord think that, rather than parents being obliged to home educate their children because of the danger of exclusion, a better solution would be to be much more restrictive about exclusions in the first place and not to allow them except in extremis? In that way, we would not have this huge extension of home education that is taking place at the moment, which is a covert form of excluding pupils from school.

**Lord Lucas:** My Lords, that is quite possible, but schools and parents can deal only with the circumstances in which they find themselves. It is the parents' duty, in particular, to make the best of what they can. I agree that we ought to emphasise much more looking after those children who find school hard to deal with and bringing them through to success. There is a lot to do in that area and, as the noble Lord and I know from our long careers in this place, it has proved difficult to successive Governments. But that does not mean that we should not try. I believe that we are having another go at it and I commend the Government for that. In the local circumstances of an individual school, it may be best to encourage home education.

Home education is something that we should be prepared to support. It seems to me very strange that the Government's attitude to children who have had such difficulty with the state schools they have access to that their parents have been forced to take them home is to immediately cut off funding and support. That seems a weird way of treating those who are finding life hardest in school. Throughout today, I shall be urging the Government to look at this from the point of view of supporting home education. Why, when a child moves into home education, does the money just disappear? Why does it not move to the local authority, or at least a decent proportion of it, so that the local authority can continue to support the education of that child, particularly in circumstances where it is clear that this is a matter not of some middle-class choice but of the best interest of the child?

The amendment is pretty technical. It is aimed at making sure there is a flow of information to Ofsted that will enable it, when it inspects a school, to understand what the school is doing, and whether the moves to home education have been well advised or whether

[LORD LUCAS]

they are a covert form of exclusion. Ofsted tells me that it currently cannot get at the data. When it visits a school, it knows that children have moved into home education, but it has no way of finding out why that has happened. There is no record, information or contact with the parents involved. It just has to accept the school's explanation. I would like to see circumstances where Ofsted has access to proper information so it can properly evaluate what a school is doing.

I particularly commend to the House the practice of the Magnus Church of England Academy in Newark. Its attitude to pupils who get into trouble is that it retains ownership of them. Even if they end up in the local PRU, Magnus keeps them on roll. It accepts the responsibility for the rest of their education. It accepts that they have gone to the PRU because that is the best choice for the child and that the results they achieve through that method will belong to the school. We should impose that attitude on all schools. I do not think that we should allow schools, whether by way of exclusion or off-rolling, to throw children away, to absolve themselves of responsibility for them. Children should stay on schools' registers for the purposes of performance tables until the next point of measurement—key stage 2, 4 or 5—so that the decision the school takes about where a child goes, if they leave the school, is one for which the school will be held accountable. That would be the right way to move in this direction to produce data and evidence so that we can watch how these decisions are taken. That seems vital.

10.15 am

In the general context of the Bill, we must be careful to be fair and not to single out the home educated just because some of them are different. There is not any evidence that they are a source of great problems. Sometimes what people say about the home educated just sounds like the fear of others—the sort of thing that I was brought up with, when I was told, “Don't play with the Gypsy children”. If we want to judge what we are proposing for these people, we should imagine that the state has a supervisory role on the quality of our parenting. Would we let the local authority barge into our houses and interview our children alone to establish whether we are being good enough parents, without any evidence that we are not being good parents? That is the sort of thing we are in danger of asking of home educators in the context of education. We all have duties to bring up our children and to make sure that they are educated well.

An awful lot of the time what parents are doing with their children is commonplace in the state systems of other countries or in the further reaches of schools that we appreciate in this country. If we look at the range of schools, from the religious to the irreligious, from Summerhill to the schools run by the Plymouth Brethren, we admit a wide range of educational practice in this country. Most of what happens in home education is well within that.

We get hung up on the idea of pursuing the voice of the child, but children have no choice which school they go to. The parents decide that. Parents send children to boarding schools. I forgive my parents for that—I had a horrible time of it—but it was what was done at

the time. I was not given a choice and I would not be given a choice now—a voice maybe, but not a choice. We must put things in the context of the ordinary decisions we take. We must recognise that if we are looking at removing a child from home education we are removing them not to some nirvana where everything is perfect, but to the local state system where things may well be far from perfect. We therefore should not seek perfection in what we ask of home educators. We should just ask that they are doing, by ordinary standards, a good job. I beg to move.

**Lord Addington (LD):** My Lords, I support the noble Lord, Lord Lucas, and his amendment, primarily because this is the first chance we will get to dig out some detail here. Many of the questions I have about this are directed at the Government Front Bench, because the Government's attitude is crucial. There is undoubtedly a problem with home education, with the fact that it is totally unregulated and we do not really know what is going on. That is the nub of it.

Everybody who comes to see me over this reckons that they are doing a pretty good job in producing something. We on these Benches had as a party group a meeting with some home educators. The interesting thing was that, within about 20 minutes, they were arguing among themselves as to what was the true essence of home education in quite a heated way. The only consensus we got was when I asked them whether they agreed that a child has a right to an education that equips them for adult life afterwards. That was the only degree of agreement we got.

Most of this is dictated by people talking about things such as the rights of the parent. The rights of the child are there. The essence of keeping a record of those who are being home educated is fine. I do not think that there is anybody who would disagree with that. However, I am afraid that I have quite a lot of problems with the detail on this. I am not sure how it will work. There is far too much undiscussed government regulation that will be relied on afterwards and so on.

If the Government are paying attention to this, it is largely as a result of some classic cases of neglect or cruelty where a person has been hidden away. Throughout the communities I have spoken to about this, everyone agrees that there are cases where there are seven or so children and they just cannot be bothered to deal with them, so they home educate them and nothing happens. That example has literally been said to me. I was not given any dates, times or names, but I was given that example. What do the Government intend to do to find out what is being done there?

Then, when it comes to regulation, you start to get into very muddy waters. I have had briefings from the local government authority which say, “This is great, but we do not have any power to enter a home”. I do not know whether or not that is right. Does the Minister have an answer to that technical question? All the powers for registration and assessment do not matter if you cannot get into the home. I suspect that is wrong and that other legislation could be used, but you will need a mechanism to identify and cross-reference. Is that not fun? Is it not easy to do? It would be asking a bit much of a Private Member's Bill to get anywhere near that. Can we have some answers from the Government

about what they are prepared to do on this? If we do not, we will not know what the intention is on whether there will be the back-up and authority to go through with this.

Following on from what the noble Lord, Lord Lucas, said, we should remember that many people are home educating because they feel the system has failed them. I do not often make an intervention in an education debate without mentioning dyslexia, and I draw the Committee's attention to my interests in that field. It may have been more common in the past, but it still happens now that people may go into the system without an early enough identification of their special educational needs. They have a bad experience and the school gets into a series of appeals about what used to be statements and are now plans. A conflict situation develops with the education establishment, and some people say "Enough is enough" and pull out.

As the noble Lord, Lord Lucas, also said, the state then seems to more or less wash its hands of the pupils and many home-educating parents ask, "What is the state's duty to ensure that we have some assistance?". If children become school phobic because they have failed or have special educational needs—for example, if they have been overloaded with inappropriate maths and English tuition and help which dyslexics cannot absorb and makes life a living hell for them—what is the state going to do? Dyslexia is a difficulty with short-term memory and an inability to sequence, which anyone who has tried to organise my diary will know manifests itself in me on occasion. If they have to go through this, what is the role of the state to support them? It is a complicated issue. The question of resources also arises. Will we do this? If help is made compulsory, this would lead to a situation in the current world where home-educated pupils would get more assistance than they would do in the school system. It gets more and more complicated.

Can the Minister say what the Government think should happen now? What is their thinking on this? It is clear that the noble Lord, Lord Solely, has enjoined a process of kicking the Government into action, but what are they doing? That will be covered in the rest of this discussion. Is this Bill merely a footnote, a forlorn hope or a part of the process? We need to know because that will colour everything that happens in the rest of today, the future of the Bill and on this issue over the next couple of years. If we are to get this legislation through, it must be fit for purpose.

**Lord Adonis:** My Lords, I agree mostly with what the noble Lord, Lord Lucas, said about home education and I commend my noble friend Lord Solely on his Bill.

I would like to direct the attention of the House and the Minister to the issue of school exclusions, which is getting more and more serious in communities up and down the country and directly relates to home education. Yesterday in Gateshead—having addressed the north-east chamber of commerce, ably led by the son of the noble Lord, Lord Ramsbotham, who I am delighted to see in his place—I met social workers and school leaders to discuss the big challenges they face. The single biggest issue that they raised with me was the problem of school exclusions, pupil referral units and what they call "off-rolling"—a term which, even as

a former education Minister, I had not come across before. Off-rolling is managing people off school rolls into pupil referral units or into no provision whatever and often calling it home education. This is simply to get pupils off the rolls so that they do not engage in disruption in school—disruption which, frankly, the schools for the most part should be managing—and do not count in performance and league tables which are published for schools at the end of each academic year.

This is a big issue. To give a concrete example of what is happening in Gateshead at the moment, one of the social workers at the meeting said that the pupil referral unit in Newcastle, where many of the students from Gateshead are referred, until recently had nearly 400 pupils in it, which is almost the size of a small secondary school. Of those pupils, only 80 to 90 were formally part of the pupil referral unit; all the others had been "off-rolled" or managed into it. For the most part, they did not turn up. They were lucky if they were there for an hour a week. Indeed, it was said to me that if they did all turn up there would not be provision for them.

This a huge social crisis which is taking place in this country at the moment. It is at the root of many of our problems, including in educational underperformance and in the criminal justice system. Many of these children, particularly adolescent boys, are basically not playing any part in schools and are being managed out of them by the age of 14 or 15. They do not get any qualifications or into a culture of learning or work—and we all know what happens to them thereafter.

The relationship with home education is problematic. As a former Minister, I was constantly being told by home educators that it was an essential social right that people should be able to home educate. I believe in principle that that is the case for people who have philosophical views on how education should be conducted—noble Lords will know of people for whom that is true—but for most people home education has nothing whatever to do with philosophical preferences about the style of education but everything to do with failure at and rejection by schools, which often happens. In some communities, particularly Traveller communities, people often do not want their kids to go to local schools because their relationship with the local schools is so poor, and the cultural issues and alienation are so great, that by the time they come, particularly, to secondary level, they do not want to play any part in the local schools.

We all change our views over time. When I was a Minister, I was worried about seeking to limit the power of schools on exclusions. This is a deeply difficult issue because nothing holds back schools and pupils more than disruptive children, and getting the balance right is difficult. My view now, after engaging in this issue for many years, is that Parliament needs to adopt a much more robust approach and that temporary exclusions should be banned. There are hundreds of thousands of temporary exclusions a year. The idea that the punishment awarded for low-level disruption in schools should be chucking kids on to the street for a day or two—as if somehow that would be an incentive for them not to misbehave in future—is one of the biggest misconceptions in the way we handle discipline in schools.

[LORD ADONIS]

However, for serious disruption, my view is that schools should not be allowed to permanently exclude pupils unless there are issues of violence at stake which simply cannot be managed inside the school. That is not to say that seriously disruptive pupils should be able to disrupt classes. Rather like the way in which we handle special needs, as the noble Lord, Lord Addington, said, schools should have additional resources for managing challenging behaviour. It may be that in some cases the provision should be outside the classroom—although, again, this should be managed properly—but getting pupils off the rolls of schools so that no one has responsibility for them at all, which is happening at the moment, is an absolute derogation of our duty as Parliamentarians to see that all young people are educated. To put the euphemistic label of home education on it is to betray a generation of young people who then, in very large measure, end up on the streets, underemployed, unemployed or in the criminal justice system.

**Lord Touhig (Lab):** Perhaps I may put a question to my noble friend. Is he aware that 70% of youngsters excluded from schools in England and Wales have learning difficulties, which often lead to mental health problems? We are creating a social underclass totally disconnected from society.

**Lord Adonis:** My noble friend makes a good point, but I want to remain constructive. Great though my admiration for my noble friend Lord Soley is, fundamental changes in the law rarely take place by means of Private Members' Bills. My noble friend is working on it and this Bill may be the harbinger of great change thereafter. We are extremely hopeful and there is no one better at producing those changes than my noble friend.

I want to ask the Minister a specific question. This is clearly a steadily growing social crisis. Would he meet me and other Peers who have a keen interest in this to discuss what should be done about the specific issue of school exclusions? I see that my noble friend Lady Morgan is in her place. She played a big part in the academies movement. I hope that we can meet leaders of the academies—indeed the Minister is himself an academy sponsor—to understand the need to reconcile school autonomy in academies with responsible behaviour and ensuring that we do not throw children on to the scrapheap. If the noble Lord would agree to that meeting, I would be very grateful.

10.30 am

**Lord Kirkhope of Harrogate (Con):** My Lords, on the noble Lord's reference to philosophical preferences, my recollection, as a Member of Parliament some years ago, was that in a number of cases one wanted to support home education, but there were deep concerns about the motivation of the parents in seeking such an arrangement. Does he not think that a wider approach that allows for preferences is harmful to many children who are deprived of the association with others that they need? Are we not moving towards a form of designer education, which would be utterly undesirable?

**Lord Adonis:** I understand what the noble Lord is saying, but it is quite difficult for the state to start making judgments about the philosophical preferences of parents when it comes to home education. The point I seek to make to the Committee is that while there are some forms of home education of which I personally strongly disapprove, I do not believe that is the big social issue facing the country. The major issue is home education that means no education, not home education that means better education. It is about getting at the fundamental problem of home education that means no education and throwing children on to the scrapheap that we have to deal with.

**Lord Grocott (Lab):** Does my noble friend agree that part of the problem is the weakening of local authorities and their diminishing control over schools in their area? They are unable to take an overview of the needs of the area. That break-up is one of the most significant disadvantages of the development of schools policy in recent years.

**Lord Adonis:** My noble friend and I could debate academies over a good deal of time, and indeed we have done over the years. I do not believe there is any inconsistency between strong and autonomously-led schools and social responsibility. That has always been at the heart of the reforms that I and others have promoted over the past 20 years. Schools should be free to succeed, not free to fail their children. The noble Lord, Lord Lucas, made a number of very good points about the important role that Ofsted should play in this process. When it inspects schools, Ofsted should pay much more attention to what is happening to children who are basically off the register and being treated very badly.

**Lord Bird (CB):** My Lords, I apologise for not speaking at Second Reading—please forgive me. I have to declare an interest, and here I address my remarks to the noble Lord, Lord Adonis. I was a child who was excluded from school, which meant that I had an incredibly impoverished education. When I brought up my own children, I started by putting them through the system where they failed and fell because they had inherited many of the problems I had. Poverty and crime and all these things can be passed on to many generations. They do not just fall off the map because you change your postal code.

I say to the noble Lord, Lord Adonis: my problem is that we fail 37% of our children in schools. When the noble Lord was the Schools Minister, he was a part of that failure in the same way as Justine Greening was, who reminded me that the failure rate is not 30% but 37%. Let us not do what I think is being done today, which is to bring together two considerations. The first is this. I have home schooled my children. If you meet them, you will find that they are the most socialised people I know. My grandchildren have also been home schooled, and I can swear on the lives of them all that their dignity, their citizenship and their quality of life have been increased incredibly by the beautiful opportunity we have to give parents and children a choice.

I am in love with that system, but I am aware that we cannot leave it to become a free for all. I have spoken to the noble Lord, Lord Soley, about this. However,

I would ask the noble Lord, Lord Adonis, please not to bring two things together here. Social exclusion from school is a killer. I must have been one of the first pupils whose headmaster said, “You don’t have to come to school, Tony Bird. We will tick you off”. He did not call it home education, he sent me out shoplifting. It was a good Catholic school just down the road in Sloane Square—a lovely and beautiful school. They do not do that now.

The point I am trying to make is that we should not conflate these issues. The Bill drafted by the noble Lord, Lord Soley, is interesting because what it means is this: let us make sure that there are no perversities. However, school exclusion is a separate argument. I will be 100% with the noble Lord, Lord Adonis, as an example of a person who was violated by an education system created after the Second World War. They set up an underclass through the secondary modern school system, where all we were was being lined up to do jobs that had disappeared in the 1930s. That is one of the problems.

My problem is that I do not agree with the pedagogy in the school system today. It is preparing our children for 1972 while we have the fourth industrial revolution coming down the road. We should be preparing them for that, but I will leave that issue for another debate.

**Lord Storey (LD):** My Lords, before I turn to the amendment, I want to say that of course no one wants to see pupils being excluded, but I have to tell noble Lords that all the meetings in the world with the Minister will not change things unless we are prepared to put in the resources to support special educational needs and to deal with all the other things that cause children to get into trouble in our schools. Teachers have a right to teach and pupils have a right to learn. A disruptive pupil can often destroy a classroom and a school. We want to change that system, and I agree that we should not have exclusions, but it is about resources.

I support the amendment. It is absolutely bizarre that, as a society, we do not have a clue how many children go missing from the education system or how many are being home educated. We have responsibilities towards children. There are very good home educators. I have been looking at the guidance for parents on home education. It is a charter to do exactly what you want.

What is the legal position of parents? You can decide from an early age that there are no requirements. What is full-time education? There is no legal definition; you are not required to do this and you are not required to do that. If your son or daughter is enrolled in a school and you decide to take them on holiday in term time, guess what. You end up in court, but there are no legal requirements on parents teaching their children at home to do anything. On the curriculum, we had a long, anxious and worrying debate about British values. If you are home educating, you do not have to teach those values at all. The guidance to home educators, which we proudly say is the full guidance on what has to be done, is a charter to do absolutely nothing.

What should we be doing as a minimum? First, it is right that we should ensure that local authorities have to record those pupils who are being educated at home.

Parents should have to register that fact. But there are other issues linked to that, one of which is resources. When there is a problem, we often blame local authorities, but when there is a difficulty, we often ask local authorities to do something about it. If we are going to ask local authorities to do this work, there have to be the resources for them. You cannot just say, “Right, we’ll pile this pressure on local authorities”. Local authorities that do this work will need additional resources.

Again, the noble Lord, Lord Lucas, was right when he said in passing, “You know what, every pupil is worth a sum of money”. When that pupil is taken out of school and home educated, that money is lost to the education system; it goes back to the Treasury. Would it not be nice if that sum of money were used in some way, perhaps to support young people and excluded children or to give some resource to local authorities to ensure that this area is monitored properly? I support the amendment.

**Viscount Falkland (CB):** My Lords, I rise to speak in your Lordships’ debate with some trepidation because education is not my subject and never has been.

First, I follow my noble friend Lord Bird in apologising for not having spoken at Second Reading. I followed that debate quite closely and I think the best words I can use to cover my feelings about it are those of the noble Lord, Lord Bilimoria, in debate on the withdrawal Bill: noble Lords must “get real” if they think that home education is the way to deal with excluded children. I say that because my third daughter—a video editor by profession—went to her local authority in a fairly poor part of north London one day and said, “I really want to do something. Seeing the number of excluded children in this authority, I’d like to offer my services because, having been a freelance video editor, usually working on film sets, I may be able to help these children in some way”. She has done so; over a number of years, I can safely say that she has been of some help. If they are willing and she has spotted them as being possibly suitable for this kind of experience, she has met children who have been excluded for violent behaviour, come from very poor backgrounds and have not co-operated at school at all, for whom exclusion is an option—although I deplore it. Like the noble Lord, Lord Adonis—if I understood him correctly—I think exclusion is an absolute disgrace. My daughter thought she could see something that came within her field in the children she had spotted. She said she would encourage them to come up with an idea, either fictional or from their experience, and give them the opportunity to learn how to create a story and put it in visual terms—in other words, they were going to film it together and produce four to five-minute films. She has been doing this for three years and shown a number of examples of her work with these children, including in your Lordships’ House.

I would say, as would noble Lords who have seen some of it, that her work tells one something about excluded children: they generally come from very poor backgrounds and bad homes, so it cannot be said automatically that if school does not suit a child, they should be educated at home. The kind of homes that the children taught by my daughter come from would

[VISCOUNT FALKLAND]

not be interested. That is why those children are what they are and have imaginations that have turned negative—which she tries to turn positive and creative again—so it would not work. Now a raft of pupils has passed through her hands and some of the films have been quite brilliant. Those children, who would hardly speak to anybody and found it difficult not to resort to violent behaviour, have found being encouraged to use their imaginations and being taught to turn that into a film an enormous success. I say that without exaggeration and without exception. First of all, the children generally get praise for what they do. When you begin to use your imagination as a child, it shuts out all kinds of resentments that you might have following a poor home background and a lack of success at school.

10.45 am

I am sorry if this sounds like a Second Reading speech—I have apologised for not being there—and I hope that I am not ruffling too many feathers. I know that there are a lot of education professionals in the House—I often listen to them and wonder what I am doing here—but I think my daughter's work and her success qualifies me to stand up and say to your Lordships that the Bill is a nonsense. I say that about the way it is expressed; I am not saying that anything done by the noble Lord, Lord Lucas, is a nonsense. If noble Lords generally think that recalcitrant children will benefit from being educated at home and that this will answer all the questions—in a way, I agree to an extent with what the noble Lord, Lord Adonis, said—they are living in cloud-cuckoo-land. We have to identify the children, of whom there are plenty, who want to be different but have to break out of the prison they have been in with their families and because of their lack of success in school. In fact, from the children my daughter has dealt with, who have produced these remarkable films, one young boy—who was totally out of control—has now been accepted at a drama school as a potentially successful actor. My daughter has been asked by a number of drama schools to talk to them about what she has done with excluded children, because the pupils—not the teachers; we all know what teachers are like—are very impressed and fascinated that children from such backgrounds have broken the chains of deprivation.

**Lord Warner (CB):** The noble Lord is making a very interesting discourse but can he explain how it has any connection to the Bill of the noble Lord, Lord Soley?

**Viscount Falkland:** Absolutely. The connection, which may upset people, is that I think the Bill is total nonsense in the way it is being followed through. I do not think that the teachers of this nation, most of whom are very dedicated people, are meeting the requirements—which they could do if they “get real”, to use the phrase of the noble Lord, Lord Bilimoria, again. My daughter, through what she does, has put around 100 young people into a new frame of mind, having lost all their instincts for violent reaction and such things. That is the way forward.

**Baroness Morgan of Huyton (Lab):** My Lords, those of us who were present at Second Reading were clear about the importance of keeping things simple in

the Bill. When there has not been an education Bill for a long time, there is always a tendency for all sorts of things to be raised. Those of us who have taken part in this debate over months, if not years, are clear that there is a precise need to start to move forward on this issue, which we will do by moving forward on registration. There is a time and place for wider conversations and today is not it.

**Viscount Falkland:** I take the noble Baroness's hint. I shall wind up my discourse by saying this. If we are to see in children of the background that I have described a change in their behaviour, their mood and, one hopes, their enjoyment of life, the best way to bring it about is to get people such as my daughter who are volunteers to do the work in the home, because the parents will not be any good at doing it. As is often the case in this country, the voluntary sector needs to be involved. I have much more faith in the voluntary sector than in the teaching profession and education generally. On that rather contentious note, I will now allow the House, with apologies, to continue in its normal vein.

**Lord Bird:** Please can we stop bringing things into the debate, as the noble Baroness said? Why do we need to deface the brilliant dedication of our teachers? This is not an anti-teacher movement. I am sorry that I missed the Second Reading. I could probably have said some brilliant things then, so I will try to do so now. Please, let us concentrate on the very sensible Bill introduced by the noble Lord, Lord Soley, which is about making sure that we do not send our children into a hinterland of non-education.

**Lord Soley (Lab):** I am grateful for that last-minute intervention. Anybody who believed that home education could not produce some pretty emotional responses should have listened to this opening debate or been involved with me in the many meetings and discussions that I have had, including one via Skype for Business, with people all over the country. I think that I have been able to allay some of the fears that people have.

Before I turn briefly to the amendment in the name of the noble Lord, Lord Lucas, let me put all this in context. This Bill is about creating a register. We need to know what is happening and to be able to help. It is a helpful Bill; it is a Bill which we can build on. I commend the Government and the noble Lords, Lord Lucas and Lord Addington, to whom I talked yesterday, who are working with me to try to get it right. More needs to be done on it, but we need the Bill because we have no idea where some children are. I have said for many years that some people who home educate do it extremely well and the results are very good. One of my frustrations is that there is virtually no research in this area, and we need some—I have asked some universities to think about that.

A second and bigger group are people who need help in home educating. Precisely as my noble friend Lord Adonis said, children who have been pushed out of school sometimes need help because their parents might want to home educate but cannot, or there may be others who do it but find it a struggle or have difficulty accessing the resources they need—access to laboratories, for example, or access to exams and to having them paid for.



Then there is a small group who have always worried me deeply: those who are taken out of school to be home schooled when in fact it is about radicalisation, trafficking and abuse. Anybody who ignores that is ignoring something very serious.

I agree with the amendment and with the noble Lord, Lord Addington, that we need to look at this. Following my conversation with him yesterday, I think that I need to look at another area where I may be able to help him, because I know that he has a particular concern which will perhaps come up on a later amendment. I also want to thank the Government for having embarked as a result of this Bill on a wide-ranging consultation which enables us to take into account many aspects of the amendments that have been put to the House. I also thank my own Front Bench and my noble friend Lord Watson, who has been incredibly helpful to someone who does not know that much about education in the round but knows a lot about the problems of children caught in impossible situations, not least in trafficking, abuse and radicalisation. The House has to take that very seriously.

I have no problem with the amendment but, if we spend as much time on all the other amendments as we have on this, this Bill will fail. I do not want to discourage people from speaking, but I say to noble Lords that it would be helpful if we could focus on the amendment and keep it brief because, otherwise, there will be no Bill and the Government, whom I commend for working closely with me on this, will be not be able to get through the consultation process that we need to build a Bill that is more fit for purpose than my present one—I believe myself, of course, that it is almost perfect, but I will accept significant changes. I think that we can do that, and it will be to the benefit of home educators who are doing it well and, above all, to children who are at the moment getting a pretty raw deal.

**Lord Ramsbotham (CB):** My Lords, I declare an interest as patron of an organisation called SkillForce, which is probably doing more than any other organisation in the country to help those excluded. It had its genesis when a Territorial regiment in Northumberland was declared redundant. The commanding officer went to the local head of education and asked, “Can you use my NCOs in any way helpful?” He said, “They would be most valuable going round the difficult schools in the north Tyne area and persuading the potential excludees to come back into the school system”. It started under the MoD and it is now an independent charity. It uses ex-military to go into schools to persuade people not to be excluded. When I went into a school in Slough which was at the bottom of the pack, I was told by the headmistress that SkillForce had been responsible for turning her school round, not least because it had persuaded some potential excludees to join the right way.

One reason for my supporting the amendment is the register, because what SkillForce has to do might well benefit some of those being home educated. At the moment, there is no way of connecting the two. I also support my noble friend Lord Falkland, whose daughter’s films I have had the privilege of seeing. They are remarkable attribute.

**Lord Watson of Invergowrie (Lab):** My Lords, I note my noble friend Lord Soley’s request to be mindful of time constraints and will say that this is the only time that I intend to speak today. I say to the noble Lord, Lord Lucas, that I recognise the amount of time and effort that he has put into framing the amendment. We support it, although I would not wish it in any way to detract from the key aim of the Bill, which, as my noble friends Lord Soley and Lady Morgan said, is ensuring a form of registration.

I shall repeat what I said at Second Reading, in so far as we support the Bill and are concerned about the situation regarding children in non-school settings. Elective home education is a right established under the Education Act 1996. I am certain that in the clear majority of instances, such a decision is right for the children involved and is supported by parents who have an understanding of the educational needs of their children and the ability to ensure that they are met. Many work well with their local authority to ensure that a good education is provided. In those cases, home schooling is appropriate and such out-of-school settings do not present cause for concern. I say to noble Lords that these are not the people at whom this Bill is primarily aimed, nor is it aimed at the noble Lord, Lord Bird, and his family, because nothing in the Bill would have prevented the rich home education that his children and grandchildren clearly had.

The problem that must be addressed is that many children who are either never presented to school or subsequently withdrawn do not enjoy such a benign experience. For the few parents who abuse their children, home schooling offers the perfect environment to keep that abuse and those children hidden. As the noble Lord, Lord Lucas, said, the question of exclusions is a further concern in this regard. I listened with great interest to the comments of my noble friend Lord Adonis, particularly informed by his visit to Gateshead yesterday. Pupil referral units, which I mentioned at Second Reading, are often very much part of the problem and very rarely part of the solution.

*11 am*

There are other concerns as well, because in some schools we know that some teachers will, shall we say, encourage parents to find a more suitable school, perhaps with an eye to improving the school’s exam outcomes. Putting that pressure on parents is invidious and should not happen; it is not the parents’ role in those circumstances to deal with a child that the school, for whatever reason, has decided that it cannot deal with. Indeed, some parents, with the best will in the world, are incapable of finding alternative mainstream education and they therefore turn to home education very much as a last resort. Sadly, that is something for which few parents in those pressure situations are equipped. It is also sad to note that in many cases this involves children with special educational needs or disabilities. For whatever reason, not all home education is genuinely elective education. As I said, for some parents it is the last resort.

I believe that it is a question of protecting children. While home schooling can be a suitable and nurturing environment, concerns arise when the education provided is not suited to the child’s aptitude and ability, or when

[LORD WATSON OF INVERGOWRIE]

the choice to educate at home is perhaps a further component, in some way, of abuse and neglect. The Casey review into community cohesion published in 2016 highlighted the fact that the lack of duty on parents to register their children as home schooled means that local authorities do not have any sure way of knowing the extent of home education. The statement, if any, that should cover this debate is that the Government just do not know how many children are in non-school settings: that is a very worrying fact. The Casey review should interest the noble Lord because it links with the *Integrated Communities Strategy* Green Paper, issued last month, in many ways. To repeat the point, we believe that the focus should be on safeguarding rather than on an education check. It is obviously important that children are being properly and appropriately educated, but from a safeguarding perspective, nothing is more important than that parents registering their children do so from a position of strength, not weakness.

I have one point on an event that has happened since Second Reading: the Government—after some delay, it has to be said—published a response this month to the consultation on out-of-school settings, including proposals about providing intensive education and the number of hours that that involves, powers for Ofsted and so on. It is very disappointing that the Government concluded that they are not going to pursue the model proposed in the consultation or take forward new legislation at this stage. It is particularly disappointing because there is a gap where education Bills normally sit: there is certainly no lack of opportunity for those issues to be pursued. Although it is not part of my noble friend Lord Soley's Bill, and while the question of out-of-school settings and unregistered schools is not for today, it is notable that more than 50% of respondents to that out-of-school settings consultation were faith groups. It is for another day but those issues are very much linked with out-of-school education and we have to be aware of that.

The noble Lord, Lord Storey, made a point about British values which is important here. Some respondents actually highlighted the fact that being forced to teach British values could run counter to their religious teachings. That in itself would be a worry and it sounds to me like a ringing endorsement of the need for the Bill. The safety of children should not be allocated to a category marked "Don't know" by the Government. Child protection is surely too important for that to be the case, but as things stand, it is. My noble friend Lord Soley's Bill aims to ensure that information is provided in future to the maximum extent possible through legislation and that is why it is worthy of support in your Lordships' House.

**The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con):** My Lords, on 24 November at Second Reading I made it clear that we understood the concerns that have led the noble Lord, Lord Soley, to bring this Bill forward. That remains the position. We are interested in it and welcome the debate it has engendered in this House and elsewhere, but the position remains that the Government are not formally supporting it. I made a commitment to consult on drafts of revised departmental guidance,

and that consultation started on 10 April. In answer to the noble Lord, Lord Watson, the guidance looks at specific issues such as the role of safeguarding by local authorities and whether that extends to this area.

We know that there are concerns about the efficacy of the current framework and the lack of hard information about numbers to address the actual needs of children being educated at home. Indeed, at Second Reading noble Lords spoke about the need for more evidence. We know that involved in this is the potential of increasing exclusions or, as the noble Lord, Lord Adonis, referred to it, "off-rolling". I would welcome a meeting with him and other noble Peers on that subject, but we should not get it too tangled up in the simpler issue of the Soley Private Member's Bill. This is why we published a call for evidence on 10 April. This seeks information and comment about a wide range of issues within the broad headings of registration, monitoring and support for home education.

I take this opportunity to reassure my noble friend Lord Lucas and the noble Lord, Lord Bird, that we support home education that is done well. We want to find ways to support families that are achieving this. I am very conscious of the amount of work needed to educate a child properly at home. It is entirely consistent with our aim of ensuring that every child has a good education within a diverse system that allows for maximum parental choice. We should aim to help good home education, but also to ensure that poor home education is dealt with quickly. To address the queries of the noble Lord, Lord Addington, about the Government's position, the consultation is open until 2 July and we hope for responses from a wide spectrum of families, local authorities and others. This will give us a much firmer basis for considering whether any changes are needed. In the meantime, I shall listen to today's proceedings with interest and note the points raised. It is of course open to the noble Lord, Lord Soley, not to progress his Bill further until the Government's consultation has concluded.

**Lord Lucas:** My Lords, I am very encouraged by that reply from my noble friend, particularly his last sentence. I very much hope that the Government are thinking of taking advantage of the Bill to take forward the results of the consultation when they are available. In that context, I think the noble Lord, Lord Soley, need not worry about the Bill failing if we run out of time today. Today is about talking to the Government, even though they do not answer much: it is about getting them to listen to us, as an input to the consultation and to inform their intentions for the future of the Bill more generally. I very much hope that if we run out of time today we may find space on a subsequent Friday to complete its passage before the Government have to let us know their opinions, which will presumably, with luck, be in September or October. Without government support, the Bill will fail; with government support there will not be any problems, so I hope that although we will not waste time today, we will none the less make sure that the Government have heard our opinion on things.

On the interesting suggestion by the noble Lord, Lord Ramsbotham, I think Skillforce would find very good relationships, certainly in some areas, between local

authorities and home educators, which would give wide access to the home educating community. It is not true in every area, but there are some where you will get pretty complete coverage from what is there already.

I am delighted that the noble Lord, Lord Bird, is a Member of this House. Every time I listen to him, he adds to my understanding of the world. I am just an observer of home education; I honour him as someone who has done it. I do not think I would ever have the strength of character and energy to finish that. I am entirely with the noble Lord, Lord Adonis, in tackling this problem in the round and very happy to line up behind him in any meeting or effort. These children are our children; they are part of our community and we absolutely ought to treat them that way. It hurts us all that we do not. I am going to pursue the noble Viscount, Lord Falkland, on the matter of his daughter. I have a project running in Eastbourne which would benefit from her advice.

There is much to be done here but, generally, I am delighted by the reaction to this amendment. I hope the Government will see it as an example of how the Bill might be used to address the wider problems. It trespasses into the whole area of safeguarding, trafficking, abuse and radicalisation, which concern us all so much. That is not the same as home education but the two get mixed up. There are educational concerns but enforcing educational orthodoxy ought not to be seen as a way of tackling safeguarding concerns. They are separate. Both need to be addressed but we need to think of them separately, particularly in the context of home education. I beg leave to withdraw the amendment.

*Amendment 1 withdrawn.*

#### *Amendment 2*

*Moved by Lord Soley*

2: Clause 1, page 1, line 6, leave out “monitor” and insert “assess”

**Lord Soley:** I hope this will be very brief as it is a simple amendment. It would change “monitor” to “assess”, and I propose that because in conversations with home educators, there was some concern that the current word was too heavy. I am told by various legal experts and others that there is not much difference between the two words in such a Bill. However, there was a preference among those who spoke to me for using “assess”, so this is a recognition of their concerns. I simply ask the Committee to agree this quickly and, in effect, change “monitor” to “assess” as in Amendment 2 and the associated group of amendments. I beg to move.

*Amendment 2 agreed.*

#### *Amendment 3*

*Moved by Lord Soley*

3: Clause 1, page 1, line 8, leave out “monitor” and insert “assess”

*Amendment 3 agreed.*

#### *Amendment 4*

*Moved by Lord Soley*

4: Clause 1, page 1, line 8, leave out “, physical and emotional”

**Lord Soley:** This amendment is slightly more complicated but it has the same sort of background. When I wrote the Bill some considerable time ago, I put “physical and emotional” in among the things to be assessed. That was partly because of my concerns about radicalisation, abuse and so on but, having thought it through, it is very difficult to do that. Additional resources would have to be put in.

One thing that various expert bodies pointed out to me was that if a teacher or an education welfare officer goes in to assess in the normal way, they will be good enough to spot when there is serious abuse. If the child is just not there or, as the Minister will know can happen, they are but there is some concern about them being sent to an illegal school at times and then brought back, in effect you need a power for the local authority to continue to visit and, if necessary, trigger additional support from health or other services to make sure that the emotional and other safeguards for the children are there. On that basis, I think there is no real disagreement on this and I know that many home educators will be pleased to see these words go. I am very happy to move that Amendment 4 and the group associated with it be accepted by the Committee.

*Amendment 4 agreed.*

#### *Amendment 5*

*Moved by Lord Lucas*

5: Clause 1, page 1, line 9, after “receiving” insert “full time”

**Lord Lucas:** My Lords, the function of the amendments in this group is, I hope, to demonstrate to the Government that they can use the Bill to clear up some of the uncertainties that have bedevilled the administration of home education regulation for local authorities. You get so many different interpretations and understandings of what particular terms mean because they are not defined in legislation and not well-defined in practice. If we are to get consistent and good practice across the nation, people need to understand what we are talking about. What is home education and how do we define “full-time”? These things matter and I hope that, as a result of the Government’s consultation, we can move towards a system where everybody is clear what we are talking about.

Local authorities tend to be understaffed and the staff in this area are often inexperienced or subsidiary to quite fierce people in the enforcement and safeguarding divisions. It can be difficult for them to maintain things that, when they are brought back to government, are absolutely clear. My noble friend Lord Agnew has made it clear in his consultation, which has been a great help. But clarity is to be aimed for and I have tabled these amendments just to show that the clerks would allow them, and that the Bill would accommodate them.

*11.15 am*

Amendment 28 has an additional purpose on a point of debate. It is to pick up on a feeling I get from the Government’s consultation that although they clearly expect people who have taken up home education for philosophical reasons to offer generally good practice,

[LORD LUCAS]

they are concerned about people who have been forced into home education. The noble Lord, Lord Bird, is an excellent example of someone who was forced into home education and a lot of people do a very good job in that situation. They accept home education because they know they have the capacity for it: they may be teachers, nurses, senior administrators or lawyers. These people know that they have the financial and intellectual capacity to take this challenge on and do the best by their children.

That is a reflection of something that has not gone right in the education system and we should absolutely try to put the underlying education right. But a lot of people who have been forced into home education and, as it were, made their own decision to take their children out are doing an extremely good job. Many of the stories of home educators I come across are of people in those circumstances, so Amendment 28 would just recognise that. It is about not only initial choice but a reaction to doing the best for one's child in the knowledge that one can. I beg to move Amendment 5.

**The Deputy Chairman of Committees (Baroness Garden of Frognal) (LD):** My Lords, if Amendment 27 is agreed to in this group, I cannot accept Amendment 28 by reasons of pre-emption.

**Lord Soley:** I am quite interested in the argument that the noble Lord, Lord Lucas, has put. We have had a number of discussions on areas such as this and he has been extremely helpful. The only point that I have had made to me is that there is a problem with the definition of full-time and part-time. However, the noble Lord has made the point that this is something the Minister's consultations and discussions should take into account. That would be helpful and I have no objection to it in principle, although there may be difficulties about definition.

**Lord Warner:** I hesitate to stop progress and I apologise for not speaking at Second Reading because I was otherwise detained then. As the Minister knows, for some time my concern has been—I think this was a concern of previous Ministers in the department—the overlap between home education used inappropriately, unregistered schools and unregulated madrassas. I am normally an enthusiast for definitions in legislation because they introduce clarity. On this, I am a bit less certain. I am not clear—I would very much welcome the views of the noble Lords, Lord Lucas and Lord Soley, here—about whether this set of amendments, excluding Amendment 28, would make it easier for someone who had a child who was flitting between home education, an unregistered school and a madrasa to use this definition to carry on doing that, because they did not meet the requirement of the length for “home education”. I wonder whether there would be an escape route for people doing that if we accepted this precise definition, but I would very much welcome the views of the noble Lords on that issue.

**Lord Lucas:** My Lords, these definitions are by way of illustration only, and I entirely accept the questions that the noble Lord, Lord Warner, asked.

The group of amendments that includes Amendment 12 takes another look at this. I am very much in favour of the Government taking advantage of the Bill to make clear their power to stick their nose into any and all educational situations and arrangements that might give them safeguarding or radicalisation concerns. There should not be any hesitation by local authorities in getting to know what is going on somewhere where they do not know what is going on. I would very much like the final version of the Bill to deal with that, but I will come on to that more under Amendment 12. I utterly support what the noble Lord, Lord Warner, said.

*Amendment 5 withdrawn.*

#### *Amendment 6*

*Moved by Lord Soley*

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

“( ) Local authorities have a duty to provide advice and information to a parent of a child receiving elective home education if that parent requests such advice or information in relation to their obligations under this section.”

**Lord Soley:** My Lords, I thank the noble Lord, Lord Lucas, for putting his name to this amendment. This is the only other amendment I have put down, which shows how perfect my Bill was in the first instance. Mind you, what I have been writing at home is another matter. This amendment relates to an important issue. It goes to the heart of what I have been saying for some time, which is that we do not offer enough support to people who are home educating, whether they are doing it very well, not so well or, in some cases, very badly. This amendment places a duty upon the local authority,

“to provide advice and information to a parent of a child receiving elective home education if that parent requests such advice or information in relation to their obligations under this section”.

I was tempted to put in the word “support” as well. I have used “advice and information” largely because in a Private Member's Bill there would be all sorts of problems about financing that and where the money came from, and there is a problem of local authority resources generally. However, I emphasise that this is a direction in which we have to move. If we are serious about helping people who are home educating and the children in that group, we need to put some money, resources and thought into it. At the moment, that is not there. Imagine, for example, a parent who is doing a remarkably good job home educating generally, but who suddenly spots that the child is quite good at, for example, chemistry but has very little access to a chemistry lab. If advice and information was available, it could enable that parent to be directed to an area where they might be able to get it. In the long run, I would like to make that option much more possible. There are many other examples—music, mathematics or whatever—where children have a particular skill that the parent cannot meet in home education.

That is my reason for this amendment, but there is another reason, which is very important. When I launched this Bill, inevitably I got attacked from all sides,

as one does, but particularly from home educators who thought I was intent on destroying the family. They referred to me as Mao Tse-Tung in drag. I am not Mao Tse-Tung in drag and I am not about destroying the family, although sometimes I feel like destroying various families, but we will not go into that in any great detail. That is my background as an MP in certain areas, I guess. There is real concern among some parents who are doing this that there is a constant attempt to take away the right to home educate. It has never been my view that we should do that. I have always made it clear that I regard it as a right. It is a complex area where you have to balance the rights of the parent with the rights of the child, which is an area which causes parents concern.

By putting this wording into the Bill, it says to parents who are anxious about this that they have a legal right to home educate. It recognises in a legislative form that there is a right to home educate. I do that because of the concern of some people who are determined to believe at almost any cost that there is a killer on the loose about to devastate every family in the land. I am not. It is working quite well. If people want to see some of the discussion on this, the interviews I did around the country last week on Skype for Business are now on the Lords of the Blog site. They are all there, and many parents were worried about this.

So I ask the House to accept this amendment for two reasons. First, it requires advice and information to be given by local authorities to parents who request it and opens the door to longer-term support. I hope that in the consultation period and the discussions with the Government we will build up a proper support system for parents who are home educating. Secondly, it puts in legislative form the right to home educate. I beg to move.

**Lord Lucas:** My Lords, I support this amendment. I understand the limitations of a Private Member's Bill. The noble Lord has done extremely well to stretch it as far as he can to get here. I say to the Minister that we really must look at proper support. To return to what I said on the first amendment, looking at the data from Northamptonshire, by the end of schooling three-quarters of children being home educated have got there not through the initial choice of their parents but because they have failed out of school. Our reaction to children for whom schooling has proved impossible to maintain for whatever reason—depriving them of all funding—is, frankly, perverse and wrong. We really ought to look at saying that these parents have taken on the burden, but they need help and we can provide it. It is probably a great deal cheaper.

From talking to home educators, I think we could probably manage special needs provision on about one-quarter of the budget that it takes to provide it through the state because the parents are doing so much of what needs to be done, but they need outside help. Even if it is fairly straightforward—just behavioural issues, not some abstruse special educational need—parents need help. They may not be good enough at teaching mathematics. They may know that. They might really like to drop their child into maths classes or literacy classes or give them a chance to play games with other children, not just with home-educated children,

or get them access to the swimming pool, the library or the other things that happen occasionally in good local authorities. They should be there and be supportive.

I urge the Government to consider the idea that a budget should be given to local authorities to provide educational assistance to home-educated children. The Government are saving so much by these children coming out of school: £5,000 per year per child. The Government should not pocket the whole of that. There is no reason to. The Government should recognise that they have a continuing duty actively to support these children.

Having that fund and local authorities having that duty would produce a supportive attitude and a real reason for parents to engage with the local authority. It means that, rather than being hidden from sight, the vast majority of these children will be seen because they will be engaging in an activity sponsored by the local authority. They will be seen by independent professionals in doing that. There will be very good visibility and the whole problem of how we know that these children are being properly educated becomes easy to solve. It is solved as a side effect of educating them. That surely must be the best way to approach this.

Supportive means actively supporting their education, not just directing what it should be. There is a wide range of good practice out there that we could borrow from and, with good funding, produce something that results in a very large proportion of home-educating parents actively wishing to register. Most of them are not state phobic. Most of them just think the state has done a very bad job for them, and they do not trust some of the individuals involved. If we get to a position where the state is providing a range of helpful services, and there is a decent budget behind that, we would solve most of the problems covered in the Bill.

11.30 am

**Lord Storey:** My Lords, we very much support the amendment. It is a huge decision when you decide to teach your child or children at home. Yes, there is a very large home-school movement in this country. They network together, work together and support each other. In fact they have an annual five-day festival every year of home educators from all over the country. I have been invited to attend this year's event and perhaps other noble Lords might like to come along and see them at work. However, they are on their own. There is no support and no advice. What happens during the period of exams? Where do the pupils sit their exams? They need help and support in that direction. What happens when they might actually want to use some of the facilities of a local school? Maybe the local school will be anxious to oblige, and the local authority can provide a brokering role. So I think advice and support are really important.

I suspect that the issue of resources is crucial. You cannot do this properly and make those provisions unless those resources are available. I shuddered slightly when the noble Lord, Lord Lucas, mentioned special educational needs, because already in mainstream schools there is a major funding issue over SEN. I do not know how we could make those resources available in

[LORD STOREY]

the home education system; we should do, but it is quite a complex area. So this is an important amendment to support.

**Baroness Morgan of Huyton:** Personally, my Lords, I think we need to be a bit careful with this. Given the conversation on Amendment 1, when we were talking about one of the problems being large numbers of pupils who are now excluded from schools in a way that most of us feel very uneasy about, I would hate us to end up producing something in this Bill that said it was okay because there was a fund that did a little bit to help children who are being home educated. I accept that it is important to have the legal right to home educate but, again, the more that we keep this simple and have the wider conversation about support in the discussion that the Minister has offered on exclusions, the more helpful that would be.

**Lord Bird:** I think it is really interesting that we are talking about the legitimacy of home education. The way I see it is that schools and individual parents who are choosing that route should be going in the same direction. It is about the child, and that is really wonderful. My own children, who, like me, have problems around dyslexia, have used a wonderful system on the computer called Easyread. I would like that to be available to all our children, especially those who have dyslexia. Unfortunately, the chap has to pay for it. I would love it if our schools could get together on this because it is a brilliant method. It took my son from a very low reading age to a very high one in the space of a year.

**Lord Soley:** To sum this up, if I may, I very much welcome those remarks. The noble Lord, Lord Lucas, again makes an important point about the involvement of the people doing this job with local authorities so that we can break down some of the barriers of distrust and build up confidence-building methods. There are implications about support and what that would involve in terms of finance and other resources, which is why I did not put the word in there, but the rest of the words stand. The key point here, which I think the Minister accepts, is that we need to consult rather widely on this.

*Amendment 6 agreed.*

#### *Amendment 7*

*Moved by Lord Lucas*

7: Clause 1, page 1, leave out lines 11 and 12

**Lord Lucas:** My Lords, the purpose of this amendment is to enable some discussion on the subject of registration. I am entirely comfortable with the idea that local authorities, with all their responsibilities, should know where the children that they are responsible for are—where they can reach them and how they can begin to establish that they are, within the duties of the local authority, well looked after.

If we are going to do that, we really ought to have a system that is comprehensive. We do not really have a grip on children who are registered with an independent school. They are not part of the national pupil census.

Why not? What is happening in the whole of alternative education? What is happening with children who are just told to stay home, who are held at home waiting for the school of their choice, who are moving between this country and another one that they have a connection with, or are in some other way adrift from the ordinary ways of a local authority keeping tabs on children? If we think it is important that there is a register—various noble Lords have made the case that it is, and I agree with them—then it should be a register of children. Some of that is done already because we know that they are at schools within the local authority or connected with it so that the local authority can get data about them, but it ought to be a comprehensive exercise.

We should not just pick on home education—or, rather, those parents who choose to declare themselves at home educators—because the people who will register are probably not the ones who are causing us trouble. The ones who might cause us trouble are the ones who are not registered, or the ones that schools have chosen to abandon and their parents are really not capable of picking up. I do not think registration just for home education answers the case. I hope the Minister, in all that he is thinking through, when he comes to registration will look at the wider question of how local authorities are supposed to have proper information on which children they are supposed to be paying attention to.

There are data sources that we should be making good use of. Most children, one way or another, will be registered with medical authorities. Many of them will have other contacts with the state through child allowances and so on. There ought to be an integration of that information so that the local authority has a picture of who is there. There has to be a sensible way of dealing with parents moving from one place to another without making it immensely difficult, uncertain and bureaucratic. I do not think there is any sign that that has yet been thought through.

We have a good pupil census that operates in schools, which might well provide the basis for a complete child census. It might give us a very interesting picture on children who go missing. I have not seen anything that I know to be an accurate number, but there appears to be quite a high number of such children and we ought to be paying attention to them. They are children who are really at risk, in capitals, but we do not seem to have good enough systems for picking up on that and being able to investigate where they last were and what has happened.

We want to produce a system that is good value for money. I come back to what I said on the last amendment: all this works much better if we give parents a real incentive to sign up, and all justice says that that is what we should be doing anyway. We as a country should be part of educating these children. It is not like sending your child away to prep school, nor is it just choosing a school outside the state system; this is choosing to educate them yourself and taking on that burden. The state has every right and duty to offer assistance in that, and I hope that will be a consequence of the review that my noble friend is undertaking. I beg to move.

**The Deputy Chairman of Committees:** My Lords, I must inform the Committee that if Amendment 7 is agreed to, I cannot call Amendments 7A or 7B by reason of pre-emption.

**Lord Warner:** My Lords, I strongly oppose the amendment. I do so because the noble Lord, Lord Lucas, seems to be arguing that because we cannot have the perfect system, we should not take a few steps along the road towards such a system. There have been long-standing problems in the whole area of vulnerable children, which the Children's Commissioner has identified, which would be helped a great deal if the Government could press on with a common identifier for children. The Minister has heard me banging on about this from time to time—I never miss an opportunity to bang on about it—but there is an issue of how the state joins up information about children who may be vulnerable in a number of ways.

Anyone who has been involved in public policy and seen the growth in the number of children claiming to be home educated would be worried whether there was abuse in that system. The sheer growth in numbers and its rapidity should make you anxious as a public policy person, whatever your politics, whoever the Government in power are. The noble Lord, Lord Soley, is trying to address that issue. He may not be solving all the problems of childkind, if I may put it that way, but he is trying in a practical way to tackle one element of the area of vulnerable children. We should not handcuff him in that effort by supporting the amendment.

**Lord Storey:** This is an opportunity to, and I hope the Government will, consider the points made. It is shocking that we have hundreds of thousands—well, not hundreds of thousands, but thousands—of children missing from our education system and no idea where they are. No society should allow that to happen. When teaching started, there were school rolls. A pupil's name was put on the school roll, there was an annual census, the local education authority collected all the details and they were submitted to the then Department of Education.

During the Labour Administration, there was concern about missing children, so they brought in what was called the unique pupil number. The idea was that when each pupil started schooling, they would have a number which would follow them through the education system so you would know where they were, they would not go missing, they would not fall off the cliff. I was quite comfortable with that and thought what a good idea it was, but it did not work in practice. I recall from my final years as a headteacher a particular issue with a pupil and a family. The family took the pupil out of the school, went to see the local authority, did not get the school they wanted, so moved to a different authority. I wanted to find out what had happened to this pupil. There was information about his progress, special educational needs—a host of information that the receiving school should get. Nobody had a clue where he had gone. It was a legal requirement that a receiving school had to use that unique pupil number, but he just vanished and was never heard of again in the education system.

I did not realise that if a pupil went to an independent school, that number does not go with them either. There is a whole area here that we need to understand. I am not suggesting a Big Brother or Big Sister, but we need to ensure as a society that we know that our children are safe, not being put in vulnerable positions, and part of that safety is understanding the progress of their education and where they go.

**Lord Soley:** I am of the view that it would be better if we had a system where, when a child becomes of school age, they have to be registered at a school of some type, so I support what the noble Lord says, but I cannot possibly do that in a Private Member's Bill. It is a matter for thought and discussion in government as to whether we consider that further down the line. It would help home educators, who feel a bit pilloried because they are singled out as doing something different, which we do not do if a child is going to a private school, or whatever, so I have that long-term preference, but it does not fit in the Bill, as I think the noble Lord, Lord Lucas, recognises. It is part of the discussion with government.

11.45 am

**Baroness Whitaker (Lab):** My Lords, in speaking to Amendment 8 in my name I shall brief, because it is really a matter of common sense and practicality. I know that the Minister is in no doubt about the seriousness of the situation. He knows that it is particularly relevant to a large proportion of Gypsy and Traveller children, among others. The purpose of the amendment is further to strengthen the excellent system of registration proposed by my noble friend.

I shall first talk briefly about Gypsy, Traveller and Roma children. This information comes from the casework of the Traveller Movement, one of the largest NGOs in the area. It says:

“we have noticed that parents often aren't aware of the details”, of elective home education,

“therefore making them more aware would allow them to make an informed decision. We come in to contact with a lot of parents who think twice about home educating once they're told you that don't get provided with a tutor or financial support, for example”.

The proposal is that local authorities must fully inform parents—not, “if requested”, they must. That is because there are many parents who do not know what to ask for, or whether there is anything to ask for. The reason we propose that it should be via a short, standardised film is because a fair number of these parents are not very literate, sometimes not at all literate themselves. This does not apply only to Gypsy, Traveller and Roma people. A film is a completely different way to understand advice, and that is why we recommend it.

The amendment states that the local authority must inform them of their responsibilities concerning home education. It is fair to say that some parents do not grasp that their task is to see that their children are properly educated, and brings with it the support available.

At this point, I refer to two non-Gypsy, Traveller or Roma families. One educates their four children extremely well. The children thrive and are well educated. That mother would have no difficulty complying with any

[BARONESS WHITAKER]

of the requirements in my noble friend's Bill. In the other, the father took umbrage when a teacher rebuked his child and he withdrew him. However, he did not bother trying to undertake the education himself; it was left to the mother, who has a part-time job and is not terribly well educated. However, she is very conscientious. She got hold of the national curriculum. She tries. That child, whom I know quite well, is really not well-educated. Were the mother to have more support, more information, I am sure that that child would benefit.

The third duty which the local authority would have is to set out the circumstances in which home education is not suitable. Here I refer to the kind of circumstances which my noble friend Lord Adonis described. There are schools where the teachers ought to be doing better. Those schools are where pressure can be brought so that the child can be returned to school. There are circumstances where too much damage has been done to a child, where they are alienated, where the school has not properly coped with bullying. In those cases, properly supported home education is entirely suitable, with support.

The other advantage of the film is that it would ensure that the quality of information across local authorities would be consistent. There would be no postcode short straw in this system.

I suggest to your Lordships that the interests of the majority of the children who are home educated would be better served if this amendment were incorporated. It would help to deliver a proper education for them.

**Lord Addington:** Very briefly, just to comment on the amendment proposed by the noble Baroness, Lady Whitaker, it would be interesting to get some feedback either now or later on why other mediums of passing on information are used. I work in a world where I am not comfortable with information coming in paper form—or, indeed, with any written text—but I have found coping strategies to deal with it. However, a film does not have the stigma of something scary. You can open it up and it is a very good way forward; it can contain quite a lot of information. No matter what else we do, I suggest that somebody takes that idea and keeps it in mind. You should use this medium more often, because it is a great way of getting across the essence of what you are doing. I hope that other people will use it more, and the Government will do it and find ways to explain that it is available. The most disastrous situation is that you get a series of texts telling you where on the web you can find the film explaining the text. It happens.

**Lord Lucas:** My Lords, I am very attracted by the amendment proposed by the noble Baroness, Lady Whitaker. It is a very good approach. I urge on my noble friend the Minister, if they are going down this road, that they should make at least the core of it a national film—because why do we want widely different practice towards home educators and attitudes towards home education across the country? I do not think that we do. It is a common problem and there will always be a local gloss on it—particular local facilities and local people and services that need to be drawn

attention to. But the basic message that the noble Baroness outlines ought to be something we deliver consistently and across the country, and it should link through to the obligation to provide advice, which the amendment proposed by the noble Lord, Lord Storey, addressed. That is obviously important. We are dealing with particular sets of circumstances—we are dealing with parents who are not expert in the system. Absolutely, they need showing the way through.

Something we might well combine with this educational, supportive attitude to people who are entering into home education is keeping their place open at the school they are thinking of leaving. That can be a really difficult thing. It seals them into home education and seals them off from ways back into the state system if, by coming off-roll in the school and entering into home education, they lose their right to get back into that school. I really do not think it should be such a cliff edge; we should provide a continuing right of the parent to get back. After all, in most cases, the school will still receive funding for the balance of the year for their place, and it absolutely should not be closed off to them. We need time to allow parents to make an informed decision. Many will already have satisfied themselves that they want to do it, but others this is happening to rather willy-nilly, and they ought to have available to them advice, support and time for proper consideration.

I am grateful to the noble Lord, Lord Storey, for touching on the subject of flexi-schooling in his amendment. That is a very interesting way forward. I was encouraged by what the Government said in their consultation, in that it seemed to open up the idea that they might support it. There are some necessary changes to be made, and it ought to be easy for a school to indicate in their returns that a child is being flexi-schooled. At the moment, there is no code that they can use for that purpose; in one way or another, they have to tell an untruth—either they have to say that a child is full time or that the child is absent with leave, whatever else the case might be. There ought to be a way. It signals, as the earlier amendment proposed by the noble Lord, Lord Solely, signalled, the acceptability of flexi-schooling if the Government make provision for it in their coding systems. We shall come on to my views on that in a later amendment.

The noble Lord, Lord Warner, says that we absolutely need registration. I think that we need registration if it is going to achieve something. In all the collection of children whom we do not know about, the children who are being home educated are probably the least vulnerable. By singling them out we are saying, "In some way we think you are the worst—in some way we think you require special attention. In some way, we do not trust you above all others. You are much worse than those who have just been left to wander the streets".

**Lord Warner:** Can I just explain my position on this? I speak as someone who spent six years as a director of social services safeguarding children, and I came to an eternal truth at the end of that. The more that children are outside any kind of supervision, the more vulnerable they are to abuse. It is actually a truth that has been validated in many hundreds if not thousands of cases. We know nothing about the children



who are in home education, but the fact is that those numbers have grown very rapidly over the last few years. I am not making any kind of allegation that children who are home schooled are being abused, but in those circumstances, we need to get a better fix on this subject—not just for educational reasons but, I would suggest, for safeguarding reasons as well. That is not the purpose of the Bill, but it is an assistance in the safeguarding area as well. That is why it ought to be a very clear statutory requirement to register home education, which the Bill as drafted provides for.

**Lord Bird:** Maybe this is not the place to broaden the discussion about home education, but it is so interesting. The late Tony Benn put his children through a wonderful school called Holland Park comprehensive, and the moment they left school they were then ferried to extra maths, extra history and extra this and that, and were taken to their grandfather's at the weekend to read all his books. There is a concept that we are all involved in the home education of our children, if we follow Tony Benn—and we have a duty. I am a bit worried that we are narrowing down home education to just this period, and I would like it to be broadened out. As far as I am concerned, when you are a parent, you are an educator, and you should be given the chance to create as many opportunities as possible.

The noble Lord talked about what happens when children are let outside of control, but the problem is that sometimes when they are in control they are abused—they are not developed properly. One reason why people like me back home education is that it gives you the chance to bring out of your children things that would never come out, even in the best school in the country.

**Lord Lucas:** My Lords, to pick up on what the noble Lord, Lord Warner, said, a local authority that has a decent history of being collaborative with home education knows a great deal about people who home educate because it interacts with them, provides facilities and services to them and talks to them—not to everybody, but the core of home education will be known. The local authorities that have trouble are generally those which have adopted bullying attitudes to home education and then get widely mistrusted.

The solution to this problem lies mainly in institutionalising an attitude of support and providing the funding to enable that support to be good and consistent. Under those circumstances, if you are really offering something—not just the possibility of being criticised and attacked and having people trying to remove your right to home educate—then registration serves a purpose. It serves a much better purpose, however, if it is part of a consistent attempt by government to keep in touch with everybody, particularly, as the noble Lord, Lord Warner, says, those who are least cared about and least supervised, of whom the home educators are at the best behaved end.

*Noon*

When a child leaves a school by reason of being excluded or just being told not to come in, what real track is kept of them? Who is really in charge of them?

The interim education that local authorities offer—are they really good at that? Do we know exactly what is happening? No. This is a pretty woolly area. Those children seem to me to be much more in danger than home-educated children. The statistics on abuse within home education, as far as I can establish, indicate that it is no worse than elsewhere.

We should not be seeking to do something to special education just because it is easy. It comes back to what the noble Baroness, Lady Morgan, said on an earlier amendment: that providing support and money for home education made it all right for schools to push children into it, because it was provided for. Thought needs to go into that process. Here, we sort of solve the problem of not knowing where children are by picking up a small extra group of children who are not particularly vulnerable and making them register, but it does not solve the important bits of the problem. I urge the Government to look at this question as a whole, and at the need for registration within the context of the need to know where children are as a whole. I am not stopping them taking this in stages, but I do not want it to become like House of Lords reform, where the first, easy step turns out to be the only step. This needs to be part of an articulated plan to make sure that we know where children are and that they are properly looked after. That works with what the noble Lord, Lord Adonis, was saying earlier about the need to make sure that everybody gets a good education and we do not have a chunk of the community that is just forgotten, neglected and left on one side.

This was very much an opportunity to discuss this issue; I certainly do not intend to press it to a Division now or later, so I beg leave to withdraw the amendment.

*Amendment 7 withdrawn.*

*Amendments 7A to 8 not moved.*

#### *Amendment 9*

*Moved by Lord Lucas*

9: Clause 1, page 1, line 14, at end insert—

“( ) An assessment under subsection (3) shall not require or imply a requirement for any particular curriculum, method of teaching or order of educational development.”

**Lord Lucas:** My Lords, assessment is a serious problem if it is overemphasised in this context. Of the population of children who are home educated, those who have been taken out of school are, almost by definition, divergent. If they were ordinary mainstream children behaving in a mainstream way, there would probably have never arisen any impetus to get them out of school. They come out of school because some problem has arisen; it usually means that there is something—it can be any of a whole range of things—about the child that puts them at the fringes of the national distribution. Those who have come out into home education or are in it for philosophical reasons develop divergence, because they are no longer constrained by the needs of a curriculum that is designed to make schooling possible.

[LORD LUCAS]

There are all sorts of things about the way we choose to school children that are dictated by the need to have schools that can run with a curriculum that broadly keeps pace with itself across different schools and with a way of doing things that enables a school to understand where it is supposed to be and for us to judge whether it is doing well. There are all sorts of restrictions that do not need to apply to a home-educated child. You will often find children who are streets ahead in some particular area of interests—at age nine or 10 they are doing an Open University course in astrophysics, or whatever it might be. You will also find children who have entirely neglected some aspect of their education until they find a need for it and then they catch up. It becomes a very divergent, varied pattern of achievement.

There is not any sensible way to assess this in a light-touch way by some sort of standard assessment. Assessments are designed to evaluate what is happening in school, where there are a lot of children and statistics are in your favour; the oddities even out and you get some sort of pattern emerging that tells you how the school is doing as a whole. Even then, there are problems, as we have with Progress 8 at the moment, where the system means that the outliers have far too much influence on the average. If you draw Progress 8 out as a bell graph, however, you can see where the weight of a school is and can make a reasonable judgment on the quality of education being provided there. You cannot do that when looking at an individual child, not simply and not just by putting them through a SATs test. You need far more information. If a parent gets to a point where they are arguing with a local authority about a school attendance order and getting the independent advice needed to establish where their child is and what they have achieved, that could cost a couple of thousand quid. This is an immense resource to apply just to check where a child is. It is entirely pointless and destructive to emphasise assessment carried out by those sorts of means.

The assessment to aim for is of professionals having contact with the child—a good school teacher or someone with a decent level of experience who can say, “Yes, I can see how this child is getting on; I can see that they are well educated and that their attitudes are right. I don’t have any problem”. Much the most effective way of organising assessment is to promote contact between professionals and the home-educated children, and to do that by offering all sorts of support so that home-educating parents will find a need for at least some of it. That way, you do not incur much additional cost on assessment; you are providing money for education. To run this sort of assessment process in a way that is fair to the children and the parents would cost a vast amount of money and all it would be spent on is assessment. To run an assessment system that costs much less risks, because you are dealing with children who are way off centre, a vast amount of unfairness for children and parents. It really does not work as a standard assessment system, and I do not think that we should pretend that it does. Good local authorities employ professional people and trust their judgment; that is what we should be looking at. Local authorities that perform less well hire inexperienced people who do not feel confident in their own judgment

and therefore run standard forms of assessment. They have no business drawing conclusions from it, but do anyway and then harry the parents as a result. We have to be really careful about what we are asking for by way of assessment.

There is a quite a good exposition of this in the draft guidance that the Government have produced. They do not require any detailed form of assessment. We need to move to a position, however, where we are quite clearly, and in words that local authorities can trust, supporting their professional judgment. Yes, they will get it wrong sometimes—everybody does, including all professionals. But that is fundamentally the best and most sensible thing we can do, and we should make that level of support the default in everything we do.

In assessment we should provide the means to deal with children who have been traumatised by school or who are otherwise emotionally damaged. One should not just take it as read; if it is said that a child will be scarred by meeting a stranger from the local authority, that is not satisfactory evidence on its own. However, we ought to recognise that there are such children, and there ought to be an easy mechanism for a parent to establish that theirs is one such. Frankly, it ought to be part of the support given to them by the National Health Service; if a child has got itself into that sort of position, there ought to be professionals who can back up that judgment. It certainly should not be a local authority’s unfettered right to send some relatively untrained person—certainly untrained in mental health—barging into a delicate situation. However, we need to provide for such situations in what we do.

We ought to take into account in assessment specific respect for parents’ wishes, not as an absolute but as a matter of ordinary courtesy. There are different ways of doing these things, and we ought to adapt to the parents’ way of doing things if we can. The attitude ought to be that it is a collaborative effort, not an imposed effort. We should recognise that assessment is a reflection of the duties imposed on parents by the founding Act and that we ought to tie things into that explicitly and directly. We ought to make sure that where parents are subject to assessment by other agencies, particularly with regard to things like special needs, that assessment can serve both purposes, and should make sure that it is not duplicated.

We also need to understand that in making an assessment, the local authority may need access to information which is sensitive in the family context. There may be absent parents who still have rights of care and access, who should not be able to see things that fall outside their rights and responsibilities. They should not automatically have rights to see all the data that is accumulated as a result of an assessment. This needs to be handled within context.

I feel that we need to look at assessment carefully and that we should not, as the Bill does at the moment, say that you should have “supervised instruction” in numeracy and literacy. Things do not work that way in home education, and they do not have to. What matters is the outcome and not the process, and that we should base our assessments on professional judgment, obtained in the best possible circumstances, and reserving methods

of compulsion and intrusion for instances where the local authority has got to the point where it has real concerns. I beg to move.

**Lord Addington:** My Lords, I have a degree of sympathy with this set of amendments. As the noble Lord suggested, some of the problems I see with Clause 2 might be addressed here in some way.

The noble Lord spoke about different types or facets of assessment getting in the way of each other, and that happens. Somebody who has failed at school because of a special educational need often acquires psychological problems—the two of them fit into each other. There is usually not just one thing—it is a package or a spiral, although whether it goes up depends on what is happening. Therefore they have to be taken into account together.

It is essential that we do not get overly prescriptive about people with different learning patterns or needs. If you are to deal with people whose learning patterns and possibilities are different, they will need a different approach, and unless that is taken on board, you will guarantee a degree of failure. The unfortunate thing about schools at the moment is that they are slightly overregulated, which means that you make the possibility—indeed, the probability—of failure higher in certain cases. I therefore hope that the Government and the noble Lord, Lord Soley, are careful to take this on board. If you get prescriptive, you will get it wrong, because you are guaranteeing that your prescription does not fit.

12.15 pm

**Lord Bird:** I add to the comments made by the noble Lord, Lord Addington, that there are many ways to skin a rabbit or a fish, or whatever. It is about how we use education, and I welcome the idea that we do not tie it all down. We have a load of educational experts in the country: teachers. Other people are educational philosophers and developers. In Brazil, for instance, you can go to a school where they do not teach you anything at the age of seven except how to make a bike. In the course of the first term, the children come together to make a bike, in the process learning teamwork and other things. Whether you are dyslexic or not is entirely secondary, and it brings everybody together. I therefore believe it would be very wrong to tie home education down to a system chosen by practitioners. Practitioners have to get on with practising their art, which is teaching, and the philosophers, educationalists and psychologists have to look at where we will take our education in 10 or 20 years' time. That is not the job of a practitioner.

**Lord Storey:** My Lords, briefly, on safeguarding, many home educators bring in people from outside to teach in particular subject areas, and it is absolutely important that we make sure that all the adults are checked by the Disclosure and Barring Service, which is what my amendment seeks to do.

**Lord Soley:** I do not wish to take up the House's time on this, because I am conscious that there is another Bill to follow this one, and time is tight. I hear the arguments of the noble Lords, Lord Lucas and

Lord Addington, on this. I talked yesterday at some length to the noble Lord, Lord Addington, about it, and I understand the problem of being too prescriptive. After our talk, I remembered that some months ago I looked at the possibility of having an appeal system for when things go wrong between home-educating parents with their child and a school or educational authority that is challenging the way they are doing it. I would not rule that out. However, again, that is too complicated to go in a Private Member's Bill. I know the Minister is in listening mode on this, and perhaps this is one of those areas to which we ought to pay some serious attention. Although it is not a matter for the Bill, it needs serious consideration.

**Lord Warner:** My Lords, I strongly support Amendments 16A and 19A, tabled by the noble Lord, Lord Storey. We cannot ignore the risks associated with this, as the noble Lord, Lord Storey, said, which is why Amendment 16A is important. It is also important that, if there is evidence that a child is going to an unregistered school, someone should be notified of that so that action can be taken.

**Lord Lucas:** My Lords, to pick up on the amendments proposed by the noble Lord, Lord Storey, it seems sensible that a local authority should be able to know whether a parent who is home educating would pass the DBS test. However, we have to recognise that we let these people be parents. There is no bar on somebody who has committed one of these crimes having children and bringing them up. So far as I know, local authorities have no special responsibility to supervise their activities at home as parents or to otherwise inspect them. Would the noble Lord feel comfortable if we were to impose, as a matter of course, a requirement that everyone who has a conviction that might bar them from working with children should be inspected before they are allowed to have children?

At what point does being comfortable with them bringing up their own children make one uncomfortable with them educating their own children? Why does that give the noble Lord cause for concern? If these children are seen as a matter of course in the way that they would be at school because the local authority provides a proper level of support and is therefore content that the education is proceeding happily—

**Lord Storey:** Does the noble Lord not accept that anybody working closely or intimately with children, whether in a school setting, a semi-school setting, a youth club, the Scouts or the Brownies, should be safeguard-checked?

**Lord Lucas:** I am entirely comfortable with that and I have been through the process myself in the context of working with children. However, we do not require this of parents. As the noble Lord, Lord Bird, pointed out, parents do a lot of educating outside school hours anyway. I do not see—

**Lord Warner:** Perhaps I may clarify that. Amendment 16A refers to “other adults”; it does not say “the parent”. I gently suggest to the noble Lord that if you leave your child unsupervised with a childminder for a number of hours in the day, the sensible thing is

[LORD WARNER]

to check whether the childminder has been safeguard-checked. I suggest to the noble Lord that the noble Lord, Lord Storey, is simply saying that, if in home education you find another adult who does some teaching, probably in an unsupervised way either in the home or elsewhere, they should be safeguard-checked. That seems a sensible arrangement that many thousands of parents go through all the time when their children are looked after by somebody else.

**Lord Lucas:** My Lords, I appreciate that we are near a borderline and that this is a matter for discussion, but a lot of the people whom a home educator leaves their children with are other home educators, as it is a way of sharing the burden. On many occasions I have sent my child off to spend a play day or night in the company of a friend's child without having the parents checked to see whether they have any relevant convictions. One should be conscious that this is an area where we are quite comfortable to rely on personal judgment. It tends to be when you are putting your child in the company of strangers that you want to know that they have been properly checked, particularly those who are part of an institution where they might expect to deal with children on a regular basis. I am very comfortable with that system but I do not think we should start letting that intrude into personal decisions about with which of one's friends one should let one's child spend time overnight in their house or spend time with their children being educated by the parent.

A border seems to be being drawn here on the basis that in some way home educators are worse or more risky than the rest of us. Not only is there no evidence for that but it is entirely unjustified to say it. I keep feeling that people say it because they are different: "They are not people like us and therefore we're suspicious". I hope that in many aspects that is something that we can educate ourselves out of—we should not allow ourselves to slip in that direction. Therefore, I feel that the noble Lord's amendment goes too far, although I understand what he says about it. However, I do not think that it fits with the general pattern of home education.

We will come to the subject of unregistered schools in a later group, and that seems a substantial problem to address. Effectively there are institutions run by strangers that purport to provide education. Children are dropped off and collected later and, because the institutions are not registered or formally classified as schools or other institutions, there may be no DBS or any other checks on them. That is a problem that the Department for Education needs to deal with. We know that there are a lot of such places and that they need attention, but we do not seem to have given ourselves the tools to deal with them.

However, I do not think we should trespass on the privately run institutions, where parents are permitted to drop their children off with friends and acquaintances to receive a bit of education. We all do that at the weekend but we do not for a moment consider that formal checks have to be made. We should recognise the difference between the need to check in the public realm and there being no need to check in the private realm. We should draw a rational and natural division

between the two and not let the checks of the public realm bleed into the private. I do not think that that would work. We should trust parents to educate children in the same way as we trust them to bring them up outside school hours and we should be comfortable with the processes around that.

Coming back to the main amendment, I am comforted by what the Minister effectively says in the draft guidance that he has published about how a local authority should establish whether a parent is providing a proper education for their children. I again urge him to accept that this will all work much better if he can find a way of providing a proper level of support. Then, in almost all cases, that assessment can be carried out in the natural way—in the same way as it is carried out by a teacher, observing a child over a period of time and forming a professional judgment.

**Baroness Garden of Frognal:** My Lords, the noble Lord has made some very valid points but I am concerned by the length at which he is speaking. The Committee would much appreciate being able to finish Committee stage today. If he could possibly curtail his remarks, the Committee would very much appreciate that.

**Lord Lucas:** My Lords, I do not think that with the point that we have got to there is any great danger of running over the time. I am taking a bit of time on this group because it is the last important and substantive group. There is only one other point that I wish to make at length and that is on flexi-schooling, but I will not speak about that at great length and I do not think that it is contentious. However, I believe that the whole business of assessment is a point of great concern for home educators. Many of them undertake education in their own way. Helping them with that—giving them support, direction and information so that they do it better—seems to be an entirely good idea. However, trying to corral them into a system of education which has largely evolved to make schools work but which is not followed in many schools of which we approve, as well as a lot of schools abroad, seems to be entirely inappropriate. Therefore, if we are to have something that works, and if we are to support and accept home education, we have to be very careful what we say on assessment. I beg leave to withdraw the amendment.

*Amendment 9 withdrawn.*

#### *Amendments 10 and 11*

*Moved by Lord Soley*

**10:** Clause 1, page 1, line 15, leave out "monitor" and insert "assess"

**11:** Clause 1, page 1, leave out lines 17 and 18

*Amendments 10 and 11 agreed.*

*12.30 pm*

#### *Amendment 12*

*Moved by Lord Lucas*

**12:** Clause 1, page 1, line 19, at end insert "and the setting or settings where the child receives all or part of their education"

**Lord Lucas:** My Lords, the amendments in this group are an attempt to show the Government that this is a Bill they can use to get a grip on settings in

which education is provided. We seem to have a considerable range of problems, particularly with regard to radicalisation and the failure to educate people fully and in citizenship in some of the settings that our young people are allowed to attend. It seems that we do not have the power or the ability to deal with that effectively. This group of amendments is very much directed at showing the Government that this is a Bill they can use to achieve that. I will leave it at that. I beg to move.

**The Deputy Chairman of Committees (Baroness McIntosh of Hudnall) (Lab):** My Lords, if Amendment 12 is agreed to, there will be consequential arrangements in respect of Amendment 13.

**Lord Lucas:** My Lords, I think we are a long way short of having time problems—we have 45 minutes for the last group.

**Lord Soley:** My Lords, these are complicated amendments that need to be considered in the process that we have been talking about. However, there is a bit of a time problem, and if you talk to the people who are involved in the Bill that is coming up next, they will tell you that there is definitely a time problem. I understand what the noble Lord is saying in these amendments but, again, they are too complex for a Private Member's Bill. I know where the noble Lord is coming from: it is about having the discussion and asking the Government to consider and consult on it. I am confident they will do so, as we all need to do. This is a complex, important area, but not one for a Private Member's Bill.

**Lord Lucas:** My Lords, if there was a time pressure, my noble friend Lord Cormack would be in his place. If the Whips are concerned about time pressure, perhaps someone might scurry out and get him, otherwise we will have to adjourn before the next debate.

I agree that this group is more directed at showing the Minister what is possible than for discussion today. It is a subject that goes wider than that of the Bill and I am happy to beg leave to withdraw my amendment.

*Amendment 12 withdrawn.*

*Amendments 13 to 22 not moved.*

*Clause 1, as amended, agreed.*

### **Clause 2: Guidance relating to elective home education**

#### *Amendment 23*

*Moved by Lord Addington*

**23:** Clause 2, page 2, line 22, leave out subsection (2)

**Lord Addington:** My Lords, Clause 2, and in particular subsection (2), caused me considerable disquiet when first I saw it. Subsection (2) starts with setting out the minimum requirement for home education, which must include,

“reading, writing and numeracy, which takes into account the child's age”.

Okay, there are some caveats, but my concern is quite simple. I am dyslexic. If you were to put me in a system where I was tested on, for instance, my spelling, I would still be being home educated now. My brain is constructed so that I do not store knowledge easily and cannot deal with it. If you put extra work on to a dyslexic, they will forget more. Problems with short-term memory and recall processes, which allow you to do this, mean they cannot do it. Children with other special educational needs will have other problems, all of them requiring some change in the learning pattern. Subsection (2) mentions “ability” and “aptitude”, but what does that mean here? You would need a complicated assessment to find out.

Special educational needs are mentioned at the end of subsection (2). As I have said before, far too much attention has been paid to education, health and care plans. Noble Lords should remember that they are designed to deal only with those at the extreme end of the spectrum. Most people with a special educational need do not qualify for one and should not. A child could have a fairly minor problem and end up in home education because of an unsympathetic teacher or because something has gone wrong—that can happen, and a child can end up in the wrong place. Dyslexics make up about 10% of the population, and if we include those with other special educational needs, it goes up to around 20%. If we put these requirements on children who need different learning patterns, we will be in trouble. That is especially true for those who do not qualify for assessment or who have not been assessed and where there is an emotional need that gets in the way of that assessment. That is why I do not want this included here. We have spoken already in a previous group about what is going on here and that assessments should be more flexible.

When discussing this with my wife, she pointed out to me, “Oh! If it is just reading and writing, there could be one text”. Let us start with a text that is not too scary: the King James Bible. How many books you would get through before you get to *Mein Kampf*, I am not sure, but it is a process. Reading, writing and arithmetic are regarded as the bedrock of education, but they can be merely tools to acquire an education. A couple of weekends ago, I was at a conference at which we spoke about dyslexia. The main thrust was that more people can learn to read books than can understand what is inside them. I do not think that that is a very controversial point. These are tools for education. If you are obsessed with these tools and their acquisition, you will get in the way of learning.

Are you allowed, for instance, to have a book read to you by the numerous bits of technology we have? I must declare an interest: the firm that I am chairman of, Microlink, provides such packages. If we are going down this route, with technology that turns text to voice and voice to text, which is a perfectly normal way of dealing with certain things—the way that the blind deal with these things is a very related technology—all of it would be under threat if we have this wording in the Bill.

Overloading somebody who does not respond well to these pressures is almost a guarantee of educational failure. Indeed, that is why many people might be removed

[LORD ADDINGTON]

from that system and I know have been in the past—a teacher says, “He’s dyslexic. Let’s give him extra spelling”, but they just reinforce failure and make a child more resistant. They have made the problem just that bit worse and they will do it again the next day and the day after that.

This wording cannot be in the Bill. Something that suggests an education would be fine; trying to put down an education that is appropriate, having taken advice, is okay. I am fine with that. But the minute you get these caveats and absolutes you are guaranteeing failure for fairly large groups, even with the best tuition in the world. You do not deal with this problem by doing this. Autistics and dyspraxics have another variation on this. Dyscalculics—that is not an officially recognised term, but that is a battle for another day—will have a problem with numeracy. We need to have a great deal more flexibility than we have now. These words cannot be in the Bill if it is to mean anything and it is not to damage these groups.

I do not want to have to stop this and call a Division. At the moment, I think that this would probably be something that we would look forward to on Report. However, I will do unless there is some way of getting this wording out. If we get this into law, we will create more and worse problems. I beg to move.

**Lord Soley:** I discussed this with the noble Lord, Lord Addington, and I understand his strength of feeling about it. He brings a special knowledge to this, which is important, but I think his fears are overstated. I will explain why again. For a start, the beginning of Clause 2(2) says that,

“the Secretary of State must have regard”.

As he and other Members in the House will know, “must” does not carry the same legislative power as “shall”. Straightaway there is an ability for the Secretary of State or Minister to exercise some restraint.

Very importantly, this is not as absolute as the noble Lord is reading it. He said that there was a difficulty in understanding or interpreting the meaning of words such as “ability”. I put to him that there is not. The clause says,

“reading, writing and numeracy, which takes into account the child’s age”.

That is where he freezes on it and gets quite concerned, but the following matters are really important. They are,

“ability, aptitude and any special educational needs and disabilities”.

Things such as aptitude have to be considered here. Aptitude matters and we know what it means. If a child has school phobia that is an aptitude we have to consider. You could call it a disability if you like, but a phobia is not quite that.

The clause also deals with “any special educational needs” and “ability”. It is now many years since I worked in a hospital for what were then called educationally subnormal children. We would not call them that now; it was very different. The treatment at that time, because we had less knowledge and less use of drugs, was pretty awful but we always made attempts to help those children, who had far greater problems than almost anyone in this House can imagine. We tried to teach them to have some basic understanding of numbers,

reading and, where possible, although it was very rare, writing. We can do it. The reason for putting the wording in the Bill is to try to meet the noble Lord’s concerns.

I understand this, though. As I said in an earlier intervention, one of the things that we ought to consider that might give the noble Lord added reassurance on this is to look at the possibility of an appeals system to an independent or totally separate educational body, or even an individual with special knowledge and special skills. If a local authority or an individual welfare officer is doing what the noble Lord most fears, it might be that in the final Bill there should be an appeals mechanism. I ask him to think about that.

The problem with taking out this clause, which is what the noble Lord would do, is that it would leave a lot of other children vulnerable. In trying to protect that group that he is rightly concerned about he would put others at risk. We need children who do not have special problems to be able to read, write and be numerate. We know that in some situations of home education, often for children who have been pushed out of a school, they are not getting that information. The noble Lord is in danger of throwing the baby out with the bathwater. He wants specific attention paid to a small group of children who are very important, but there is a much larger group of children who need to be able to read, write and be numerate. They are often among those people who have been pushed into home education where children are not getting these skills.

I ask the noble Lord to look again at the clause and read it as a whole. It is not an absolute requirement that the Secretary of State is obliged to enforce. It is also true that the Secretary of State has the power to say to the local authority, “You must take these other factors into account, not only age”. You cannot do it just on age, which is what the noble Lord was worried about at first but now feels that this is not enough.

Finally, you have to agree with the parents and the child—that is the second part of it. Clause 2(2)(b) states that,

“the views of children and parents who elect home education”,

must be taken into account. That is why I ask the noble Lord whether he would take away the idea of an independent appeals system. If parents and children felt that it could not work for them, which is what he is worried about, and if, for example, he is right about the case he identified, you will need an appeal mechanism, but you do not want a mechanism which does not allow the provision to happen for other children.

12.45 pm

I ask the noble Lord to consider a possible appeal mechanism in the way that I have described so that we can look at it at a future stage in the Bill. I urge him not to torpedo a major part of the Bill which matters to a great many of the children in this situation. An appeal mechanism might meet his concerns and I am happy to continue discussing that with him. I cannot put the Minister in the position of saying he will, but I hope he will also discuss it with the noble Lord. This is too important to fudge. We cannot lose this clause. I understand the noble Lord’s concerns and I am trying to address them.

**The Deputy Chairman of Committees:** I apologise to the Committee. I should have made it clear that if Amendment 23, which is currently being debated, is agreed to, I will not be able to call the following three amendments, Amendments 24, 25 and 26, by reason of pre-emption.

**Lord Addington:** Perhaps I may respond to that. Although I am severely tempted, I shall not call a Division now. If we put in “an appropriate education” we will cover these points. It will be a building block. If we put it in as an absolute—“must”, “shall”, “will”, whatever you want—we will be dancing on the head of a pin. It depends on the context in which you take it. We know that because we have all done it. I have had 30 years of playing with those words. If we do that and keep in the age-related provision—even if we put caveats after it—we will still have the initial provision, which means you will have to have discussions on it.

The Minister is studiously looking at a piece of paper but perhaps I may ask him whether we have a legal definition of ability and—I am looking for the Bill; it is nice to know that long sight comes to rival dyslexia in my life—aptitude. He says that they are important but I do not think aptitude can come in if you have not had a proper assessment in the first place. You cannot assess aptitude if you do not have the right range of environment to find out what it is.

There are all sorts of problems here. If you have another form of words you do not need those three provisions in the clause because the number of people affected by it—20% of the population have special educational needs but you can probably double that for this group to 40%, or maybe only 30%—is enough to colour this legislation’s effectiveness unless there is something in there to say that you are not going to place this stress on them. Dyslexics are the biggest although not the only group—they are not the only pattern but they are the most commonly occurring pattern—and, unless we deal with this issue, the legislation will fail a large group of its clientele. We cannot have that. Other forms of words can go in such as an “appropriate education”.

If there is an appeal, the group that will have the most problems dealing with it will probably be the dyslexics and—guess what?—it runs in families. We will be creating more problems than we need. Just change that and make sure that it is done. I hope the Minister will give us guidance that the Government will not look unfavourably on this. If we do not change this it will create more problems than we need to have. Perhaps the Minister and the noble Lord, Lord Soley, will have something more positive to say on that comment.

**Lord Lucas:** My Lords, perhaps I may speak briefly to my amendments in this group. I share the concerns of the noble Lord, Lord Addington, and hope that the noble Lord, Lord Soley, and my noble friend the Minister will agree to suspend the Bill between Committee and Report until we have the results of the consultation. We will then be able to see in context what this Bill says because this clause in particular will work much better when we have a more expansive sight of the full-blown draft guidance to go with it. As it is, I have

real concerns and I would definitely join the noble Lord, Lord Addington, on Report. To allow legislation like this to go forward beyond Report would be a great mistake because we need to know much more.

In particular, in Amendment 24 I seek to leave out the words “supervised instruction”. It is just not appropriate for many of these children. It is not the way it is done or the way they learn. They may well be learning entirely by themselves, but what matters is that they are learning. Numeracy, literacy and writing are absolutely core and we should not let children come out of home education illiterate, but we ought not to be prescribing the process; we ought to be prescribing the outcome.

In framing the guidance we must have regard to the whole range of support. The fact that support is available makes much clearer guidance possible because we are not trying to push parents back into taking up patently unsatisfactory school provision; rather, we would be giving them a clear and supportive alternative. Under those circumstances, it is reasonable to make demands of them, but it very much depends on that.

Lastly, I want to draw attention to flexi-schooling, which is one of the possible answers to this issue. I had a helpful conversation with the right reverend Prelate the Bishop of Ely. The Church of England is willing to be extremely supportive of this proposal. It has a lot of small rural schools and many of them would really like to become involved in the provision of flexi-schooling, which would suit them well. They are small enough to be flexible and they can provide an environment with space and freedom which will suit many children who feel oppressed by a more restricted city school environment. Also, not many of those schools, in particular the good ones, have the time and space available to do things slightly differently for home-educated children. It also fits well with the provision that these rural schools are already making for Travellers and others for whom a non-traditional education pattern works well.

I would really encourage my noble friend the Minister to talk seriously with the Church of England to see what can be done to establish a pattern for the support of flexi-schooling. Indeed, I do not think that much is needed other than the comfort of knowing that it is a form of education of which the Government approve. Frankly, if a child is receiving flexi-schooling for a couple of days a week, all the worries about whether that child is visible would disappear along with knowing about the quality of their education because they would be closely and properly observed by educational professionals. It is a very good solution to many of the problems that this Bill sets out to tackle. It will not apply in every case, but it is a facility that we should encourage.

**Lord Agnew of Oulton:** My Lords, it may be helpful if I offer to have a meeting with the noble Lords, Lord Addington and Lord Soley, and indeed with my noble friend Lord Lucas to discuss Amendment 23 in particular. I consider this to be part of our broader call for evidence and feedback on the draft guidance that we have issued.

**Lord Soley:** My Lords, I thank the noble Lord for that helpful intervention and I welcome it.

**Lord Addington:** My Lords, given that assurance and the fact that we are going to take a look at this issue, I shall reserve my position to take action at a later point. I beg leave to withdraw the amendment.

*Amendment 23 withdrawn.*

*Amendments 24 to 26 not moved.*

*Clause 2 agreed.*

### **Clause 3: Interpretation**

*Amendments 27 and 28 not moved.*

*Clause 3 agreed.*

*Clause 4 agreed.*

### **In the Title**

#### *Amendments 29 and 30*

*Moved by Lord Soley*

**29:** In the Title, line 1, leave out “monitor” and insert “assess”

**30:** In the Title, line 1, leave out “, physical and emotional”

*Amendments 29 and 30 agreed.*

*Title, as amended, agreed.*

*House resumed.*

*Bill reported with amendments.*

## **Bat Habitats Regulation Bill [HL]**

### *Second Reading*

*12.55 pm*

*Moved by Lord Cormack*

That the Bill be now read a second time.

**Lord Cormack (Con):** My Lords, I suppose I should begin with a brief word of thanks to the noble Lord, Lord Soley. I congratulate him on getting his Bill to Committee stage rather earlier than I had feared and I wish him well.

It is some 46 years since I introduced my first Private Member’s Bill, the Historic Churches Preservation Bill, in another place. It led to state aid—later, through English Heritage—being made available for historic churches in use. I introduced that Bill and wrote my book, *Heritage in Danger*, a couple of years later because I was deeply concerned about the state of our parish churches and the dangers that face them. I will not say that we have come full circle, but the Bill I am asking your Lordships to give a Second Reading to today was introduced because of dangers that were not very real then but now face 6,000 of the 12,000 listed parish churches in the care of the Church of England.

I begin by making it abundantly plain to your Lordships that this is not an anti-bat Bill. I have often taken delight in them, particularly when my wife and I used to sit in the garden of our house in my constituency and delight in watching the bats. They are amazing creatures and I am glad that there are 18 species of them in this country. It is right that they should be adequately protected. However, it is right too that churches should be protected from incursions that threaten their condition and purpose. As I said, we have some 12,000 listed churches—the Church of England is responsible for 16,000 plus in all—over 50% of which have a bat problem.

I hope that I do not have to convince any of your Lordships of the importance of the parish church—indeed, most of our churches—to the history of this land. It is through our great churches and even greater cathedrals that we come closest to the soul of the nation and understanding its history. They are buildings of enormous importance and consequence. Earlier this week, I talked to someone who made the point that when their church was threatened with closure, the whole village was up in arms. Even those who rarely, if ever, darkened its doors did not want to see it closed or be declared “redundant”—a rather horrible term in this context. In all our most solemn and joyful moments, both national and personal, we tend to gather in our churches. Week by week, day by day, they perform a very special purpose. They are not only havens of peace, but centres of the communities in which they are situated. Moreover, many of them are great treasure houses of the most important art in our country. Almost all medieval sculpture is in our churches. One goes beyond that: brasses recording the illustrious, and sometimes not so illustrious, citizens of the locality; alabaster monuments; painted screens; murals; amazing wall-paintings, sometimes dating from the 12th century; textiles; floors, and furnishings. All of this and the cycle of worship is at risk. It has been at risk since I first introduced the Bill to which I referred some 46 years ago. I want to give your Lordships some examples.

I first became acutely aware of this problem shortly after we moved back to my native county of Lincolnshire some seven years ago. I went to a church that I knew well as a boy and a young man, the great collegiate church of Tattershall, which some of your Lordships may know and which stands hard by Tattershall Castle, one of the finest brick-built medieval buildings in the country. The church itself is a wonderful example of perpendicular architecture: soaring columns, full of light and full of some of the most extraordinary brasses and monuments, and with a fine, original 500 year-old door which the church authorities are not allowed to repair, much as it needs it, because, in repairing it, they may block one of the access routes for the 900 or so bats of several species which have colonised the church.

It was very sad indeed to see those brasses, which I remembered well from earlier years, covered over, but when one removed the covers, one saw them pitted: the urine and the droppings of the bats were corroding them in a way that they could not be repaired. There are many other examples, of which I shall give just a few. Stanford-on-Avon in Northamptonshire has some of the most wonderful alabaster and marble monuments. Deene in the same county has brasses and monuments.



All Saints, Braunston-in-Rutland, has a colony of 500 bats; again, there are some marvellous monuments. The same goes for St Andrews, Holme Hale, in the diocese of Norwich—I am glad and grateful that the right reverend Prelate has put down his name to speak in this debate; we much look forward to hearing what he has to say. I would go on and on, but I do not want to weary your Lordships; I merely want to underline that this is not a local problem but a national problem, a problem that is particularly acute in those dioceses such as Norwich and Lincoln which have an abundance of wonderful places of worship.

We should take this carefully on board. I want to pay tribute to one individual, Dr Jean Wilson—she is just about to give up after completing her term as president of the Church Monuments Society—because she more than any other individual has drawn attention to this problem and to the haemorrhaging of the cultural assets that our churches contain. Churches make an enormous contribution to our tourism revenue. The people who flock to Beverley in Hull go to see the Minster and St Mary's. Were they not there, would they go? The same can be said of course of many other places. They are, as I said earlier, community centres of great importance, but first and foremost they are places of worship.

I shall quote from one or two letters that I have received. This comes from Norfolk:

“The warden spends an hour almost every day of the week sweeping up droppings. Because of the droppings it is difficult to raise money from exhibitions and choral entertainment, so the community of the church is interfered with”.

This comes from Sleaford in Lincolnshire:

“Those who clean the church have a constant battle trying to remove bat droppings and urine from every surface. Even if the church is cleaned on Saturday it still needs attention before a Sunday service. Prayer books and hymn books cannot be left out as they would be ruined by bat urine and there is also a danger to health. It is very unpleasant. The church has part of a medieval wall painting and a 13th century effigy which have been affected by the bats. An active craft group in the village has produced kneelers, involving many hours of work; they are also affected by the bats. Last year at the end of a service a bat fell onto the head of an eight year-old girl, causing much distress. Not surprisingly, she was reluctant to return to church”.

I have an even more graphic example from a wonderful church in the Golden Valley of Hereford where a parishioner and his wife were kneeling to receive holy communion from their woman vicar. Bat droppings descended during the most sombre part of that ceremony, the administration of the host, which went into the vicar's hair and the hands of those who were about to receive. I am sorry to dwell on those examples, but it helps:

To point a moral, or adorn a tale”,

as someone would have said.

Of course, churches are used at the most solemn and joyful moments of individual lives. Some now find it difficult to conduct weddings, or even to persuade people to have their weddings in the church. Many a stalwart of the local community has had a funeral in a church where the stench is overcoming. And there is a hygiene risk. It is customary in the Church of England to serve refreshments after the main Sunday service and particularly after special festivals and the like. Very few people are tempted to eat if they can smell

and see evidence of bats. Professor Wilson sent me a paper from the American journal *Microbe*, written by several eminent scientists and entitled *Bats Prove to be Rich Reservoirs for Emerging Viruses*. These are things we cannot just disregard.

I want briefly to go through the Bill and what it seeks to do: I think it gives a balanced approach. I draw from the admirable briefing that the House of Lords Library has produced for us all—how grateful we are on so many occasions for what it produces. The Bill has four clauses. Clause 1(1) provides:

“No new building shall be constructed on a previously undeveloped site unless prior to its construction a local bat survey has been conducted and it has been established whether or not a bat habitat is located in the vicinity”.

Clause 1(2) states that if a survey,

“concludes that a bat habitat is located in the vicinity of the site of a proposed building, the building shall not be occupied unless or until the developer of that building has provided a bat box or artificial roost for each species of bat”.

Clause 1(3) states that the term “building” would also include wind turbines, therefore no wind turbines requiring planning permission could be constructed unless there was compliance with the provisions of this clause.

Clause 2 would set out that,

“the European Communities Act 1972, the provisions of the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 shall not apply to bats or bat roosts located inside a building used for public worship unless it has been established that the presence of such bats or bat roosts has no significant adverse impact”—

and sometimes it does not. Clause 3 would require the Secretary of State to specify by statutory instrument,

“the criteria to be used in a local bat survey”,

and,

“the meaning of ... terms such as ‘in the vicinity of a building site’”.

It is a modest Bill and it is not, as I said at the beginning, anti-bat.

I have had a number of very useful and helpful conversations with Andrew Sells, the chairman of Natural England, and Sir Laurie Magnus, the chairman of Historic England. I welcome the initiative that they are taking, working together to see what can be done to tackle the problem in churches, which they both fully acknowledge, but there are one or two problems with their “Bats and churches” project. First, there is the speed with which it is being conducted. Sir Laurie has written to me to say that they have had some lottery funding to set up the pilot projects, but they really need more if they are to roll it out over the nation in a reasonable time. I hope that his plea will be heeded by the Heritage Lottery Fund but there are other worries. One is that Natural England subcontracts the enforcement of bat protection legislation to the Bat Conservation Trust. As someone remarked slightly mischievously in a letter to Professor Wilson, that is a bit like putting the National Rifle Association in charge of firearms legislation in the United States. We need to have balance and impartiality.

There really is a sense of urgency. Over this weekend, tens of thousands of bats will defecate and urinate in over 6,000 churches. We must achieve a balance between the way we protect bats and preserve churches.

[LORD CORMACK]

Nothing less than one of the most important parts of our heritage is at risk because once destroyed, great works of art created centuries ago cannot be replaced. A replica never suffices.

We all have cause to be thankful for the rich heritage that we enjoy. We all have a common duty to ensure that it is preserved, not only for the current generation but for those to come to enjoy. Whether they go to worship because they are believing Christians or, as so many do, just to look and admire—to be inspired by what they see and come away with a greater sense of local and national patriotism and a love of history—we want them to be able to continue to go, and enjoy what they see, without seeing it destroyed before their eyes or with a stench in their nostrils. I beg to move.

1.14 pm

**Lord Redesdale (LD):** My Lords, I have the honour to follow the noble Lord, Lord Cormack, whose dedication to the historical environment should not be overlooked. Through many years, I have followed the work he has undertaken. I also have a great love of the archaeology in this country and helped to found the all-party archaeology group. I understand the issues faced by many churches throughout the country.

In preparation for this debate, I thought first that, as we are discussing churches and places of worship, I would look at how the Bible deals with bats. There are three mentions of bats in the Bible: in Leviticus and Deuteronomy, which say you cannot eat them, and in Isaiah, which has a particularly fine reference stating that you should take gold and silver idols and throw them to moles and bats. I am sure the right reverend Prelate will have some views on the essence of that teaching. I will leave that to him.

I know quite a lot about how the process around bats takes place because I had to replace the roof on my house two years ago, and there are bats in most of the houses on the estate. I had to call in the Bat Conservation Trust, which was particularly helpful and did a bat survey in the roof. You listen out for the ultrasonic sounds of the bats. You can listen to them when the frequency of the device is lowered. I was keen to see whether there were any bats in that roof, but the bat survey officer said that it was so damp they would probably have drowned, which was the reason for replacing the roof in the first place. When I replaced the roof, I made sure that there were three bat entrances so it could be recolonised, not just because I think that bats are wonderful creatures but because a small bat will eat more than 1 million midges in its lifetime, and if you live in the wilds of Northumberland, anything that eats midges has to be a good thing.

One of the issues I had is that work has been carried out on the estate on roofs where we know there have been bats. Clause 1 talks about mitigation measures, such as putting up bat boxes. I have put more than 30 bat boxes up with an ecological group that works in some woodland I have, but so far we have not seen any evidence that they have been used. This is a real issue that should be taken forward when we talk about bat conservation. So much of the legislation we look at says that we can replace a habitat quite easily by putting up bat boxes or roosts. That is simply not the case.

This raises a fundamental issue about bats, which is that we have destroyed the habitat of ancient woodland, there are no caves left, everything else is paved over and new buildings do not have the same crevices or even roof felting, which bats quite like. That means churches are one of the last sanctuaries for bat species in that area. That is a real issue because if we remove that roost it does not mean that the bats will move somewhere locally; it could mean that the bats leave the area altogether.

I am quite involved in the conservation of our local churches, Holy Trinity at Horsley and St Cuthbert's at Elsdon, an 11th century church with a mass of history. They both have bats, but they do not have the problems that the noble Lord, Lord Cormack, mentioned because most bat droppings, unless there is a concentration, are very dry because they are made up of the exoskeleton of insects and crumble into dust. Obviously the noble Lord, Lord Cormack, is right that the concentration can have an effect, but for most species of bat and most churches, it will not have the major effect set out. While I understand the real danger to much of the heritage in churches, I am rather wary of this Bill because Clause 2 states,

“the provisions of the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 shall not apply to bats or bat roosts located inside a building used for public worship”.

That is probably the wrong way round. Should we not look at the damage being done in certain churches and then have an exemption if it is of particular note rather than excluding all places of worship, which would include mosques and temples? That would be a more proportionate approach to the Bill rather than a blanket ban, which I think is draconian. It also raises the fundamental problem that we have at the moment, which is that development and species conservation often cause major problems. I have not come across a congregation that cannot find reasons to disagree with itself on certain issues, and I am sure that bats in roofs is particularly one of those.

So while I understand the need to conserve churches, I hope that the work of the Heritage Alliance, which, as the noble Lord, Lord Cormack, mentioned, should have heritage funding from the lottery, is taken forward so that worshippers in church can look at the most effective ways of mitigating the problems of bats rather than the removal of bats. For centuries, churches have been seen as a place of sanctuary. Because of the way we have destroyed the habitat of bats, churches are some of the last refuges in the countryside for many species of bat.

1.20 pm

**Viscount Goschen (Con):** My Lords, I thank my noble friend Lord Cormack for introducing the Bill, which raises an important issue, and I look forward to hearing the other contributions today. I should say at the outset that I very much support legislation designed to protect wildlife, including bats. That legislation has made a major contribution to the preservation and support of our biodiversity in the UK.

If the House would humour me for a moment, I have some bat credentials to declare. I am a trustee of a UK charity that supports the management of a

small national park in Africa, where I used to live as a young man. Every year in November it provides the backdrop for what is thought to be, by numbers, the largest single gathering of mammals anywhere in the world. Some 10 million straw-coloured fruit bats—the eidolon helvum—gather in a small area of primary swamp forest known locally as “Mishutu”, which is a quite extraordinary spectacle, particularly because the eidolon is a very large bat; it has a wingspan of around 75 centimetres and weighs in the region of 300 grams. If my mathematics are correct, this equates to a total of some 3,000 tonnes of airborne biomass visiting a very small area of woodland for a few weeks in November. It could perhaps be thought of as the equivalent weight of 600 male African elephants. The problems in my noble friend’s church might be put into perspective in one way by that allusion.

To return to the Bill and the matter in hand, I think my noble friend has made an important point and given the House an opportunity to consider the inherent proportionality here, which is essentially part of the deal in any legislation for the conservation of wildlife and the conservation of our wonderful national heritage, of which churches are clearly such an important part.

My remarks perhaps go rather broader than purely related to churches. I follow the noble Lord, Lord Redesdale, in the issue of bat surveys, which are referred to in Clause 1. My experience of that is only as someone who has sought and secured planning permission for an old house and some former farm buildings, but these issues are very common in rural areas where a bat survey is required in order to give information about what species may be present. That seems a very reasonable proposition, but every time an application is submitted, even if it is closely related to another application regarding the same building or cluster of buildings, then a fresh survey is required. If the renewal of planning permission is sought after the three-year expiry, the process is repeated all over again.

Each of those surveys costs many hundreds of pounds, and bat specialists come out at night with highly sophisticated equipment. In the course of evaluating and securing planning permission for the development of perhaps a farmhouse or former farm buildings, multiple surveys may be required over time and that could be at the cost of many thousands of pounds. I fully support the need to have a bat survey and find out what species are there. However, does my noble friend feel that due consideration has been given to a more flexible, targeted and intelligence-led scheme, where information has already been gleaned about bat populations? Bat surveys that I have seen in my, admittedly narrow, experience—I have commissioned half a dozen or so—have said almost exactly the same thing each time. The same species are present in broadly the same numbers. Broadly the same mitigating factors should be taken into account and broadly the same timing consideration for the development should be undertaken—it should be undertaken at a particular time of year.

That has caused me to think about the total number of bat surveys that must be commissioned across the UK annually. It would be interesting to know that figure; clearly, I do not expect an answer now. If one then looked at the total cost, it may be worth considering

whether what I suspect is a large figure could be better targeted towards conservation of the most important bat species, gathering intelligence on what measures could be taken to support those populations.

I leave the House with that thought. In any area of law where the public are asked to spend considerable sums, they must feel that they are getting value and that it is not just a tick-box exercise, as I feel that it may be at the moment. We have great expertise in the bat field across the UK—the Bat Conservation Trust and others have been mentioned. I plead for a little more flexibility for local authorities, national park planning authorities and so forth to take an intelligence-led, flexible and proportionate approach, which may be to the value of conservation of both wildlife and buildings.

1.27 pm

**The Lord Bishop of Norwich:** My Lords, we are indebted to the noble Lord, Lord Cormack, for the Bill. He has pursued a subject which I think can too easily be treated with mirth, but is not at all funny for those congregations in churches where bats sometimes rule the roost. It is reckoned that about 60% of all 16th-century or earlier churches have bat roosts. It is as significant as that. It is the nature of access to the roofs of medieval churches, I think, which causes the bats to go there, rather than their appreciation of our great, historic heritage. In a diocese such as mine, with 640 churches, of which 550 are medieval, there are places where the bat population outnumbers not simply the congregation but our total number of parishioners.

I used to recommend the regular use of incense, partly because I am very high church and love incense, and bats appear to be very Protestant, as they normally departed where incense was used. But even that is not now guaranteed to do the trick. Clearly, bats have gone up the candle in their churchmanship. I will disappoint the noble Lord, Lord Redesdale, because that is as far as my theological disquisition will reach: I have not done my biblical homework as well as he has.

Of course bats should be adequately protected, as the noble Lord, Lord Cormack, said. We agree on that, and bats and human beings can get on, as they do in many of our churches. Of that 60% of medieval churches where bat roosts are found, many situations are tolerable, but in some churches very large roosts prevent the church operating effectively for its primary purpose as a place of worship, a house of God and a place to gather and build community. As the noble Lord, Lord Cormack, pointed out, altars, monuments, pews and fonts can all be adversely affected by bat droppings. But it is the impact on what a house of God should be and do that is the most important.

All over Norfolk there are barns once used by bats that have been turned into beautiful homes for human beings, and their new owners do not want to share their property with them—so the bats have moved to medieval churches, as the noble Lord, Lord Redesdale, pointed out. There seems to be an assumption among some that churches are barns rather than houses. I am fairly sure that if bats started to roost above us in this Chamber or, perhaps, deposited their droppings daily on the green Benches in another place, they would not

[THE LORD BISHOP OF NORWICH]

remain there for long. I have often thought that that may be the thing to arrange to manage the situation. It is a testimony to the uncomplaining generosity of so many Church of England congregations that they seek to manage the presence of bats in their churches as well as they do. But I know of churches where people have come to the end of their tether and where a glorious building has become increasingly unusable for worship or any other community purpose. That cannot be what we would desire and cannot be the best way in which to enable bat conservation.

I have a great deal of sympathy for this Bill. I do not see why places of worship should be different to the Houses of Parliament or a barn converted into a habitation for human beings. I sometimes think that we tolerate that because we think that houses of God are not inhabited, but they are—and not only by God. They are inhabited by people, as well as past benefactors and worshippers who are part of the communion of saints, and they deserve some respect, too.

Church volunteers who cover and uncover monuments and clean on a daily basis need all the help that they can get, and they sometimes feel very frustrated by the bureaucracy surrounding this issue and are distressed and depressed by the financial burden. While bat deposits are common enough, they do not normally take monetary form or come via a standing order or direct debit, yet they add very considerably to maintenance and restoration costs.

It is a tribute to our congregations that they are engaging with the bats and churches project, which the Church of England is partnering with Natural England, Historic England, the Bat Conservation Trust and the Churches Conservation Trust. It is a five-year project intended to work with some of the most severely affected churches, finding ways in which to protect church buildings without harming bat habitats. One challenge is to recruit hundreds of volunteers who will help to care for these churches as well as the bats that live in them. However, I know in my case in Norwich that some of the churches affected are in very sparsely populated rural areas, so quite where hundreds of volunteers will come from, when there are not even hundreds of people living within a 10-mile radius, I am not sure.

It is certainly true that there are practical solutions and there is much to be discovered, as we have heard, about the environments that bats prefer. Three churches, including one in my own diocese, All Saints, Swanton Morley, just outside Dereham, have been involved in an initial pilot. If the Heritage Lottery Fund provides the money, it is expected to run for five years from this autumn. I wish the project well—I hope that it will have success—but much has been tried in this area without fully solving the basic problem.

I am now in my 19th year as Bishop of Norwich, and bat roosts in churches have become more problematic with every succeeding year. I am hoping that the bats and churches project will provide some solutions, but it is not incompatible with the aims of the Bill, which is a reminder in itself just how serious this problem is—and I pay tribute to the noble Lord for pursuing this vexed matter so assiduously.

1.33 pm

**Baroness Hooper (Con):** My Lords, as this debate goes on, I become more and more fascinated by the subject of bats and their habitats. Like the noble Lord, Lord Redesdale, I am not alarmed by having bats in my attic on the assumption that they are attacking the midges, but I have no idea which of the 18 species they represent and can only speculate that some species are rarer than others. I very much agree with my noble friend Lord Goschen in his suggestion that a particular survey should be done in that respect.

I support my noble friend Lord Cormack in his efforts to solve the problems, which he has outlined so thoroughly. They are side-effects, probably completely unintended and unanticipated, of the measures for the conservation and protection of bats, which clearly we all agree are welcome and necessary. I thank my noble friend for his explanations and his customary clarity in introducing the Bill.

I am certainly no expert on bats, but I take an interest in wildlife in general and in historic buildings and our heritage. I believe our heritage comes to light nowhere more than in small, country churches. My noble friend Lord Cormack gave some extremely good examples of that. It was in attending a wildlife event in Parliament just a few weeks ago that I met and spoke to the representative of the Church Monuments Society, Professor Jean Wilson, and saw the extent of the damage that can be caused by colonies in some churches, where they live relatively undisturbed. When you see the illustrations, the extent of the damage is really alarming. The Church Monuments Society, a tiny organisation, should be congratulated on raising, and continuing to raise, awareness of this issue.

Perhaps one thing that comes out of this debate is the need to use our churches more regularly. I have noted the remarks of the right reverend Prelate, who spoke about this. The worst damage is clearly caused in small churches with small congregations, which are not in regular use and cannot, therefore, be used for other community events for the reasons already given. In a sense, it is a vicious circle that needs to be broken, because the more a church is used the less of a problem there is—at least according to the evidence that I have seen. I would like to know—my noble friend the Minister will possibly be able to tell us—about the outcome of the local pilot studies and initiatives carried out by Defra and other voluntary organisations in 2013, following the review of the European Union's habitats directive. I hope my noble friend can help us on that, because it will give us some more concrete evidence on what does and does not work and may be useful in making modifications to the proposals from my noble friend Lord Cormack in his Bill, which could obviously be discussed at its later stages. Meanwhile, I reiterate my support for the modest proposals contained in the Bill, because something clearly needs to be done.

1.38 pm

**Lord Berkeley (Lab):** My Lords, I congratulate the noble Lord, Lord Cormack, on introducing this Bill. It has enabled us to have a really interesting debate, so far, on the pros and cons of what one might loosely call “bats versus humans”. I suppose I am a late convert

to interest in bats; my wife is in fact the chairman of the Isles of Scilly Bat Group and I have been taken out on a number of tours to see them and listen to them. I find them very interesting. I sponsored a bat evening in Committee Room G a few months ago and some noble Lords came to stroke the bats—I think they found it very interesting.

I am also on record criticising some of the costs associated with bats. The noble Baroness, Lady O’Cathain, and I have had many conversations about this in connection with HS2, where a new type of bat was allegedly found on the centre line. It cost, I think, £15 million and the committee was told to move them. Therefore, costs are a problem, but that has to be balanced by the fact that the available habitats for bats, which do not include bat boxes on pylons, are declining, and the number of bats are declining. I love churches and love the history and artefacts, and this is a classic debate about balancing the environment with human beings. The noble Lord, Lord Cormack, has done us a service by issuing a wake-up call. I know that he says that he has been doing it for 47 years, but that is good. Many noble Lords have tenacity with regard to certain issues and projects, and I commend the work he has done. I could give the House a long description of what bats do and how they live, but that is not necessary today, because all noble Lords who have spoken have demonstrated a great knowledge of bats, whether they think the present legislation is right or not.

However, I will say a word or two about the question of bat numbers, because there are some clear examples, which the noble Lord, Lord Cormack, mentioned, of colonies which are possibly growing and causing trouble in churches—I will come back to that. A very interesting survey was carried out by the Bat Conservation Trust and others, *The State of the UK’s Bats 2017*, which noted the increase in some species, put that in the context of the historic decline and emphasised the importance of protection. The decline has nothing to do with churches but, as other noble Lords have said, everything to do with the lack of suitable habitats in newer buildings. There is therefore still a strong argument for keeping at least the present legislation, which we have had since 1981, and accepting that churches are an important sanctuary for bats as well as humans—although for humans they are not, as they are for bats, maternity roosts and places for hibernation.

Although the Bill is a wake-up call, many of its parts are probably unnecessary, and they fail to take into account some of the complex nature of bat ecology. For example, why include wind turbines in Clause 1? I am not a bat, so I do not know whether I would be attracted to a wind turbine—I do not think I would be. However, specifying in legislation that bat boxes must be fitted to the bottom of turbines seems a bit odd if we are not to have bat boxes on every telegraph pole and pylon in the country. We should encourage other habitats. We should probably look at mobile phone masts as well.

We need to continue the survey to record the growth or decline of the different types of bat, but the key issue is probably dealt with in Clause 2, which seeks to remove some of the protection in churches. The noble Lord, Lord Cormack, has told us about the legislation

that is still there, and which in my view should continue to be there. There seemed to be a bit of debate about the number of churches affected; the right reverend Prelate mentioned different figures. My information is that, according to the only nationwide systematic survey of bats in churches, of 30,500 churches and chapels of all denominations in England—I emphasise that they are of all denominations and ages, before someone picks me up on it—6,398 could be used by bats. Within that latter number are the examples referred to by the right reverend Prelate, the noble Lord, Lord Cormack, and the noble Baroness, Lady Hooper. Churches are important places for bats to roost in. I accept that bats cause trouble in a small number, and if it is your church that is affected, it is no good people down the road saying that that is all right. Things have to be right for the small or large number of bats and the small number of humans who deal with the problem.

I believe that there has to be a flexible solution to this which, one hopes, will build on the Bats in Churches project, which other noble Lords have mentioned. Those involved in the project have been working very hard on this. There are lots of details on websites about what they are doing and I think that the outcome is due in the next month or two. The conclusions are particularly important because they have to aim to find practical, tailored solutions for the churches that are most affected.

Yesterday I had a very interesting meeting with the chief executive of the Bat Conservation Trust at which I asked what the solutions are. The trust has not announced them yet—it is still working on them—but I asked whether there are any. Other noble Lords have more experience in this area than I have but two solutions seem worthy of being taken forward. One is what you might call ultrasonic barriers, which I am told work in some instances. The other is to try to restrict the areas in a church where the bats can roost to places where they do not, for whatever reason, cause damage to the people underneath. I believe that this could be done without legislation. It would need some more funding, which the people involved in the project hope to get from the Heritage Lottery Fund. If they can create a network of volunteers who are able to provide help and support, and, in the process, come up with solutions that are within the funding capabilities of those who live or work there or have access to funding, I am sure that that is the answer.

Therefore, I am not very happy with the Bill as presented to the House today. I will be very interested to hear what the Minister says in response and I look forward to an interesting Committee stage if the time for it is allowed.

1.47 pm

**Baroness McIntosh of Pickering (Con):** My Lords, I congratulate my noble friend Lord Cormack and I support the Bill. I also congratulate him on securing this Second Reading today. I think that we all care about bats but, as a number of noble Lords have said, it is a case of live and let live.

I declare my interests: I sit on the Rural Affairs Group of the Church of England, and for five years I had the privilege of chairing the Environment, Food and Rural Affairs Committee in the other place.

[BARONESS McINTOSH OF PICKERING]

My interest in bats started in 2011, as I shall explain in a moment, but at a younger age I had a rather regrettable incident when a bat entered the bedroom where I was sleeping as a little girl, with a second bat trying to follow closely behind. Fortunately, that close encounter ended without harm to either the bat or me.

In Danish and German the bat is called a “flying mouse”. Of course, we associate mice with a risk to health, particularly from their droppings and urine, whereas bats are deemed to be cuddly little creatures. It would be interesting to explore why that is the case.

In 2001, a small number of bats literally took over the church of St Hilda in Ellerburn. It is a rather beautiful church in Ryedale. It is a small church but with a persistent and supportive congregation. I pay especial tribute to Liz Cowley, who at the time was churchwarden and campaigned to reclaim the use of the church as a place of worship. I will quote what she said to the *Telegraph* in August 2011:

“The smell is appalling ... it’s a combination of ammonia from the urine and a musty smell from the droppings that catches at the back of the throat”.

She went on to say that the roosting bats had soiled the interior, damaging the furnishings, including the altar:

“You can see the urine marks on the altar; they won’t go away”.

It was discovered that this was the Natterer’s species of bat, which is in plentiful supply and not remotely close to extinction. The result was that the bats took over the church and the congregation was not allowed to worship there. A number of us raised questions at the time in the other place to our then honourable friend Tony Baldry, as second Church Commissioner. It was only when I intervened with Natural England—I knew the chairman at the time extremely well; like me, Poul Christensen is half Danish—that we reached a compromise whereby the congregation could reclaim the church and the bats were protected in the upper part of the loft.

That experience scarred me and showed me the cost of not being able to worship, as my noble friend so eloquently set out. Noble Lords should recall that churches were the only places that many farmers felt they could go at the time of foot and mouth disease in the early 2000s. Rural churches take on a special significance in sparsely populated areas.

I turn now to the Bill itself. I wonder whether my noble friend would be minded to agree to a wider power and insert a new paragraph to Clause 3(1) that would look at keeping all individual protected species—bats, newts, badgers and all sorts—under regular review so that the status of their protection could be updated. To look briefly at one example, badger baiting was unspeakably cruel and should never have been allowed, but we now have a situation where, I believe, we are the only country in the European Union that protects badgers. They are in plentiful supply, to such an extent that, as a carrier of TB, they spread disease through their urine to herds of cattle, which then have to be culled at considerable expense. Will my noble friend consider—and indeed the Minister; it could equally be a government amendment—such a review of these

protected species, including bats? As my noble friend Lady Hooper said, until a survey is undertaken, we do not know what the species of bat might be. But once the numbers of that species have been restored, why do they continue to enjoy an almost permanent level of protection? This should be reviewed and, for the purposes of today, let us start with bats.

We must not gold-plate the regulations to the prejudice of people in favour of bats. My noble friend Lady Hooper may well have been in the European Parliament at the time that the habitats directive was passed—I had the honour to work with her in the humble capacity of adviser from 1982. Surely the habitats directive must not be gold-plated by any of the directives and regulations that we transpose in this country. I urge the Minister to be sure to seek a balance between humans and bats in the use of churches and, as my noble friend Lord Goschen said, other historic buildings.

I would like to consider for a moment the cost of the surveys that my noble friend Lord Goschen, the noble Lord, Lord Redesdale, and others have spoken to. In the case of St Hilda’s, £30,000 was the cost of the survey alone to conclude that this species was very common and not at all under threat of extinction. Over and above that, the population spent tens of thousands of pounds of their own money. As my noble friend Lord Cormack will know, it is very costly for church repairs to be undertaken. It places a heavy burden on what can be small but significant populations in rural areas, carrying the additional charge of 20% VAT on top. This is an additional burden, protecting species that are in plentiful supply and not in danger of extinction. Why should bats be singled out to have this special protected status?

I would like the Minister to give the House an assurance that, post Brexit, when we are told we will have a very high level of protection for mammal species, this enhanced level will not be to the detriment of common sense prevailing—that in the wider picture, whether it is bats, newts, badgers or other endangered species such as red squirrels, we must seek a balance between humans and these other species. This is a timely debate, given the fact we will have hundreds of statutory instruments coming through, transposing many more protections that currently have not yet reached the statute book. When we leave the European Union we might face higher levels of protection. I urge my noble friend to persist with the Bill. He will have my support. I hope he will look favourably on the little amendment I proposed. I hope the Minister will ensure that his department will seek to reach a balance between humans and other species in this regard.

1.56 pm

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, I think the noble Lord, Lord Cormack, for successfully getting the Bill to Second Reading. I know this is a subject dear to his heart and one on which he has tried previously to secure a Second Reading. All the activities that the noble Lord, Lord Cormack, has described are taking part in churches up and down the country, especially fellowship over refreshment after the service has finished. We have had an interesting and very informed debate. I am not, as I expect noble Lords will have anticipated, an expert on

bats or bat behaviour. I think it only right that I should tell your Lordships that I have no sense of smell, so if there were bats in my church the smell would pass me by.

My experience is limited to having a lady from the Bat Conservation Trust visit us at home some 30 years ago when we first moved in to check for bats prior to woodworm treatment commencing. She duly climbed into the roof—not an easy task given the lack of space and her age—and pronounced that although there were signs of bats it was obvious that this was a nursery site and we could proceed as it was not the time of year for the relevant bats to be reproducing. Over the years, the bats returned irregularly and it was a joy, as the noble Lord, Lord Cormack, described, to sit on top of the bank in the garden in the twilight and watch the bats streaming out for the evening, foraging for food.

There were also a couple of occasions where juvenile bats found their way into the house, once when a tiny pipistrelle was curled up in the plug hole in the bath, and another when one flew up and down the landing until we managed to catch it in a tea towel. On both occasions we hung the bats on the wall below the opening to their roost where their mothers could collect them later.

As has been described by other speakers, the village church is an important landmark in any community, regardless of whether it is medieval or modern. It is a visual focal point, if not an essential meeting point. I have listened carefully to the arguments from the noble Lord, Lord Cormack, and others, and I fear that I am unable to support him in limiting protection for bats in buildings used for public worship. Like others in this debate, we have bats in the church where we as a family have worshipped over the years. Unlike those that the noble Lord, Lord Cormack, spoke about, they are not a nuisance but provide a fascination for those in the congregation who have only seen pictures of bats in books and are keen to view the real thing. There are many other churches up and down the land where bats are something of a tourist attraction, as are the churches themselves.

I am grateful to the right reverend Prelate for reminding your Lordships that churches are not just barns but homes for the worshipping community. I can understand that a large number of bats roosting in a church where there are priceless artefacts and relics can be a nuisance and that a remedy is needed to prevent both damage and unpleasant smells. Some sort of solution needs to be found to enable both congregations to coexist more harmoniously. I do not believe that this is an insurmountable problem but it needs flexibility and innovation. Solutions can be found, as described by the noble Baroness, Lady McIntosh of Pickering.

Like others, I was extremely interested to read that in February 2017 the Heritage Lottery Fund approved the initial five-year funding for the project Bats in Churches. This partnership, as has been said, includes Natural England, the Church of England, the Bat Conservation Trust, Historic England and the Churches Conservation Trust. This is a £3.8 million project to trial new techniques to enable bats and congregations to live together, which I believe is the sole purpose of the Bill and the debate we are having today.

Although it sounds like a large sum of money, it is not likely to stretch over many churches. While it is extremely important that the fabric of churches is preserved for future generations, I and my fellow churchgoers have many scars from skirmishes with Historic England over what it will or will not allow in the way of upgrading facilities for the worshippers of the 21st century. I will be interested to know how this project is progressing and to what extent physical measures within churches have been allowed to mitigate the impact of the bat droppings that are affecting the fabric, the interior and the congregation.

I was interested in the contribution of the noble Viscount, Lord Goschen, on the cost of the bat surveys in relation to planning. As a local authority councillor, I would certainly support a proportionate streamlining of this process and increased flexibility. The cost of £30,000 for a bat survey is ridiculous and we need to find ways of bringing that cost down.

The briefing from the Bat Conservation Trust was extremely useful, especially in respect of the number of bat species we have in the UK. As the noble Lord, Lord Redesdale, said, bats are insectivorous and devour large numbers of midges, mosquitoes and other pests. There is a delicate ecosystem which survives around different species of animals, insects and grubs. I fear we would disturb the ecosystem at our peril. Should we expel bats from some of their traditional and habitual roosts, resulting in a drop in their numbers, we could well find that we have an explosion of mosquitoes and moths, followed by hordes of caterpillars and grubs marching across our gardens and countryside, leaving a trail of devastation behind them. We would be wise to be cautious of the way forward and how we seek to limit the range and lifestyle of bats.

The Bill is a step forward and I agree with the comments of the noble Lord, Lord Redesdale, on Clause 2: the emphasis should be reversed so that it is not a blanket ban. I regret that I am unable to support the noble Lord, Lord Cormack, in his endeavours, especially as he has spoken so eloquently on the subject, which is obviously an emotive one for him. For worship to take place, some building may be necessary but it is not essential, as Wesley demonstrated. Perhaps some of the priceless treasures should be relocated if they are at serious risk of damage. Our church community relocated to the village hall while the decoration of the church took place, and that did not result in a reduction in the number of people who attended.

I am sorry that I am not able to support this Bill in its current form and I look forward to the Minister's comments.

2.02 pm

**Baroness Jones of Whitchurch (Lab):** My Lords, I am grateful to the noble Lord, Lord Cormack, for introducing his Bill today and for giving us the chance once again to consider the dichotomy of on the one hand trying to defend a precious and declining species and on the other hand preserving beautiful and historic places of worship. Along with other noble Lords, I also fully acknowledge the considerable contribution that the noble Lord makes to our church preservation and heritage. He speaks, understandably, with enormous authority and passion on this issue. But of course he

[BARONESS JONES OF WHITCHURCH]  
will know, because he has tabled similar Private Member's Bills in the past, that the solution is not quite as simple as his Bill would have us believe. There is a balance that needs to be struck between conserving our natural and cultural heritage, and sadly I do not think that the Bill in its current form achieves that balance.

As the noble Lord has recognised, under the habitats directive all bats are listed as protected species and as a result, in the UK all bat species and their roosts are protected. This was found to be necessary because of the widespread bat population decline. As several noble Lords have pointed out, most of the 18 species of bat found in the UK evolved to live, breed and forage in or around trees and caves. However, many have been forced to roost in buildings, including barns, houses, churches, tunnels and bridges because of the loss of their natural roosting sites. Artificial roosting sites are now essential to the survival of many bat species, although I take the point made by the noble Lord, Lord Redesdale, that bat boxes and other artificial mechanisms do not always work in the way they were designed to do. I am also grateful to my noble friend Lord Berkeley for his statistics, but as I understand it, since the legislation has been in place, national monitoring data suggests that bat populations have been stable or increasing, although that is not a reliable calculation in itself because we cannot ignore the fact that there is a continuing decline in suitable roosting sites as barns and older buildings continue to be demolished or converted, as other noble Lords have said.

We recognise that this decline in alternative suitable sites is putting increased pressure on churches as a resource for bats. The noble Lord, Lord Cormack, has spelled out the damage that can be done by bats roosting in churches and we fully acknowledge both the financial and hygiene issues. For example, bat droppings can cause significant damage to historical artefacts and items of cultural value, as well as being a disruption to worship and other community functions. We fully acknowledge those issues. However, we do not believe that the Bill before us is the answer to those challenges.

Clause 1 proposes that surveys must be undertaken before any new buildings are built to assess the presence of bats in the area, and where they exist, would require bat boxes to be provided. However, this requirement already exists. Local planning authorities have a duty to consider biodiversity and the requirements of the habitats directive when considering new developments. The duty includes provision for bat boxes and artificial roosts to be made available. In addition, bats do not just require bat boxes, as we have been discussing, but suitable habitats in which to feed which are not covered in the noble Lord's Bill. This clause also includes wind turbines in the definition of a building. There is evidence that wind turbines have an adverse impact on bats, with evidence that they kill around 200 a month. However, guidance on surveying for bats at proposed wind turbine sites has been in place since 2009 and the Bat Conservation Trust has been tasked with updating the guidance with the aim of reducing the impact of wind turbines on bats in a collaborative way.

Clause 2 sets out that the relevant EU legislation, including the habitats regulations, should not protect bats inside a building used for public worship unless it has been established that their presence has no significant adverse impact on the users of the building. I agree with several noble Lords who have said that the noble Lord has got that the wrong way round. Moreover, this would be extremely difficult to define and prove, and would mean that bats would no longer have access to large numbers of churches which they increasingly depend upon for protection and safety.

We believe that the solution lies in a new coexistence between our cultural and natural heritage. I say to the right reverend Prelate that I believe there are indeed bats in the Palace, so there is evidence that we can coexist if the arrangements are properly managed. Defra has already been involved in research projects to support initiatives in churches and other historic buildings; I am sure the Minister can spell out the details. It is important that we manage this properly without unduly affecting the welfare of bats. I am sure that more can be done to address this challenge. I agree with a number of noble Lords that there is a case for a more flexible approach.

In the meantime, as has been said, the Bats in Churches Partnership Project—funded by the Heritage Lottery Fund—brings together wildlife and heritage conservationists on a wide scale. We very much welcome that initiative. So far, £3.8 million has been devoted to the project, which involves a number of groups such as Natural England, the Church of England, the Bat Conservation Trust, Historic England and the Churches Conservation Trust. The aim is to develop new techniques and build up professional and volunteer skills so that best practice and a shared understanding can enable bats and church congregations to coexist, which I think has been the theme of a number of noble Lords. The project still has some time to go and I take the point that it may need more funding; again, that case has been made. We believe that such initiatives are the right way to tackle this problem in a sympathetic way, rather than the heavy-handed approach that the Bill, in its current form, represents. We therefore hope that the noble Lord, Lord Cormack, has heard the concerns of a number of noble Lords and does not feel that he has to pursue the Bill, in its current form, at this time.

2.12 pm

**The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con):** My Lords, I join your Lordships in thanking my noble friend Lord Cormack for the opportunity to respond and contribute to the Second Reading of the Bill and hear many passionate contributions. I have no personal declarations to make, but I did build a new outbuilding some years ago; within a year, there was an extraordinary arrival of bats. Like many of your Lordships, I was very pleased by their arrival.

As said by the noble Baroness, Lady Jones of Whitchurch, most of the 18 species of bats found in the UK evolved to live, breed and forage in or around trees and caves but have adapted over the centuries to roost in buildings—an adaptation accelerated by modern development, as referred to by the noble Lord, Lord Berkeley. These building roosts are now essential to



the survival of many bat species, including the Natterer's bat, a species for which the UK's population is of international importance. Churches play a vital role in the survival of bats. I was also interested to hear, in the extraordinary contribution from my noble friend Lord Goschen, about what is happening in the natural landscape of a part of Africa and how bats play an extraordinary part in ecosystems across the globe.

However, the Government and I recognise that bats in some churches give rise to both distress for congregations and damage to our cultural heritage. I obviously agree with what the right reverend Prelate the Bishop of Norwich said about his experiences. Indeed, I endorse the work of the Church Monuments Society, to which my noble friends Lord Cormack and Lady Hooper referred in particular. We are taking this problem seriously. We take responsibility for our obligations to heritage, community and worship. That is why we are working with Historic England, Natural England and the Heritage Lottery Fund to alleviate the problem.

My noble friend Lady Hooper asked about progress with research and pilot schemes. Following a research project and a pilot with three churches, Natural England has engaged with 20 individual churches and worked at diocesan level to develop plans and proposals to manage the issues. This approach will be rolled out to a further 80 churches. They are learning from the pilot, training hundreds of volunteers and professional ecologists, and sharing the approaches with a wider network of 700 churches. I say in this connection that many volunteers will be from the Bat Conservation Trust. Bat helpline volunteers, who advise the public and churches, are employed and trained by Natural England and follow Natural England policy guidelines. We have found no evidence that they are overzealous or over-precautionary, and customer satisfaction with the service is high—that was borne out by the noble Baroness, Lady Bakewell. In fact, I have here a figure of 97% for those who said that the service was excellent, and none was dissatisfied.

The solutions include ultrasound-emitting devices to deter bats from using specific areas of a church, excluding bats from the interior of churches, and the provision of alternative access points and artificial roosting opportunities. Radio-tagging is used both to identify the species and where it is entering, and to monitor success.

All species of bat are subject to protection under the EU habitats directive, which will continue under UK law through the withdrawal Bill. It is a criminal offence deliberately to kill, injure, take or disturb bats. Bat species are also protected from disturbance in their place of rest or the deliberate obstruction of such locations.

The Bill put forward today by my noble friend proposes that bats be excluded from a building used for public worship unless it has been demonstrated that their presence would not have a significant adverse impact on the users of such a place. Such a blanket prohibition does not take account of the importance of some churches to some of our most vulnerable bat populations, or of the considerable steps that the Government in collaboration with others are already taking to alleviate and mitigate the impacts in such places where bats are causing nuisance or distress.

A recent three-year project led by Defra and undertaken by Bristol University researched and developed techniques to assist churches in developing mitigation strategies for bat-related problems. This led to a pilot project led by Historic England to implement some of the identified solutions. As a number of your Lordships have said, last year, Natural England, with the Church of England, Historic England, the Churches Conservation Trust and the Bat Conservation Trust, successfully bid for £415,000 from the Heritage Lottery Fund to develop further some of these solutions and put them in place in badly affected churches across the country.

I can report that 100 of the worst-affected churches have been surveyed. In the three most severely affected, All Saints at Braunston-in-Rutland, All Saints Swanton Morley—to which the right reverend Prelate the Bishop of Norwich referred, and which is in his own diocese—and Holy Trinity, Tattershall, mentioned by my noble friend Lord Cormack, trial solutions have been agreed and detailed, costed plans will be now be put in place. These churches host sizeable colonies of bats, including, at Tattershall, breeding populations of seven species of bats. The approaches include restricting access to certain parts of the building and the provision of alternative, artificial roosts nearby. In the case of All Saints, Braunston, this artificial roost will have a webcam to allow activity to be viewed, and the project is working with the community to offer opportunities to witness the spectacle of hundreds of bats emerging at dusk. At Holy Trinity, Tattershall, the congregation has embraced the presence of the bats, including them as part of their visitor attraction. The noble Baroness, Lady Bakewell of Hardington Mandeville, is right that the challenge is how to find a solution whereby bats and ourselves coexist in harmony. Indeed, an application for a further £3.8 million for stage 2 of the project will be submitted to the Heritage Lottery Fund in June of this year to enable such solutions to be put in place for more affected churches. I am sure that noble Lords will join me in wishing the bid well.

My noble friend Lady McIntosh of Pickering referred to the church in Ellerburn, about which I have a quite substantial note. There again, Defra and Historic England collaborated with Natural England—Natural England taking the lead—to find an acceptable solution at St Hilda's. Of course, I endorse all that my noble friend did to ensure the progress that was made. Again, a solution was found and after the exclusion operation was complete, successive years of monitoring showed that the bats were able to continue roosting under the tiles and in the walls but were no longer able to gain access to the interior of the church. Since the work took place the congregation has been able to use the church for worship once again.

**Lord Berkeley:** I am very grateful for the Minister's response. His description of phase 1 of this joint study and the budget for phase 2, and what is contained in it, seemed to me incredibly good value compared to some of the projects we come across. Is he confident that the solution that could be applied to the many churches that have been described this afternoon, and others where there is a problem, can be done at a cost that is affordable for local congregations and other small funds? Or is there going to be a big shortage of funding for anything useful to happen?

**Lord Gardiner of Kimble:** My Lords, as we all know, funding is always extremely tight, but the point about the next bid is that we want to see what solutions and understanding we can get. As I will explain further, the collaborative approach works best, particularly bespoke approaches, which can be varied and address the complex problems. As of today, it is difficult to judge what the costs of each solution would be, but I think that the best opportunity we have is now, to find those solutions. As the noble Lord, Lord Berkeley, said, we need to find solutions that have the flexibility to have the prospect of continued and unhindered use of churches, at the same time fulfilling our obligations to protect and preserve important bat populations. My noble friend highlighted the problems: if what I have before me is right, at Ellerburn they have found a solution whereby the tiles and the walls are used by bats but the congregation is unhindered. I think that is an example of a solution working.

A number of noble Lords, including the noble Lord, Lord Redesdale, and the noble Baroness, Lady Bakewell, mentioned that my noble friend's Bill, in proposing the blanket removal of protection for bats in places of worship would, we believe—and we have taken advice—directly contravene our obligations under the habitats directive and our international commitments under the Berne convention. My noble friend Lord Goschen mentioned surveys. The first thing to say is that bat surveys are required under regulations—the Conservation of Habitats and Species Regulations 2017—where a proposed development is likely to affect bats. They are carried out by qualified ecologists licensed by Natural England. I say to my noble friend and the noble Baroness, Lady Bakewell, that we are working with Natural England on strategic reforms to species licensing to streamline implementation. Natural England has recently introduced an innovative and strategic approach for another protected species, the great crested newt. On costs, I will ask Natural England and the Bat Conservation Trust if it is possible to compile figures for the total costs of bat surveys commissioned.

My noble friend's Bill also proposes that surveys must be undertaken before any construction to assess the presence of bats and, if bats are present, it should proceed only if bat boxes and other artificial roosts are provided. The requirement to be aware of the existence of bats and to consider the impacts of any construction on them, however, already exists. Local planning authorities have a duty to consider biodiversity and the requirements of the habitats directive when considering any building development. Where mitigation of damage caused to bat roosts and their resting places is required, the provision of bat boxes and other artificial roosts are only two of a range of possible measures. Furthermore, bats require not just roost sites but suitable habitat in which to feed; the noble Baroness, Lady Bakewell, mentioned some of their diet. I believe that the Bill proposed by my noble friend does not take full account of this.

The noble Baroness, Lady Jones of Whitchurch, raised the issue of the placing of wind turbines. Again, bat surveys are already undertaken at potential wind turbine sites. Defra commissioned an extensive report on the impact of wind turbines on bats, which was published in September 2016. The report showed that

of the 46 onshore wind farms across Great Britain that were surveyed, one-third of sites had no bat casualties, one-third had one or two bat casualties, and one-third had higher numbers, estimated as up to five casualties per turbine over four months. These casualty rates are similar to those observed in other parts of Europe. Guidance to help developers and local authorities better assess the risk to bat populations ahead of wind turbine construction is now in the final stages of development.

Also, Natural England has now developed a new type of licence, the bats in churches class licence, specifically to address the complex physical and social issues caused by large bat populations in medieval churches. This new licence uses the findings of our research to balance better the conservation needs of bats with the needs of people, and the requirements of church buildings concerned to reach outcomes suitable for all. We believe that these licence changes and the other mitigation strategies I have outlined allow us to address fully the problems caused by protected species such as bats, and thus properly balance the legitimate interests of people in a way that avoids harming wildlife without the need to change the law.

A number of points were made and I think there was one about the review from my noble friend Lady McIntosh of Pickering. As your Lordships know, we have transposed the protections under the EU habitats directive into our own domestic regulations. These protections will remain when we leave the EU. Over time, we will of course be able to review protections to ensure that they remain appropriate but there are no current plans to review the list of species protected under these regulations.

Whatever our views, we in this country have a long history of environmental protection and this Government are committed to safeguard and improve on this record. We remain committed to upholding all our obligations under international environmental treaties. As I have said, the withdrawal Bill will ensure that the whole body of existing EU environmental law continues to have effect in UK law, while Defra's 25-year environment plan is key to setting out how we will improve our environment as we leave the EU.

I well understand the issues that my noble friend Lord Cormack and others have raised today. The Government recognise the concerns expressed but, for the reasons I have outlined, we do not support this Bill. Many of your Lordships used the word "balance"; that is the approach the Government seek to take with all interested parties. I am very pleased, as I know the right reverend Prelate will be for the Church of England, that the Churches Conservation Trust is in partnership with Natural England, Historic England and the Bat Conservation Trust. This seems to me the sort of collaboration that will get us a bespoke approach for all those churches that have been outlined.

I would be interested in the numbers and how we can clarify this and approach these solutions individually, although we are working at diocesan level. We have wonderful churches which are some of the glories of this land, but we need to ensure that we know where these problems are most evident and how best we approach them. Rather like the noble Lord, Lord Berkeley,

I understand that we are talking about some churches. I think the right reverend Prelate said “some churches”. We need to prioritise. We are seeking to understand better from those severely affected and achieve solutions and work on the hundreds of others where this is a problem. That is the better way of doing this.

I know my noble friend will be disappointed, but the Front Benches of all the political parties represented here have concerns about the Bill and I am not in a position to support it. However, I assure him and all noble Lords that whatever position has been taken, we are seeking a resolution so that we fulfil our domestic and international obligations and enable communities to conserve these glorious churches for worship, community use and heritage, built and natural.

2.31 pm

**Lord Cormack:** My Lords, I am grateful to everyone who has taken part in this interesting debate. My noble friend referred to the three Front Benches. Looking back on my 40 years’ membership of another place, whenever the three Front Benches were in accord, I always smelt a rat, if not a bat. Therefore I will persist in the campaign of which this Bill is a part because although I am very glad that there were some unifying themes in the debate, we are all keen on our obligations to the environment and to wildlife, we all recognise the fascination and the importance of bats and we all seem to recognise that the glorious—my noble friend used that adjective correctly—churches of this country not only belong to us all but are the responsibility of us all. It goes far beyond the Church of England. I was particularly grateful to the right reverend Prelate for the experience he brought to the debate.

I am not persuaded that we have got the balance right between the protection of wildlife and the preservation of heritage. Although of course I welcome the various initiatives to which the Minister referred, he used the word “balance”, and I do not think we have the balance right. A number of points were made which illustrate that. The noble Lord, Lord Berkeley, was accurate in his figure of 30,000 churches, but the Bill is essentially about the priceless heritage of medieval architecture, which is a small proportion of that figure, so although he is in one sense right, I do not think that figure should sway the debate.

I enjoyed the contribution of the noble Baroness, Lady Bakewell, but she said that churches are not just barns. I say to her very gently that they are not barns

at all. One of the reasons why this was not a particular problem when I introduced my Bill in other place some 46 years ago is that since then we have had so many barn conversions, which have been referred to. Unlike in France, there are very few vernacular buildings in our countryside that have not been converted to commercial use, human habitation or whatever. That is something that we all have to take on board.

Churches are churches. They are places of worship. In many cases, the parish church is the focal point of the community and is used by the community. My noble friend Lady Hooper seemed to suggest that it was only those that were not used that often had the problem but that is not necessarily the case; many of those that are used a great deal have a problem too. When we have a situation where the parish church’s use is endangered, we have a duty—and I accept that this is recognised—not only to act but to do so with a greater degree of expedition than present plans allow. We are dealing with relatively small overall sums. The £3.8 million that has been used for the pilot is of course welcome and is a tiny sum in the context of the national Budget. The churches that are concerning me are not only irreplaceable but priceless. It is important, as I said in my opening remarks, that they are there to be used, enjoyed and appreciated by future generations, and they must not be despoiled in the way that many of them are being.

I would be the last person ever to claim that a Private Member’s Bill was perfect. I have introduced many; I have been responsible for getting three or four on to the statue book over the last 48 years, and many I have not. I suspect this will be in the latter category, but I believe it is important that we continue to address the subject. When we come to Committee, if we do, I promise my noble friend Lady McIntosh—she seems to have disappeared, but she had warned me that she had to get back to Yorkshire so I completely understand—that if amendments are moved they will be very carefully considered.

We have had quite a long day. I am most grateful to all those who have taken part, and I hope we have advanced the cause a little way and can continue to do so.

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

*House adjourned at 2.37 pm.*

