Vol. 795
No. 255

Thursday
14 February 2019

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

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

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

House of Lords

Thursday 14 February 2019

11 am

Prayers—read by the Lord Bishop of Salisbury.

EU Settlement Scheme

Question

11.06 am

Asked by ***Lord Greaves***

To ask Her Majesty's Government what progress they have made in implementing the EU Settlement Scheme.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the EU settlement scheme opened on a trial basis at the end of August and a second pilot phase ended on 21 December. In the light of positive progress, we commenced the wider public testing of the scheme on 21 January. The EU settlement scheme will be fully open by 30 March.

Lord Greaves (LD): My Lords, we recently had a letter dated 11 February from Caroline Nokes, the Minister for Immigration, telling us that everything was wonderful and that it was all going okay. This is just not true. The Home Office seems to be living in a bubble of its own making. When will it start listening to many of the 3.6 million EU citizens in this country struggling to make sense of a technical and bureaucratic shambles that is not fit for purpose? The internet is awash with frustration, anger, fear and distress in relation to the obstacles in accessing the system, ridiculous demands for evidence, obviously wrong decisions—decisions made by machines—and no proper means of appeal. Is it not time to scrap the scheme and start afresh with a simple system based on a simple acceptance of the rights of people already living here?

Baroness Williams of Trafford: My Lords, the whole construction of the scheme was designed to be as simple and unbureaucratic as possible. To date we have had 100,000 applications in total. As regards the plethora of evidence that people need to supply, in fact they need to supply only three pieces of evidence: first, their identity, secondly their residency and thirdly the absence of criminal convictions.

Lord Kennedy of Southwark (Lab Co-op): My Lords, the scrapping of the fee was very welcome news when it was announced by the Prime Minister. A number of the 100,000 people who have so far applied will have paid a fee. Can the Minister tell the House how many of them have so far been reimbursed, as the Prime Minister promised?

Baroness Williams of Trafford: The noble Lord is absolutely right to point out that nobody has to pay a fee any longer. However, while the system for returning the fee is in train, people are continuing to pay the fee and will have it reimbursed—although that does not seem to have deterred people from applying for the settlement scheme.

Lord Cormack (Con): My Lords, does my noble friend not remember that as early as July 2016 your Lordships' House advised that it would be a good idea to take the moral high ground and give a guarantee to the 3 million-plus EU citizens living in this country? Even arch-Brexiteers such as my noble friend Lord Forsyth spoke up in favour of that approach. Does she not regret that the Government neglected to take your Lordships' advice?

Baroness Williams of Trafford: My Lords, the Prime Minister has always been clear that the 3.6 million EU citizens will be welcome here, and, whether it is a deal or no-deal situation, they will be able to establish their status here through the EU settlement scheme.

Lord Anderson of Swansea (Lab): My Lords, how valid was the pilot scheme launched by the Government, given that they chose a very easy sample?

Baroness Williams of Trafford: I do not know whether the sample was easy. It was taken from the north-west of England, which I was very pleased about, and involved staff and students at 15 institutions. Of those who applied, 65% received settled status and 35% pre-settled status.

Baroness Ludford (LD): My Lords, in the pilot scheme 30% were granted only pre-settled status, which lasts for just five years. One problem seems to be that the automatic checks by HMRC and the DWP are not validating a lot of people who have been here for longer than five years, particularly the self-employed. The danger is that people will find giving supplementary evidence such a hassle that they will settle for just pre-settled status—but that is very dangerous. Can the Minister look into whether the Home Office can send them reminders—as HMRC does with tax returns—that they have to convert that into full settled status?

Baroness Williams of Trafford: I thank the noble Baroness for that question. She is right that someone with pre-settled status might forget to apply for full settled status. Of course, they have five years in which to do so—but I will certainly take back her constructive point and respond to her in due course.

Lord Lexden (Con): How are the Government getting on in safeguarding the position of our fellow country men and women living in other European Union countries?

Baroness Williams of Trafford: My noble friend is right to point that out. The UK has given that comfort to any EU citizen and I hope that, through the negotiations, our citizens living in the EU will have similar comfort.

Lord Clark of Windermere (Lab): My Lords, the Minister has been supportive of this approach and I applaud her for that. However, are the Government not being a tad complacent when they go on about the fact that 100,000 people have already applied? That is about 2% of those eligible to stay. Bearing in mind that the Government keep saying that D-day is 30 March, is there not a long way to go yet, and should we not step up the campaigns?

Baroness Williams of Trafford: The noble Lord hits on a point which I myself have raised—that we need to step up some of the public information campaigns to give EU citizens who want to apply for settled status the knowledge of how and where to apply. So he is correct on that point. However, on whether we are being complacent, the answer is no. The beta-testing phases have worked very well and I fully expect that, when the system is up and running properly on 30 March, it will continue to run well.

Baroness Bull (CB): Can the Minister say a little more about the rights of British citizens who find themselves settled in the EU on 30 March? Will they enjoy onward movement that will allow them to continue to earn a living—if that is indeed the way in which they earn their living?

Baroness Williams of Trafford: I certainly hope that that will be the case, and it will be at the forefront of the Prime Minister's mind when she is negotiating with our colleagues in the EU.

Multi-Academy Trusts: Salaries

Question

11.14 am

Asked by ***Lord Storey***

To ask Her Majesty's Government what assessment they have made of salary levels in multi-academy trusts.

The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con): My Lords, multi-academy trusts achieving value for money is at the forefront of my priorities. It is essential that we challenge trusts paying high individual salaries or with high leadership team costs. We have been doing this for more than a year, we have recently re-emphasised its importance, and we will continue to do so throughout 2019. High salaries and leadership costs need to be justified, with evidence of robust processes for setting salaries and reductions where appropriate.

Lord Storey (LD): I am grateful for the Minister's reply. I know that he is concerned about this matter. I was interested to read an advert by the Floreat free school for a PA to the chief executive and for finance officers. These important posts are all to be volunteers; clearly, the school does not have money in its budget to pay for them. At the same time, the chief executive of one of our multi-academy trusts is on a salary of £440,000—nearly three times the salary of our Prime Minister. At a time when schools are having to make cuts and struggling with their budgets, does the Minister not agree that this issue needs to be properly addressed?

Lord Agnew of Oulton: My Lords, I will deal first with the second part of the noble Lord's question. The trust to which he refers is the Harris trust. Frankly, it is delivering the most extraordinary outcomes for children. If you take the cost of the chief executive's salary and divide it by the number of pupils, it offers some of the best value for money that government could ever achieve.

Noble Lords: Oh!

Lord Agnew of Oulton: Noble Lords would not be saying that if they had a child who had just received an Oxbridge offer and had been there on free school meals. On the broader question of funding in the system, we announced last year an additional £1.3 billion. We have announced plans to reform the national funding formula so that disparities across the system are gradually ironed out. We are doing a great deal to support schools in becoming more efficient, which I can perhaps deal with in responding to later questions.

Lord Forsyth of Drumlean (Con): My Lords, given the concern on the Liberal Benches about salary levels and value for money, and given the fantastic success of the Harris academics—I have visited four of the schools—might my noble friend the Minister consider commissioning an inquiry to demonstrate that value for money? Perhaps he might ask Mr Nick Clegg to lead it.

Lord Agnew of Oulton: The question answers itself. I would not want Nick Clegg anywhere near government now that—

Noble Lords: Oh!

Lord Agnew of Oulton: He is helping himself to a salary of some $7 million per year to promote an extraordinary organisation, which is generating mental health issues among many of our young people—and I will deal with that when answering the next Question.

Lord Watson of Invergowrie (Lab): Now that the advertising is over, I make the point that in primary as well as secondary academies, head teachers earn on average more than their counterparts in the maintained sector while paying their teaching staff less than teachers' counterparts in that sector. This is the sort of avarice that results when schools are allowed to abandon national pay scales. The Minister talked about writing to academy trusts and he did so—to those where senior staff earn more than the Prime Minister. But they can ignore him, because he has absolutely no power to compel them to moderate senior pay. It is not just salaries that are out of control in academies. The academy trusts themselves are out of the control of government Ministers; that should not be the case. Will the Government introduce measures to ensure that academy trusts are held fully accountable for the public resources they spend? The next Labour Government will certainly do so.

Lord Agnew of Oulton: My Lords, I do not think the noble Lord understands the degree of scrutiny to which academy trusts are subjected. It is a far higher level of scrutiny than local authority schools receive. They have to submit audited accounts every year; a comparable school in the local authority sector is audited only every three or four years on average, and that information is not published or easily available. So I disagree fundamentally with the noble Lord's point. Regarding comparable salaries in the two sectors,

a head teacher of a secondary academy is on an average of about £92,000 per year compared with £88,000 for a maintained secondary head, but the heads of academy schools have more responsibilities. The noble Lord says that we do not have any leverage but, according to the results of a recent survey, the Kreston report, in the highest of six bands—schools with 5,000 to 10,000 pupils—salaries have fallen from £140,000 to £114,000.

Baroness Garden of Frognal (LD): My Lords, the noble Lord has just referred to the £140,000 salary, which the Minister described as reasonable. In the world of finance that he comes from, that might be a reasonable salary. In the world of education, which I come from, it is nothing short of obscene. At a time when teachers are experiencing real pay cuts and often having to subsidise teaching materials because there is nothing in the school budget to pay for them, how on earth can the Government justify this unacceptable face of education?

Lord Agnew of Oulton: My Lords, the justification is very simple: you take the number of pupils in that trust, divide the senior management team costs by that number and look at the extraordinary results being achieved. These schools were failing; they had been abandoned by local authorities for decades. These children are now getting extraordinary life chances.

Lord Harris of Haringey (Lab): My Lords, I first declare that I have no connection with the Harris academies. What assessment have the Government made of the correlation between academy trusts and their senior management and the number of instances of fraud or serious misconduct in the presentation of statistics?

Lord Agnew of Oulton: My Lords, as I said in my earlier answer to the noble Lord opposite, academy trusts are subject to a great deal of scrutiny and we continue to review this. For example, from April of this year, any academy trust requiring a related-party transaction in excess of £20,000 needs prior approval from the ESFA, the agency which manages them, and all have to be disclosed. Those are not requirements for local authority schools.

Lord Grocott (Lab): My Lords, there is a crucial difference between local authority schools and academies, I would have thought, to anyone who believes in democracy. Ultimately, if parents or residents in an area do not like the performance of the schools in their local authority, they have the capacity to remove leaders in an election. Accountability via a local election is the best form of accountability. Is that not the fundamental difference between local authority schools and academies? Once the leadership of the latter is set up, there is very little anyone can do about removing it.

Lord Agnew of Oulton: My Lords, if that system worked, we would not have had hundreds, if not thousands, of failing local authority schools, which perpetuated themselves for decades.

Education, Health and Care Plans

Question

11.21 am

Asked by ***Lord Addington***

To ask Her Majesty's Government what is the cost to (1) parents, and (2) local authorities, of appealing education, health and care plan decisions.

Lord Addington (LD): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and draw the House's attention to my declared interests in the register.

The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con): My Lords, costs for parents and local authorities will vary, depending on the circumstances of individual cases. Local authorities and families can access free advice and information about SEN tribunal hearings. The vast majority of cases for education, health and care needs assessments are concluded without the need to resort to tribunal hearings.

Lord Addington: I thank the Minister for that reply. The British Dyslexia Association has provided me with figures which show that local authorities are having to fork out nearly £10,000 for each of these appeals and that parents are having to fork out over £6,000. "Tiger parents" are winning nine out of 10 of these appeals. Would the Minister care to speculate on the situation of somebody who is on the minimum wage, who cannot afford to spend £6,000 and who does not know how to deal with local bureaucracy, perhaps through having the same educational problems as their child? How well will they cope with this system?

Lord Agnew of Oulton: My Lords, the tribunal process is designed to be as accessible as possible. Parents should be able to appeal and present their case without the need for expensive legal representation; local authorities should also not need to engage lawyers. Free advice and support regarding appealing is available from the tribunal and SEND Information, Advice and Support Services, which exist in every local area. To put this in perspective, only 1.5% of cases are appealed through tribunals, so the percentage is not as serious as is often said. However, we accept that this is an issue, and we are looking at how we can improve it.

Lord Blunkett (Lab): My Lords, there is a danger of us asking similar questions on this issue and goading the Minister into getting his fists up. I propose that he might talk to his Secretary of State about what is clearly a growing problem. While resource is fundamental to it, so is the process adopted by local authorities. Would he suggest to his Secretary of State that all English upper-tier local authorities might be drawn together for a meeting, so that they can examine best practice and ensure that, in the end, the money goes to the pupils, not the lawyers?

Lord Agnew of Oulton: To reassure the noble Lord, I would never take my fists to him under any circumstances. He raises a very important point, because

[Lord Agnew of Oulton]
a number of local authorities have literally zero appeals and others have a much higher proportion. It is important that we get them to talk to each other. There are a couple of other points to make. First, under the old regime that ended in 2014, the number of appeals was rising every year, so this is not a new trend. Also, under the new scheme we have two extra areas of potential appeal because we have a much wider age group—we now take them up to the age of 25, instead of just 16. We are also piloting in some areas the ability to appeal on the health and social care element. The main point the noble Lord makes about better collaboration between local authorities is well taken.

Lord Geddes (Con): My Lords, could my noble friend advise the House whether the costs are always reimbursed if appeals are successful?

Lord Agnew of Oulton: My Lords, I do not have that information to hand but I will write to my noble friend to deal with it specifically.

Lord Watson of Invergowrie (Lab): My Lords, autism is the special educational need that most often features in SEND appeals. Many of the cases are the result of local authorities having refused an education, health and care plan needs assessment, yet the majority of such appeals are won by parents. I very much take on board the point made by my noble friend Lord Blunkett about bringing local authorities together. But does the Minister accept that where a child has an autism diagnosis that fits in with the SEND code of practice, it should not be permissible for a local authority to deny that child's family a needs assessment?

Lord Agnew of Oulton: The noble Lord is right that autism accounts for the highest proportion of all claims at about 43% of appeals. We are very much focusing on this as an area of concern. In December last year we announced a number of measures to help deal with this, including joining up the healthcare and education services to address autistic children's needs holistically, developing diagnostics services to diagnose autism earlier, improving the transition between children and adult services so that no young people miss out, and improving the understanding of autism and all its profiles, including recently identified forms such as pathological demand avoidance.

Lord Sterling of Plaistow (Con): My Lords, I declare a personal interest as I have a grandson who is on the spectrum; also, a lot of people who have mental disabilities are joining the Motability scheme through PIP. I completely support the point made by the noble Lord, Lord Addington: according to the Ministry of Justice, the figure is 89% and the cost was £34 million last year. We are fortunate to have a Minister who is hugely interested in trying to enhance the position of such people, but the real point I want to make is that this goes beyond money. The anguish of the parents and the upset is the key factor. Are there ways to expedite all the measures that we would like to see taken?

Lord Agnew of Oulton: I absolutely take my noble friend's point. As all parents know, a parent can never be happier than their least happy child. There are huge emotional issues involved in this. That is why we are continually reviewing the policies, as we did in December last year, as I mentioned in reply to the noble Lord, Lord Watson. We are also increasing the capital funding available to special schools where they have severe difficulties relating to autism.

Lord Storey (LD): My Lords, it is very easy to forget when talking about tribunals and costs to local authorities and to government that we are talking about children and young people who have special needs—in many cases severe special needs. The Minister will remember that when we established education, health and care plans in the Children and Families Bill, everybody celebrated. Now that celebration has turned into a nightmare as parent after parent does not get the package they need. The fact we now have parents going to the High Court demanding a judicial review is surely an indictment of where we are at.

Lord Agnew of Oulton: My Lords, as I mentioned in response to an earlier question, the percentage of appeals is 1.5%. Broadly, that is not much higher than under the old regime, which changed in 2014. This is a new way of dealing with children with needs and we need to remember that; we are still on a learning curve. We have made significant investment in this since it was rolled out—£391 million in total—dealing with a whole range of things such as the parent carer forums, where a key part of these reforms is putting parents at the centre of the process. But I accept that any level of appeal is causing distress and we are working to reduce it.

Assisted Suicide

Question

11.29 am

Asked by ***Baroness Blackstone***

To ask Her Majesty's Government, in the light of Geoffrey Whaley's case, what assessment they have made of the Crown Prosecution Service's Policy for Prosecutors in respect of Cases of Encouraging or Assisting Suicide.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, CPS policy on assisted suicide provides guidance to prosecutors on assessing the evidential and public interest stages in reaching decisions in cases of encouraging or assisting suicide. The policy sets out the public interest factors that must be applied in reaching decisions in these cases and balances the various important factors that need to be considered. There are no plans to reassess the CPS policy in relation to such cases.

Baroness Blackstone (Ind Lab): I thank the Minister for his reply, but does he really think that it is a good use of police time to interview, under caution, the wife of a dying man who wishes to choose how he dies? In the light of the Whaley story and loving families being treated like criminals, does the Minister think that the law on assisted dying is working well?

Lord Keen of Elie: My Lords, it is for the CPS to apply the law, not to make the law. Every case has to turn on its own facts and circumstances. Where matters are drawn to the attention of the police relating to an assisted suicide or potential assisted suicide, they will investigate. They are bound to investigate what is potentially criminal conduct in terms of Section 2 of the Suicide Act 1961. I therefore see no reason why they should pause those investigations, given the current state of the law.

Lord Pannick (CB): Does the Minister recall that the CPS policy was adopted after the decision of the Appellate Committee of this House in 2009 in the Debbie Purdy case—I declare an interest as her counsel. The Appellate Committee required a policy because of the uncertainty of the law. Does the Minister accept that there continues to be considerable uncertainty in this area, as indicated by the Question of the noble Baroness, Lady Blackstone, which is causing enormous distress to those at the end of their lives and their families?

Lord Keen of Elie: The noble Lord is quite right that a consultation was prompted by a decision of the courts in England and Wales. That led to a consultation exercise that commenced in September 2009, to which there were more than 5,000 responses, and resulted in the publication of the CPS policy document in 2010. I consider that that policy is working well at the present time.

Lord Sherbourne of Didsbury (Con): My Lords, does my noble and learned friend understand—I am sure he does—that, for people with a terminal illness who have no hope of recovery and are suffering great distress, the current law, which prevents them being able to end their own lives in dignity, is condemning them to great and unnecessary suffering?

Lord Keen of Elie: We are of course conscious of the difficulties and challenges facing people in the situation that the noble Lord has outlined, but I emphasise again that it is for the CPS to apply the law, not to make the law. In doing so, it follows a policy that addresses not only an evidential test but a public interest test with regard to such cases. The consequence is that, of the 140-odd cases referred in the last nine years to the CPS, there were prosecutions in respect of Section 2 of the Suicide Act 1961 in only four of them, resulting in one acquittal and three convictions.

Lord Low of Dalston (CB): My Lords, as the noble and learned Lord has implied, the police are only enforcing the law, so it is really the law that is the problem rather than the police. When will the Government bring in a new law to free the police from having to treat loving families like criminals?

Lord Keen of Elie: My Lords, it is not a case of having to treat loving families like criminals. It is a matter of having to look at the facts and circumstances of every case, in situations where the victim may be extremely vulnerable. As the Government have said before, it is therefore a matter for Parliament because it is a matter of conscience. It is not a matter for government to bring forward such legislation. The noble Lord will be aware that such legislation was proposed in 2015 and did not succeed.

Baroness Barker (LD): My Lords, given the statistics which the noble and learned Lord has just quoted, does he not consider that that in itself is an indication that the law is not working properly?

Lord Keen of Elie: No, I do not. As I say, only in a small minority of cases has there been a successful prosecution. I should also add, however, that there have been a number of instances in which the case taken forward involved prosecution for homicide, not assisted suicide.

Baroness Meacher (CB): My Lords, indeed Geoff Whaley did die a dignified death in Switzerland last Thursday, but most people cannot afford to take their family to Switzerland for such a death, or they cannot get the medical report from their doctor to enable them to have such a death. Does the Minister agree that, in a civilised society, someone in Geoff Whaley's position should be able to avoid months of being unable to swallow, eat, drink, speak or move—totally, therefore, cut off from communication? Will the Minister discuss with his colleagues what can be done to change the law?

Lord Keen of Elie: It is not the intention of the Government to seek to change the law in this area. I emphasise that every case has to be considered according to its own particular facts and circumstances. I readily acknowledge that many of these cases are extremely tragic.

Baroness Chakrabarti (Lab): My Lords, whatever the conflicting views—and there are many—on public and prosecutorial policy in this area, I hope we can all agree that the current situation presents loved ones of people with motor neurone disease and similar conditions at the end of their lives with an emotional, ethical and legal minefield. Is the Minister confident that these people, at a very difficult time, are getting the advice and support they need to navigate that?

Lord Keen of Elie: I am not in a position to say where such people seek advice on these matters, but such advice is available, and the policy of the CPS with regard to this matter is publicly available.

European Union Committee

Membership Motion

11.37 am

Moved by ***The Senior Deputy Speaker***

That the Earl of Lindsay be appointed a member of the Select Committee in place of Lord Risby, resigned.

Motion agreed.

Northern Ireland: Devolution

Statement

11.37 am

The Parliamentary Under-Secretary of State, Northern Ireland Office and Scotland Office (Lord Duncan of Springbank) (Con): My Lords, with the leave of the House, I will repeat in the form of a Statement the Answer given by my right honourable friend the Secretary of State for Northern Ireland to an Urgent Question in the other place. The Statement is as follows:

"As the House is aware, the Government remain steadfastly committed to the Belfast agreement and its successors. I am continuing to work tirelessly towards my absolute priority of restoring fully functioning devolved government in Northern Ireland. This is a very sensitive matter that requires careful handling.

I last updated the House at my department's Oral Questions on 30 January. I have no further update at this stage, but as soon as I have anything to add, I will of course come to the House at the earliest opportunity. I hope that will be soon".

11.38 am

Lord Murphy of Torfaen (Lab): My Lords, the failure to restore the political institutions in Northern Ireland is a catastrophe. It is catastrophic for the people of Northern Ireland, British-Irish relations, the Good Friday agreement and Brexit. Had the Assembly and the Executive been restored, between them they could have dealt with the backstop issue. I ask the Minister, and hope he answers positively: is there a plan to deal with the restoration of those institutions in the coming months—a plan that would involve the Irish Government, of course, through the British-Irish Intergovernmental Conference; a plan that might well ask for an independent chair for the talks, such as George Mitchell; and a plan that also involves all the political parties coming together round the table in Stormont to try to resolve these issues? If we drift any longer, we will jeopardise both the peace and the political processes in Northern Ireland.

Lord Duncan of Springbank: The noble Lord makes valid points, as would be expected from someone of his experience. He is correct to use the word "catastrophe" in his description of the situation in Northern Ireland. The voices of that Province have been silenced during this important time, not least in the Brexit process but elsewhere as well. He asked the important question of whether there is a plan. Yes, there is. My right honourable friend the Secretary of State for Northern Ireland has been working to bring together all parties, representing all parts of the community. As we have said in the past, we have not taken off the table any suggestion of an independent chair to facilitate what I hope will be ongoing discussions. During that period which we have opened up to deliver a functioning Executive—which, noble Lords will recall, closes on 23 March—we hope to make progress.

Lord Bruce of Bennachie (LD): My Lords, the absence of the Assembly in Northern Ireland has disastrously aggravated the polarisation of politics in the Province, as Assembly Members have simply retreated to their own communities and disengaged from the political process. Does the Minister recognise that there is now a requirement on the UK Government to take a positive initiative to try to bring people back into the political process—for example, by reconvening the scrutiny committees and by appointing an independent mediator who can bring the parties together to find a solution—and in the process perhaps releasing the Government from their captivity by one minority party in Northern Ireland?

Lord Duncan of Springbank: I assure the noble Lord that we are not held captive by any party in Northern Ireland.

Noble Lords: Oh!

Lord Duncan of Springbank: I say that because we cannot be; this is too important. We are now at a critical stage of making sure that we are able to bring the parties back together. As I said in answer to the previous question, I do not doubt that we have missed the valuable voices from that area. It is important that we use the time which we have now before 23 March to demonstrate that we have through our work delivered an outcome which is bringing the parties back together. Whether we are able to achieve a fully restored Assembly before that point remains to be seen, but your Lordships will recall that there is a second five-month window if we have made sufficient progress in the first five months. Bringing back sustainable government to Northern Ireland remains the steadfast policy of this Government.

Lord Browne of Belmont (DUP): My Lords, no Assembly or Executive has been in place for more than two years, but there is a real desire in both communities to restore them so that vital services such as housing, health, education and policing can be effectively delivered. Does the Secretary of State have any new initiatives to bring both or all the parties together so that we can have this restoration, or are we travelling fast down a road to the appointment of direct-rule Ministers?

Lord Duncan of Springbank: We are not travelling fast down a road toward direct rule, but it remains one of the options if we are unable to deliver what we believe is the most important outcome: a sustainable Executive. Good governance is clearly the most important aspect of this whole function. On whether my right honourable friend the Secretary of State for Northern Ireland has initiatives, she has been actively and tirelessly engaged in discussions to try to bring about the early stages of these talks. It has not been easy, but I hope that we will have some progress within the period—I want to correct myself from earlier: it is 26 March and not 23 March. Forgive me.

Lord Bew (CB): My Lords, yesterday in the other place the Secretary of State said that on 26 March the context changes. One respect it changes is the possibility of calling an election. The Secretary of State has talked quite a lot recently about a border poll and has successfully annoyed the DUP on that point. However, rather oddly, since the Brady amendment was passed, the DUP and the Government are in the same place as to the way forward in Northern Ireland. Does the Minister accept that one of the prizes if we move in

any way successfully on the Brady amendment is that it opens the way for calling an Assembly election in a different context, in which there will clearly not be a hard Brexit? At this point, with the prospect of that, it is too risky, but does he accept that, after 26 March, if things go well in another sphere, serious consideration should be given to the calling of an Assembly election?

Lord Duncan of Springbank: I thank the noble Lord for his thoughtful contributions. There is a lot on in that week of 26 March and I am fully aware of how important it will be that we make progress before 22 March on the key aspect of delivering a functioning Executive. He is of course correct that after that point, if we have made progress and are moving through the Brexit process, the world will look quite different, and that is something that I hope will be to the positive endeavour of all the parties in Northern Ireland. He will be aware that the local government elections in May will represent the first test of public opinion, outside of polling, and may give some indication of exactly what we can expect in Northern Ireland.

Lord Hain (Lab): My Lords, will the Minister accept that what I am about to say is not a criticism of him? I think we all agree, across the House, that he does an outstanding job. However, I have recently had discussions with leading members of the DUP and the Ulster Unionist Party, who told me in terms that the Secretary of State does not put creative ideas on the table for solving the impasse; that it is, in a sense, a dialogue of the deaf. I report to the House only what I have been told sincerely and out of frustration by those leading figures. Is there not a case—I say this with sympathy, having done the job—for the Secretary of State and the Prime Minister to be more proactive in cracking this problem? There is always a solution to impasses such as this through negotiations, as we showed over the years. There should be a very high-level summit and people should not be allowed to leave that summit until they have agreed a way forward.

Lord Duncan of Springbank: The noble Lord brings valuable experience to the discussion: I have welcomed many contributions from him in the past. I assure him that my right honourable friend the Secretary of State for Northern Ireland has been active. One of the challenges will often be that the activity is not seen: sometimes, like a swan on a lake, it is the feet under the water that are doing the flapping, rather than the bit above. That is probably not the best analogy I could have come up with—I am sorry about that. The point remains, none the less, that she is remarkably active in this area and we do have an opportunity up until 26 March. We must not lose that opportunity: she will be judged, as I will be judged, if we fail to deliver.

Lord Cormack (Con): My Lords, I echo what the noble Lord, Lord Hain, said about my noble friend's contribution. For two years now, he and his admirable predecessor have come to that Dispatch Box and said, "We do not rule anything out", and "We are making progress", but will he give me answers to two questions? First, many of us, including the noble Lord, Lord Trimble, have suggested that the Assembly could be called without having an Executive. Secondly, many people have said that it would be a good idea to have an independent adjudicator, and every time my noble friend has said, "We do not rule those things out". Is it now time to rule them in?

Lord Duncan of Springbank: My noble friend is asking questions that are getting much more specific, which I welcome. On his first point, regarding the Assembly, we are now seeking to pull all aspects of the community together through bilateral dialogue, but we cannot lose sight of the fact that the Assembly is an entity that we will need to use in the future. On the question of a facilitator or an adjudicator, he is quite right that I have said many times that nothing is off the table. I do not want to repeat myself, because I will become tedious, but we believe that this aspect has a part to play. It may not be a part at the outset, but we do see that this needs to be part of our ongoing consideration.

Lord Alderdice (LD): My Lords, in the past we found that when we dealt with the big political questions it was very difficult to get anywhere, but if we got down to some practical issues it was often possible to get engagement. I suggest that the Minister puts it to the Secretary of State that addressing agriculture and the agri-food business on a cross-border basis, and energy requirements, particularly electricity, are practical issues that do not frighten the horses and might provide a way forward for Her Majesty's Government in engaging with the Irish Government, but with the backing of the parties in Northern Ireland, rather than with a completely non-functioning polity in the Province.

Lord Duncan of Springbank: The noble Lord is correct: it is very hard to climb a mountain in one step, we need to begin in the foothills. He brings up the issues of agriculture, food and electricity and I assure him that these are areas where we have had significant discussions, not least because they are directly affected by the outcome of the Brexit process—a needful, correct situation needs to be there after Brexit on these areas. We continue to look at this as being like doing a jigsaw by tackling the edges first before putting the pieces into the middle. That is what we are trying to do. I do not think that we can solve the big picture in one step, but we need to make sure that the right people are in the room to deliver the outcome that I know we all wish to see.

Guaranteed Minimum Pensions Increase Order 2019

Motion to Approve

11.49 am

Moved by ***Baroness Buscombe***

That the draft Order laid before the House on 16 January be approved.

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Buscombe) (Con): My Lords, in moving this order, I will speak also to the Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2019. In my view, the provisions in both these orders are compatible with the European Convention on Human Rights.

[Baroness Buscombe]

I shall be brief. The Guaranteed Minimum Pensions Increase Order 2019 deals with an entirely technical matter that we attend to each year. This order provides for defined benefit occupational pension schemes which were contracted out to increase by 2.4% members' guaranteed minimum pension that accrued between 1988 and 1997, in line with the increase in the consumer prices index the previous September.

The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2019 reflects the conclusions of this year's annual review of the automatic enrolment earnings thresholds required by the Pensions Act 2008. In conducting the review, the Secretary of State has considered both the automatic enrolment earnings trigger, which determines the point when someone becomes eligible to be automatically enrolled into a qualifying workplace pension, and the qualifying earnings band, which determines those earnings of which the enrolled employee and their employer have to pay a proportion into a workplace pension.

Automatic enrolment has been hugely successful in achieving its aim of getting millions of people saving into their pensions. Last year was a significant one for the policy, with a number of key milestones being reached. In February, the last group of smallest employers took on their duty to automatically enrol all staff, meaning that all established employers and new businesses are now subject to automatic enrolment. This was shortly followed by the first phased increase in minimum contributions from 3% to 5% in April 2018. We now have 1.4 million employers who have complied with their automatic enrolment duties, and have just reached the commendable milestone of 10 million people successfully enrolled into a workplace pension. It is also extremely encouraging that, despite the significant changes last year, rates of stopping saving—for example, through opt-outs and cessations—have remained consistently low since the increase. This year will bring another key milestone for the policy. In April, the second planned increase in minimum contribution levels, to 8%, will occur, with contributions rising to 3% and 5% of band earnings for employers and employees respectively.

This order sets a new lower and upper limit for the qualifying earnings band and will be effective from 6 April 2019. The earnings trigger is not changed within this order and remains at the level set in the automatic enrolment threshold review order for 2014-15, so no further provision is required. As signalled by the Minister for Pensions and Financial Inclusion in his Written Statement on 4 December 2018, this order will, as previously, align the lower and upper limits of the qualifying earnings band with the national insurance lower and upper earnings limits for the 2019-20 tax year of £6,136 and £50,000 respectively. This will ensure continued stability during the next phased increase in minimum contributions this April, providing consistency for payroll systems and helping employers manage costs.

The order does not change the earnings trigger, which remains at £10,000—striking a balance between bringing in those most likely to benefit from pension saving and affordability for employers. Those earning below the £10,000 earning trigger who feel they can afford to save still have the option of opting in and benefiting from employee contributions if they earn above the lower earnings limit.

Automatic enrolment has enabled many people who previously would not have been saving towards their retirement to contribute towards a pension. We are seeing increasing numbers of young workers, with over 70% of 22 to 29 year-olds enrolled in a workplace pension, and pension participation rates for women in the private sector are now comparable to those for men. It is estimated that by 2019-20, an extra £17.7 billion a year will go into workplace pensions as a result of automatic enrolment. Due to anticipated wage growth and with maintenance of the existing trigger, the effect is a real-term lowering of the trigger. We expect that an additional 40,000 individuals will now meet the earnings criteria and be brought into the automatic enrolment population, the majority of whom will be women.

It is important to be clear that the proposal outlined in the 2017 review of automatic enrolment to remove the lower earnings limit is setting the direction for the future of the policy and is not reflected in a current-day change. The Government stand by the proposals in that report and continue to work towards our ambition of automatic enrolment reforms in the mid-2020s. Our ambitions for automatic enrolment will be delivered in a way and at a pace that maintains the stakeholder consensus, while finding ways to help individuals, employers and the Exchequer manage the higher costs associated with the proposed changes. We will in due course consult formally on the best approach to implementation, including when and how to introduce any new legislation.

The Government are also aware of concerns that have been raised by Members of your Lordships' House and in the wider public around the differences in administering pension tax relief and its impact, particularly on low-income earners. I take this opportunity to assure noble Lords that the Minister for Pensions and Financial Inclusion is actively engaging with his counterparts in the Treasury to explore this issue.

I will conclude on this point. The proposed package of changes in these orders provide crucial stability and simplicity for employers during the second phased increase of minimum contributions, while continuing to increase overall pension savings nationally by £5.5 billion in 2019-20. I therefore commend the order to the House and I beg to move.

Baroness McIntosh of Pickering (Con): My Lords, I welcome these orders for the reasons that my noble friend has given. However, I am concerned that a couple of categories are being left behind.

By definition, those on zero-hours contracts cannot benefit from schemes such as this, or from bonuses, paid holidays, sick leave, overtime and other such perks of work. In my last five years as an MP, for the first time I had a job centre in my constituency, whereas for the previous 13 years I did not, and so had to go outside my constituency for information on job vacancies and the number of unemployed. My experience was that there are specific categories, including women returning to work. I was delighted to hear my noble friend say how many younger new employees will benefit from this order. However, many women who

have had children and wish to return to the workplace, or young people at the start of their career—I fell into this category when I first went into the workplace—are struggling to work and often have two, if not three, paid jobs. They could be working in a shop as a cleaner for part of the time and working in a bar the rest of the time, and obviously students will fall into that category as well.

Noon

My experience was that it was particularly this category of people who were falling back on food banks, often not by choice. Many of them worked for local supermarkets and had a smashing job with good take-home pay, but the number of hours they were given on zero rate was very low. When a supermarket is opening or expanding, the local paper will often say that this is creating 60 jobs. What it does not tell you is that, of those 60 jobs, probably only 10—I am just taking a figure out of the air—are full time. The other 50 jobs are part time, and many of those part-timers would like to benefit from automatic enrolment but cannot. Some of them may choose not to work longer hours, and I understand that: it is their choice. Has my noble friend considered that category and what we as a Government might do?

I think we are pushing at an open door, and I am full of respect for my right honourable friend the Secretary of State. When we initially introduced universal credit, she made the link that it altered people's lifestyle, because instead of getting the money at the beginning of the month and being able to make their home economics work, they were getting it at the end of the month and immediately falling into debt because they had not been in that situation before. It might have been only a short-term problem, but I am personally delighted that it has been addressed.

The other category is one that is not often raised on these Benches but one that I raised consistently next door, having been tasked by the party for a year to look after women's pensions. This category is an age group into which, sadly, I fall. We will not be allowed to take our pension until we have reached the age of 67. I do not think I am eligible for fuel allowance until I reach that magic figure, either, which has yet eluded me. This category fits the years that my noble friend mentioned of 1988 to 1997, and straddles a number of Governments. I believe it was a previous Labour Government who introduced the policy and this Conservative Government who are left to pick up the pieces.

That is grossly unfair, for the reasons that the noble Lord, Lord Turner, gave in his previous life as a pensions expert. Any individual should have 10 years to prepare for their pension and retirement, but this category of women, which has been rolled up and called WASPI, did not have 10 years. In fact, we did not have five years. I recall that when I reached 50 years of age—sadly, a number of years ago now—I got a booklet from the Government telling me how to prepare for my pension. Nowhere in that booklet did it state that I would have to make provision for the extra years to make up my contributions until I was 67 years old. There is a large category of women who are still extremely angry—deservedly so, I believe. This or a future order is an opportunity to correct that balance.

Another smaller category has always been overlooked by the Treasury, although not necessarily by the Department for Work and Pensions. Many categories of unfairness and injustice were addressed through civil partnership and same-sex marriage, where a same-sex couple could inherit the pension rights. I put down a marker to my noble friend that a future order such as this should also address this category. It is a particular issue in very sparsely populated rural areas, where families often work the farm. Siblings grow up together, the parents die and the brothers and sisters continue living on the farm. It is often the sister who ends up doing all the cooking, washing and cleaning, while the brother goes out to farm. When one sibling dies, the other is still not allowed to inherit. That is an injustice which I believe should be addressed. If it does not find a place in this order, will my noble friend use her good offices to ensure that this injustice is finally addressed by this Government?

Baroness Drake (Lab): My Lords, I will take the opportunity of the GMP increase order to raise the recent High Court decision in the Lloyds Banking Group case, which now requires trustees to amend their pension schemes to equalise GMP benefits. The inequalities arose because between April 1978 and April 1997 an employer could contract its company scheme out of the second-tier state pension if it provided a guaranteed minimum pension—the GMP component of a member's company pension. A calculation of the GMP accrual is set in legislation and results in inequalities because GMPs are payable from the age of 65 for men and 60 for women, so they accrue at different rates, with female benefits accruing more quickly.

That is further complicated by different schemes' normal pension payment ages, which create a result that is sometimes more favourable to men and sometimes more favourable to women. Following the 1990 European court decision, occupational pension schemes "equalised" their retirement ages for men and women, often to 65, but the GMP component continued to apply at 60 for women and 65 for men. Following consultation in 2016, the DWP proposed a GMP equalisation method but did not commit to it being a safe harbour for achieving equalisation.

The High Court decision in the Lloyds Bank case required schemes to implement GMP equalisation from 1990, and identified approaches to achieving it. That decision still left uncertainties—for example, over how previous transfers out and buyouts should be addressed and the position of survivors' benefits in payment. In March 2017, the DWP advised that it would consider its position in the light of any legal decisions resulting from the Lloyds Bank case. Will the Government press ahead with their planned changes to GMP conversion? Will they make variations to their proposed methods more generally? Are they considering any legislation on GMP equalisation?

The Explanatory Memorandum advises that the Secretary of State's decision on the values of the qualifying earnings band and trigger for auto-enrolment for the tax year 2019-20 is based on established policy principles: namely, the right people being brought into pensions saving; the appropriate minimum level of saving for people automatically enrolled; and the costs

[Baroness Drake]
and benefits to individuals and employers being appropriately balanced. I can understand why the Government would hold to the current interpretation of those principles for the 2019-20 tax year. A priority is the phasing to the 8% contribution rate from April 2019 with negligible impact on the opt-out rate. However, we know that the Government want to change the future interpretation of those principles as, following their auto-enrolment review, they announced reforms to lower the age limit for auto-enrolment from 22 to 18, and to remove the lower earnings limit of the qualifying earnings band and calculate the 8% contribution from the first pound earned.

There is no confirmed date for the implementation of these reforms, other than a loose reference to the mid-2020s. The Government could announce a forward date, which would allow time for consultation and legislative change, and give employers good notice. The reforms could bring an extra £3.8 billion into pension saving annually, increasing the pot of the lowest earners by about 80% and the median earner by 40%. When will the Government name the implementation date for these reforms and when do they anticipate bringing forward legislation to give the Secretary of State the necessary powers to implement them?

Finally, the earnings trigger—earning £10,000 or more in one job—is a factor in determining which workers get automatically enrolled into a workplace pension. Some 37% of the eligible population for auto-enrolment is female and 63% male—a glaring example of the lifetime caring penalty that women pay. Predominantly because of caring, millions of working women—some 45%—are in part-time jobs and earning less, which excludes many from auto-enrolment. Although the £10,000 earning trigger is frozen, decreasing in real terms against assumed wage growth, that 37% still rises only to 38%. Yes, once in the eligible population women are saving at the same rate as men—one would expect that; women are not stupid—and they still gain from having their inertia mobilised into savings. It is not getting into the eligible population that excludes many women from the benefits of saving.

The Government's argument for not lowering that £10,000 is that,

"the predominant impact will be upon people for whom it could make little economic sense",

to save. Such a sweeping assumption sustains a gender stereotype that is not fair on the women impacted, for several reasons. Many women will be in households with income that would support them as the right people to be brought into pension saving. Some women earn more than £10,000 but will not qualify because they do not earn £10,000 in any one job. Many women work part-time during periods of caring, outside of which they work full-time. For them, the assumption that it would not make economic sense to save is wrong and simply undermines their persistency of saving.

Fully 100% of pension contributions are deducted from employed earnings when calculating entitlement to universal credit and tax credits—an incentive to save for low-income earners. Excluding them from auto-enrolment undermines that incentive. Under pension freedoms people do not need to secure an income stream in retirement, so the concept of replacement rates is more tenuous. Older women on low incomes have lower financial resilience—lack of financial resilience has been reported on copiously in the last year or two—so supporting women during their working life to build up a pot of savings, accessible from age 55, will increase their resilience and mitigate their exposure to debt.

The Government consider that opting in to pensions is the most appropriate option for these people. Their published review of the earnings trigger refers to Institute for Fiscal Studies research showing that the impact of auto-enrolment has also increased pension membership among those earning below £10,000. However, I read that research, and the institute's researchers observed that "it might be unlikely" that employees ineligible for auto-enrolment asking to opt in to workplace pension "is the major driver" of this increase. They referred to other influences more likely to account for the increase, such as some employers choosing to contractually enrol their workers who earn below £10,000—either from,

"a paternalistic desire to provide",

low earners with some saving,

"or to reduce the … burden of monitoring whether staff",

with variable earnings,

"do or do not earn over",

the earnings trigger during a relevant pay period. So the research quoted does not support the assumption that low-paid women being able to opt in to pensions is translating into them saving more.

I ask the Minister what measures the Government intend to take to address the problem that, even with the changes in this order, still only 37% of the auto-enrolment population is female.

Baroness Janke (LD): I thank the Minister for her introduction of the orders and I am privileged to follow the noble Baroness, Lady Drake, who is such an expert on this matter. I too will raise a few points about how inclusive the scheme is. It has been a success; we all recognise that. It has been a very good example of cross-party working on a crucial issue.

On inclusivity, the latest figures from the department show that 37% of women workers, 33% of workers with a disability and 28% of black and minority-ethnic workers are not eligible for master trust saving through auto-enrolment. Auto-enrolment does not cover the self-employed or workers in the gig economy. Both the noble Baronesses, Lady McIntosh and Lady Drake, mentioned the cumulative earnings of people who work part-time and in more than one job. What plans do the Government have to further extend the scheme to include those groups? How can it be made more accessible to enable those who need it most to benefit from it?

12.15 pm

Women are often seriously disadvantaged under this scheme. They are lower paid, often doing one or more part-time jobs. Many workers, particularly women, are in insecure employment such as zero-hour contracts, so find themselves ineligible. According to the Women's Budget Group, auto-enrolment perpetuates the gender

gap in pensions. As with all private pensions, it makes no allowance for the disproportionate caring responsibilities that many women still have. Non-working mothers must be registered for child benefit to build up their pension entitlement, but may not be aware of that. They are more likely to take career breaks to care for children. Women have always had lower pensions, despite the fact that they are more in need due to longer life expectancy.

In the modern economy, at times people have to work at more than one job. They move geographically, and move in employment. The task of establishing pension entitlement can often be extremely arduous, and people often discover it only when it is too late to do anything about it. Is the Minister satisfied that we have a proper public information campaign to increase people's awareness? The noble Baroness, Lady McIntosh, talked about having 10 years to plan but many people, particularly women, do not understand how they can find out about their pension entitlement until it is too late.

WASPI was mentioned, a campaign that raises the whole issue of how people are informed and encouraged. The self-assessment income tax information campaign and process seems exemplary when we are being asked to pay money; however, when it is our entitlement that we want to establish, we ought to have a campaign that is just as effective and encourages just as much participation. I hope the Minister is able to explain a bit about and satisfy us on those points.

Lord McKenzie of Luton (Lab): My Lords, I thank the Minister for explaining the purpose of the orders. On the face of it, the GMP issue is straightforward. As we heard, GMPs are designed to provide a minimum weekly pension broadly equivalent to the amount of additional state provision accrued if not contracted out. Has any assessment been undertaken of the value for money of the GMP system? My noble friend Lady Drake raised an important issue around the Lloyds judgment and the decision to equalise pension benefits. I believe she wanted to know what would happen to the guidance and how soon it could be forthcoming. Is it a question not of the GMPs themselves generally having to be made more equal but, rather, of other components of the package?

On auto-enrolment, there was a brief but good debate in the Chamber—the contributors being women—the main thrust of which, not unreasonably, was the role of women. We praise auto-enrolment but all too often overlook the fact that it still has a job to do. I could recite the roll of honour of those who made auto-enrolment happen, but you know who you are.

Specifically, the legislation requires that the Government do two things: renew and, if necessary, amend the upper and lower thresholds of the qualifying earnings bands; and review the level of the earnings trigger, adjusting for roundings where appropriate. As the Minister explained, the order proposes to freeze the latter at £10,000 but align the former with the lower and upper earnings limits for national insurance purposes. This widens the earnings band by some £3,500.

The supporting analysis for this included a DWP review document of December 2018, which sets out the three principles adopted for the review. Subject to challenge from my noble friend Lady Drake, those principles are: will the right people be brought into pension saving; what is the appropriate minimum level of saving for people who are automatically enrolled; and are costs and benefits to individuals and employers appropriately balanced?

As for raising the qualifying earnings band to the UEL, this increases total pension savings by £179 million, employer contributions by £68 million and employee contributions by £85 million. Retaining £10,000 as the earnings trigger represents a real-terms decrease, which brings an additional 40,000 individuals within the target population. According to the DWP analysis, of that 40,000 some 75% of the additional savers are estimated to be women.

How have the Government made the judgment that costs and benefits to individuals and employers are appropriately balanced? What are the tests? The above apart, what specific additional factors have influenced the proposal before us today? Subject as always to the Minister's reply, we have no difficulty in supporting the proposals in the order.

I was pleased to hear what the Minister said on tax relief and trying to address the thorny issues of relief at source and net pay arrangements. These issues have been long outstanding, certainly over more than one Government.

I am conscious that we are addressing these issues in the wake of the 2017 review, which involves a wider focus on auto-enrolment. It is also at a point where most of the transitional introductory phases have been accomplished. March 2018 saw staging completed for small and micro employers, while minimum contribution levels rose to 5% in April last year and are heading for 8% this April. Can the Minister say something about re-enrolment and opt-out levels?

As that review identified, despite its success, individuals are still not saving enough. An estimated 12 million are undersaving for their retirement and some 5.7 million are mild undersavers. The broader review, *Maintaining the Momentum*, charts a path for the future that will help to address some of the shortfall. Its recommendations include: reducing the lower age limit from 22 to 18; calculating pension contributions from the first pound earned; removing the lower earnings limit; and working to increase saving among the self-employed. These may be matters for another day but, like my noble friend, I do not see why they have to wait until the mid-2020s. Is the Minister satisfied with this framework?

Nevertheless, we continue to be enthusiasts for auto-enrolment in one of the most important public policy initiatives of recent times, bred of a consensus.

Baroness Buscombe: My Lords, this has been an important and helpful debate and I will do my best to respond to as many questions as possible. I thank all noble Lords who have spoken in support of automatic enrolment. It was a cross-party initiative. It seems only five minutes ago—but it was a year—that the noble Lord and I were debating this subject in very similar terms. There is support for auto-enrolment, which is a success story, but we are never complacent. There is always more to do to improve the system.

[Baroness Buscombe]

I shall start with questions on the guaranteed minimum pension. I thank the noble Baroness, Lady Drake, for giving me early notice of her question about the recent Lloyds Bank case. That case endorsed the Department for Work and Pensions' long-held position that schemes must equalise for the effect of inequalities caused by guaranteed minimum pensions. The principle of equal pensions was established by the European Court of Justice in 1990. The requirement on schemes to equalise is not a new cost; they have been aware of it and should have been planning for it for many years. My department has put forward a method that schemes can use to equalise pensions which, because of its "once and done" nature, should limit costs resulting from additional administration requirements. The department will provide guidance in the near future for schemes wishing to use the method upon which the department consulted in November 2016. The Department for Work and Pensions intends to make further changes to the guaranteed minimum pension conversion legislation to facilitate the methodology on which we consulted. We are looking to make those changes as soon as a suitable opportunity presents itself. The representative beneficiaries in the Lloyds case sought leave to appeal on two points of the judge's decision concerning the methodology favoured by them and the requirement to provide back-payments. Leave to appeal was refused, as I am sure the noble Baroness knows.

The noble Lord, Lord McKenzie of Luton, asked about the assessment of the guaranteed minimum pension system. I am unable to answer a couple of those questions and will write to him. Guaranteed minimum pensions were abolished in 1997, but those which accrued before that time must be honoured by schemes which had contracted out while GMPs were accruing.

On auto-enrolment uprating, the noble Lord, Lord McKenzie of Luton, asked why the Government do not tackle the inequality in the tax system which means that individuals automatically enrolled into a pension scheme use net payment arrangements or are losing out on tax relief. My noble friend Lady Altmann is not in her place but I know she is particularly concerned about this. The Government recognise the different impacts of the two systems of paying pension tax relief on pension contributions for workers earning below the personal allowance. The Government will look at the current differences and explore how to make the most of any new opportunities to balance simplicity, fairness and practicality. The Department for Work and Pensions has worked and is working with the Pensions Regulator to issue guidance to highlight to employers the differences between the NPA and RAS schemes and the potential disadvantage for low earners who are not eligible for tax relief if their employers opt out of NPA schemes.

The noble Lord also asked how many individuals have opted out. A total of 9% did so during the implementation of auto-enrolment. The 2018 evaluation report showed initial evidence of opt-out rates having fallen since the programme was fully implemented. Of course, the department will continue to monitor re-enrolment.

Lord McKenzie of Luton: I am sorry to interrupt the Minister. My specific question on that point was about the obligation to re-enrol people after a period.

12.30 pm

Baroness Buscombe: I thank the noble Lord. Unless it is somewhere among my notes, I do not appear to have the answer to that. If between now and the closing of my speech I cannot find it, I will write to him. I trust that he will bear with me on that.

My noble friend Lady McIntosh of Pickering and the noble Baronesses, Lady Janke and Lady Drake, asked a number of questions about auto-enrolment, with particular reference to women, people who are not in jobs, zero-hour contracts, the gig economy and so on. I want to respond to those questions and to the question of the state pension age, particularly in relation to women born in the 1950s.

I turn, first, to multiple jobholders and the earnings trigger. The proposal to remove the lower earnings limit and removing entitled worker status in legislation will ensure that multiple jobholders who are eligible for automatic enrolment or who choose to opt in will qualify for employer contributions in all jobs and will be able to pay their own contributions from the first pound of earnings. This will give multiple jobholders the opportunity to build the same retirement savings as individuals who have only one job. It is the Government's ambition to make these changes in the mid-2020s in the light of learning from the phased contribution increases and following full consultation with stakeholders in order to develop a consensus and find ways to make this affordable. I remember touching on this matter last year, and I again stress that we need to progress at a measured pace. As I said in my opening speech, we have to think about the cost to both the Exchequer and employers in supporting the scheme, but we will obviously continue to engage on this matter with stakeholders.

With regard to the gig economy in particular, in December 2018 the Government published a report entitled *Enabling Retirement Savings for the Self-Employed: Pensions and Long-Term Savings Trials*. This sets out our intention to test a number of approaches and interventions through trials with industry partners. It also invites organisations from a range of sectors, including invoicing software providers and accounting organisations, to work with the Department for Work and Pensions in co-designing and testing interventions.

On those working in the gig economy, the department will consider with BEIS and the Pensions Regulator the implications of recent rulings in this area. The Government's December 2018 *Good Work Plan* set out the vision for the future of the labour market and ambitious plans to implement the recommendations arising from the Taylor review of modern working practices. The Government commit to legislate to improve the clarity of the employment status tests, reflecting the reality of modern working relationships. We will ensure that any changes are also considered in relation to auto-enrolment so that there is coherence and clarity for individuals and businesses on who is eligible for automatic enrolment.

I recall that my noble friend Lady McIntosh referenced people working in different situations and those returning to work. There is continuing progress in that regard. She also mentioned her nearest jobcentre. We are constantly improving the training of our work coaches to provide assistance in signposting support and helping those who want to go back into work or wish to build their confidence in order to do so. I think my noble friend will find that terrific progress is being made in that regard.

Only yesterday, the Secretary of State for International Development announced a new initiative to support particularly women and carers in returning to work. The Secretary of State for my department, the right honourable Amber Rudd MP, when Home Secretary, launched a similar project last year to help women and carers return to work. In fact, those two cross-government initiatives represent some £2 million. We are constantly working cross-government on this issue. Given the issues of multiple jobs, and the gig and zero-hours contracts economy, it is important that we keep a flexible eye on the changing world of work, as well as working across government with BEIS.

On zero-hours contracts, individuals can still opt in, but the removal of the lower earnings limit in the 2020s will help to address the issues for this group.

We stand by our mid-2020s timescale. As our AE review confirmed, automatic enrolment should continue to be available to all eligible workers, regardless of who their employer is. Making saving the norm for young people, by lowering the age for automatic enrolment so that an extra 900,000 people can benefit from a workplace pension, is certainly a goal. We want to support all those automatically enrolled—particularly those with low earnings in multiple jobs—to save more for retirement by removing the lower earnings limit, so that their contributions are calculated from the first pound of earnings. Also, we recognise the diversity of the 4.8 million classified as self-employed, for whom a single saving intervention might not be effective. We will work to implement our manifesto commitment by testing targeted interventions aimed at the self-employed—as set out in the review report—to identify the most effective options to increase pension saving among self-employed people.

Automatic enrolment has always been implemented methodically, backed up by comprehensive analysis to help us understand its affordability for employers and individuals. We will work to maintain the consensus that has underpinned automatic enrolment's success, including by giving employers and savers time to plan. In that way, we can help avoid any risk of deterring individuals from continuing to save—so keeping the number of those opting out to a minimum—or any risk of undermining employer engagement with reforms. The latter point is hugely important: we have to keep employers on board.

I want to make further reference to women. Automatic enrolment was designed specifically to help groups such as women and low earners, who have historically been less likely to save. The decision to maintain the trigger for 2019-20 is estimated to bring an additional 40,000 individuals into workplace pension saving, as the noble Lord opposite has referenced; of these, three-quarters are expected to be women. In 2012, 60% of eligible women in the private sector did not have a workplace pension. As of 2017, this had fallen to 20%, and I trust the figure continues to fall.

The earnings trigger determines who is eligible to be automatically enrolled. I hope noble Lords will forgive me if I repeat myself. We believe that maintaining the figure at £10,000 continues to strike a balance so that those who can most afford to save are automatically enrolled in the workplace pension. Lowering the trigger could result in diverting income away from the day-to-day needs of the lowest earners, risking and impacting significantly on their living standards. For those low earners in a position to contribute, the option remains to opt in. If they earn above a lower earnings limit, they will also receive employer contributions.

I would like to make particular reference to carers, as mentioned by the noble Baroness, Lady Drake, whom I recall referring to this a year ago. The 2017 automatic enrolment review concluded that there should be no change to the way carers are currently treated through automatic enrolment. Those who provide informal care are not subject to automatic enrolment as they have no employer to enrol them. However, bringing in individuals not subject to a contract of employment would be a fundamental change to the framework of automatic enrolment, which works through an employer-employee relationship. Carers in receipt of carer's allowance are automatically credited with a class 1 national insurance credit, which helps to protect their future entitlement to a state pension. Individuals who provide informal care for 20 hours per week are eligible to apply for carer's credit, which also helps to protect future entitlement to a state pension.

Of course, there is an issue with regard to women born in the 1950s—I include myself in that coterie. People are living longer and are healthier for longer. We welcome this, but it is right that arrangements for the state pension system reflect changes in average life expectancy. As we continue to build a country that works for everyone, we need an affordable and fair state pension-age arrangement for current and future generations of pensioners. The average woman reaching state pension age last year will get a higher state pension income over her lifetime than an average woman reaching state pension age at any point before. Women retiring today can still expect to receive the state pension for 23.5 years on average; that is almost three years longer than men, even after equalising women's state pension age with men's. Women will spend on average around two years more in receipt of their state pension, because of their longer life expectancy.

Transitional arrangements are in place. We committed £1.1 billion to lessen the impact of the 2011 changes for the most affected. This means that no one will see their state pension age change by more than 18 months, compared to the 1995 Act timetable. We have had to make tough choices, but we have calculated all of this with care. It is about maintaining a sustainable pensions system. We strongly believe that, with the new state pension, the change in life expectancy and the increase in the number of women working for longer and so on, we have struck the right balance on this.

The noble Baroness, Lady Janke, referenced black and minority ethnic individuals and asked what the impact of freezing the trigger is. I can tell the noble

[Baroness Buscombe]

Baroness that the analysis underpinning the automatic enrolment earnings thresholds review suggests that freezing the trigger has had no adverse effect on the proportion of black and minority ethnic individuals in the group eligible for automatic enrolment.

I shall answer a question asked by the noble Lord, Lord McKenzie, about increasing the contribution rate as part of the 2017 review, with reference to the 8% and automatic enrolment. Millions of people are now saving, or saving more, as a result of automatic enrolment. As the noble Lord will be aware, the first planned increase in contribution rates took place on 6 April last year, with the second increase, to 8%, coming this April. It is certainly encouraging that since the increase to 5% in April 2018 there has been no increase in rates of stopping saving. However, as the review of automatic enrolment in 2017 revealed, there is no consensus about future contribution rates, and whether, when and to what level they might increase. As such, it is important that we understand the effects the second planned increase will have and carry out further work on the adequacy of retirement incomes. We will then take this forward to look again at the right overall level of saving and the balance between prompted and voluntary savings in due course. I shall allow my noble friend to ask a further question while I search for another answer on communications.

Baroness McIntosh of Pickering: I congratulate my noble friend on her generous and comprehensive response. I was delighted to hear her response to a question about opt-outs being down. However, I am slightly concerned that paragraph 12 says there has not been an impact assessment, but the Government have identified an estimated £79 million more in employer pension contributions. Do the Government share my concern that that might encourage more people to opt out? Also, I know that the burden on small businesses of the cost of administering the state enrolment scheme has been an issue. Is that something the Government are hearing less about, or does it continue to be a concern expressed to her department?

12.45 pm

Baroness Buscombe: My Lords, the Secretary of State has considered the impact of the various options for each of the thresholds. A full analysis of volumes and costs was published on 18 December 2017. A separate impact assessment has not been prepared for this instrument. I hope that provides some assurance.

On the burden on business, particularly small businesses, we cannot have it every which way. We are trying to develop the whole process and opportunities for auto-enrolment in a very measured way, because it is hugely important that we do not put too much burden on SMEs, given the support of most of them for the national living wage and so on. We have to be careful that we do not increase rates without taking into account anything needed to help those in small businesses to cope with supporting their staff through automatic enrolment.

I will say something about communication, which was particularly referenced by the noble Baroness, Lady Janke. I absolutely understand where she is coming from. The reality is that we have got much better at communicating. We have advertising campaigns and a brilliant team at the Department for Work and Pensions focused very much on communications for every aspect of the work we do, including support for automatic enrolment, all the opportunities for support for women and so on.

The advertising campaign is not just done in the old-fashioned way; there is a lot of use of smartphones to make it really accessible. But we are not complacent: we continue to work on communications so that people understand what they can do and who they can go to for support and advice through signposting and a whole raft of communications to inform and encourage. We also work closely with outside organisations as our stakeholders in pensions. I hope that the single financial guidance Act, which is well-known to your Lordships' House from its passage last year, will only make future support for people better by helping them understanding how they can work with their pensions. I look to the noble Baroness, Lady Drake, thinking of the pensions dashboard. That is something else we are developing our thinking on. There is a consultation out, so we are very excited about that.

I hope I have managed to answer most noble Lords' questions. I will write to the noble Lord, Lord McKenzie, and share that letter with all noble Lords and place it in the Library. On that basis, I commend the order.

Motion agreed.

Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2019

Motion to Approve

12.49 pm

Moved by ***Baroness Buscombe***

That the draft Order laid before the House on 16 January be approved.

Motion agreed.

Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2019

Motion to Approve

12.49 pm

Moved by ***Baroness Buscombe***

That the draft Regulations laid before the House on 15 January be approved.

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Buscombe) (Con): My Lords, I will speak also to the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2019. I am required to confirm to noble Lords that these provisions are compatible with the European Convention on Human Rights and I am happy so to do.

These statutory instruments will increase the value of lump-sum awards payable under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 and the diffuse mesothelioma scheme, which was set up by the Child

Maintenance and Other Payments Act 2008. These two schemes stand apart from the main social security benefits uprating procedure. However, through these statutory instruments we will increase the amounts payable by the September 2018 consumer prices index rate of 2.4%. This is the same rate that is being applied to industrial injuries disablement benefit and certain other disability benefits, and under the main social security uprating provisions. These new amounts will be paid to those who satisfy all the conditions of entitlement, for the first time, on or after 1 April 2019.

Turning to the purpose of the lump-sum schemes, the Government recognise the great suffering of individuals and their families as a result of exposure to asbestos or certain other forms of dust. They may be unable to bring a successful claim for civil damages, due mainly to the long latency period of their condition, but can still claim compensation through these schemes. Although improved health and safety procedures have restricted the use of asbestos and provided a safer environment for its handling, the legacy of its common use is still with us. That is why we are ensuring that financial compensation from these schemes is available to those affected.

I will briefly summarise the specific purpose of the two compensation schemes. The Pneumoconiosis etc. (Workers' Compensation) Act 1979—which for simplicity I shall refer to as the 1979 Act scheme—provides a lump-sum compensation payment to individuals who have one of five dust-related respiratory diseases covered by the scheme, and who are unable to claim damages from employers which have gone out of business and have not brought any action against another party for damages. The five diseases covered by the 1979 Act scheme are: diffuse mesothelioma, bilateral diffuse pleural thickening, pneumoconiosis, byssinosis, and primary carcinoma of the lung, if accompanied by asbestosis or bilateral diffuse pleural thickening. The 2008 mesothelioma lump-sum payments scheme, which I will refer to as the 2008 scheme, was introduced to provide compensation to people who contracted diffuse mesothelioma but were unable to claim compensation under the 1979 Act because, for example, they were self-employed or their exposure to asbestos was not due to their work. But the 2008 scheme, as many noble Lords know, allows payments to be made quickly to people with diffuse mesothelioma at their time of greatest need. Under both schemes, a claim can be made by a dependant if the person with the disease has died before being able to make a claim.

Payments under the 1979 Act scheme are based on the age of the person with the disease and their level of disablement at the time they are diagnosed. The highest amounts are paid to those diagnosed at an early age and with the highest level of disablement. All payments for diffuse mesothelioma under the 1979 Act scheme are automatically made at the 100% disablement rate, the highest rate of payment, reflecting the seriousness of the disease. Similarly, all payments under the 2008 scheme are made at the 100% disablement rate and based on age, with the highest payments going to the youngest people with the disease. In the last full year, April 2017 to March 2018, 3,680 people received payments under both schemes, totalling just under £50 million.

I know that in previous debates on increasing the value of these lump sums, noble Lords have raised the subject of equalising the payments made to dependants who claim after the death of someone who had the disease with those made to people who have the disease and claim in their lifetime. However, I must tell noble Lords that we do not intend to equalise payments. The Government's view remains that it is most important that the available funding is given to the people with the condition who would most benefit from it. Of course, I fully understand that whole families can be devastated by this disease, but there is still the recognition that they are able to get compensation, even if it is not at the same level. When we have to make such decisions about how we use our limited resources—the taxpayers' money that is available—we believe it is only right that we target that money by giving it to the people to whom it can make the most difference.

I am aware that the incidence of diffuse mesothelioma is a particular concern of noble Lords. The number of deaths in Great Britain remains at a historically high level. Diffuse mesothelioma has a strong association with exposure to asbestos, and current evidence suggests that around 85% of all mesotheliomas diagnosed in men are attributable to asbestos exposures that occurred through work. Those diagnosed with diffuse mesothelioma usually have a short life expectancy, with many people dying within 12 months of diagnosis. The number of cases currently occurring reflects the long latency period of the disease, which means that 30 years or more can pass from the time of exposure to the disease becoming apparent. The latest available information suggests that there will continue to be around 2,500 diffuse mesothelioma deaths per year before the number of cases begins to fall during the next decade, reflecting a reduction in asbestos exposure after 1980.

I turn to wider improvements in lung health. Although we expect the number of people diagnosed with mesothelioma to begin to fall in the coming years, the Government are well aware that many people will still develop this and other respiratory diseases in the coming years. That is why we are committed to working with our agencies and arm's-length bodies to improve the lives of people with respiratory diseases.

In the recently published *NHS Long Term Plan*, the Government have identified respiratory diseases as a clinical priority. The long-term plan sets out how the NHS will take action in a number of areas, including expanding programmes that support earlier diagnosis of respiratory diseases, such as pioneering lung health checks, trialled in the north-west of England; and increasing access to proven treatments such as pulmonary rehabilitation. Furthermore, an NHS England respiratory oversight group has been created, which includes membership from the British Lung Foundation. Additionally, the NHS has been working closely with the Taskforce for Lung Health, which recently published its own lung health five-year plan.

Specifically on mesothelioma, the Government have committed to driving research activity forward. The National Institute for Health Research has led work which resulted in the funding of five studies, the first of which was completed last year. The Department of Health and Social Care is also a key stakeholder in the British Lung Foundation's mesothelioma research

[Baroness Buscombe]
network, which aims to improve outcomes for people affected by mesothelioma. Funding continues to be available from a variety of sources, including the National Institute for Health Research, the Medical Research Council and medical research charities.

Returning to these important regulations, I am sure we would all agree that while no amount of money can ever compensate individuals and families for the suffering and loss caused by diffuse mesothelioma and the other dust-related diseases covered by the 1979 Act scheme, those who have them deserve the monetary compensation that these schemes can offer. I commend the increase of the payment scales for these schemes and respectfully ask noble Lords' approval to implement them.

1 pm

Baroness Thomas of Winchester (LD): My Lords, I thank the Minister for explaining these two important orders. I think this is her first time speaking on these matters. I do not know whether it is the first time on the Floor of Chamber but it may be, because these orders are usually taken in Grand Committee—I know that the noble Lord, Lord Jones, was keen that they should be debated here. I am sure the whole House welcomes the uprating that she announced, but has the time not come for this to be automatic rather than at the discretion of the Government, as there is no way the schemes will be wound up in the next few years?

My first time speaking on the mesothelioma order was 11 years ago, when I learned about its long latency period and the fact that some of the people affected, such as family members, did not work directly in industrial processes using asbestos. Subsequently, I knew a man who was diagnosed when he was over 80, his condition probably a result of national service in the Navy.

This was to lead me to ask the Minister about much-needed and hitherto neglected research, but she has spoken about that and I am glad that we have learned a lot more about it. I think a lung health summit was held last year with the British Lung Foundation, the Union of Democratic Mineworkers, the NHS and MPs. I am also glad the NHS long-term plan recognises the objective of improving outcomes for people with respiratory diseases.

We do not want to add to the number of people diagnosed with this disease, so perhaps the Minister will also tell us what work is going on to make sure that any asbestos in schools and hospitals is rigorously monitored, if it cannot be removed. I expect that this is where the Health and Safety Executive comes into its own, a body which has often been unfairly vilified for just doing its job. I know that it has had to cope with cuts to its budget, but I hope that it is able to be on top of this issue.

Finally, on the pneumoconiosis order, how does the payment tie in with universal credit, as that was something that I was not sure about?

Baroness Donaghy (Lab): My Lords, I had the privilege of chairing the mesothelioma oversight committee of the last-resort scheme. I thank the Minister for both her presentation and the welcome change in dealing with research, which a lot of us were concerned about for a couple of years when it did not appear to be linked. We are pleased that the DWP is now working closely with other departments. Can the Minister indicate exactly how much was spent on a cross-departmental basis on research in the last 12 months to give us an idea of the scale of that improvement?

I want also to thank the staff in Minister's arm's-length branch who give my committee enormous support in dealing with stories of unimaginable pain and tragedy. Although one has to try to get some distance, it is important we all place on record that this is not some dry statutory instrument; it is about people's lives and deaths. My own sister-in-law died of this disease some years ago. We still do not know whether it was as a result of pushing a trolley through the basement of the Scunthorpe hospital where she worked or of washing her husband's overalls from the steelworks where he worked. Also, a good friend of mine died less than a year ago. I had known him for 40 years; he worked in local government. You would think, "Where on earth would he catch it in local government?" He was a student before he started his local government career, working for Cape Asbestos for 12 months.

I think it has been mentioned already that it is not always the traditional industries. There are jewellery repair workers; there are stable lads; there are all sorts of areas that people do not expect. It is important when we come across similar issues to try to pre-empt them and not allow this to happen again.

Finally—the Minister has pre-empted this issue and I know that the noble Lord, Lord Alton, will raise it, but I am going to be his John the Baptist and hope that I do not share the same fate—the forum for the victims and the victim support group have been trying for nine years now to get some equality between in-life payments and dependency payments. I know that the Minister has indicated that the Government have thought about this and decided that they should not do anything about it at this stage, but it is time to seek equalisation between the sums paid to asbestos victims who claim while alive and those paid to dependants, usually widows, which are much lower for pneumoconiosis. This disparity affects women in particular and has stagnated for quite a long time. Failing any change of heart, will the Minister agree to meet some of us to discuss any possibility for more flexibility in considering those requests for equalisation?

Lord Alton of Liverpool (CB): My Lords, if the noble Baroness, Lady Donaghy, does not mind, I would rather change the metaphor and say that I am very pleased to be part of the infantry; she is a very good general in this case. The noble Baroness, Lady Thomas of Winchester, made her case admirably, too. I am grateful to the Minister for the way in which she introduced the orders.

I return to an issue that I have raised often in your Lordships House: the harrowing and lethal effects of mesothelioma, something which unites all of us in all parts of the House. Many of us in the Chamber today have been involved in the fight against mesothelioma for many years and I am pleased to see this important issue again being debated in your Lordships' House.

I wholeheartedly support the uprating of the lump sum payments in line with inflation. It is a matter of compassion, of justice—I will return to that issue—and of equalisation. In that last respect, I was disappointed by one thing that the Minister said, although I rather anticipated that she would say it—I shall return to that matter, too.

As the Minister told us, mesothelioma is an invasive type of cancer caused by prior exposure to asbestos. It grows in the pleural membrane, which lines the outside of the lung and the inside of the chest. Less commonly, it can also affect a similar lining around the abdomen or heart. There is currently no cure and mesothelioma patients often have a short life expectancy and experience complex, debilitating symptoms. I vividly remember when I was a Member of House of Commons, representing an inner-city area of Liverpool, constituents coming to see me once there had been a diagnosis and then meeting the widow only weeks later, their loved one having died.

The UK has the highest rate of the disease in the world. Mortality rates have more than quadrupled over the past 30 years. It is estimated that around 2,400 people die of the disease every year and that, over the next 30 years, around 60,000 people will die of mesothelioma in the United Kingdom unless new treatments are found.

When these regulations were discussed in the other place, a number of Members of the House of Commons asked whether future increases could be made automatic rather than be made at the discretion of Parliament. The Minister there agreed to consider this. It is important that the Government carefully consider the argument. Has any consideration been given since the Commons stages about making the payments automatic? It is vital that we continue to support people and their families affected by these awful diseases.

Back in 2014 I tabled an amendment to the Mesothelioma Bill, and in 2015 I introduced a Private Member's Bill which would have set up a small levy on participating insurance firms to help secure long-term funding for research into mesothelioma, an issue on which the noble Lords, Lord Wills and Lord Giddens, played an important part. At the time, it was estimated that 150 insurance firms were active in the employers' liability insurance market, and this had the potential to raise around £1.5 million a year for research. This represented a very small amount of money to each of the insurance companies, but would have resulted in a great number of research opportunities. It would also have given great hope to people living with mesothelioma and to their families. Unfortunately, the amendment and the Bill were defeated.

Since then, the Government have allocated £5 million for a National Centre for Mesothelioma Research at Imperial College, and I thank Ministers who put in considerable effort to secure that and to look at voluntary funding from the insurance industry. I am very pleased that the British Lung Foundation, referred to by the noble Baroness, Lady Buscombe, was also able to secure match funding for this £5 million from a philanthropist who has seen the devastation wreaked by this disease. Unfortunately, although several individual insurance companies, including Aviva, Zurich, RSA and Allianz, had also, to their credit, previously contributed towards research into mesothelioma, negotiations for a broader, long-term funding commitment from the insurance industry came to a standstill. More recently, there have been some impressive results in mesothelioma research, which demonstrates why it is important for us to find more funding. Through the match funding, the BLF set up the Mesothelioma Research Network to bring researchers together to share ideas and support each other's research. Our understanding of the genetics of mesothelioma has increased at the same time as a breakthrough in harnessing the immune system against cancer, and a clinical trial, the first of its type, has just opened in Leicester.

Another BLF-funded project is currently looking at ways to treat mesothelioma with immunotherapy. The creation of the MesobanK project now allows researchers across the world to access tissue and blood samples and other clinical data. The first MesobanK-British Lung Foundation fellowship is helping to develop gold nanotubes as potential new mesothelioma therapies. The British Lung Foundation continues to raise awareness of occupational lung disease, most recently through the creation of the Taskforce for Lung Health. The task force is a coalition of 30 organisations from across the lung health sector, including royal colleges, patients and the Health and Safety Executive, who came together to develop a five-year national plan to improve lung health in England. It makes recommendations to improve awareness of and compliance with the Control of Substances Hazardous to Health Regulations 2002 and to embed understanding of occupational lung disease in healthcare professional training.

Because this field is so underfunded, every pound of investment is likely to be worth while and to attract further funding. I pay particular tribute to Penny Woods and the British Lung Foundation, which continues its work to secure that funding for vital mesothelioma research. It has recently been able to leverage further research through the success of previous projects, helping to secure a £10 million grant from the Engineering and Physical Sciences Research Council. While I fully support compensation for the victims of these diseases, it is surely in everyone's interest—the victims, the Government and insurers—to invest in finding a cure. This would, in the long term, remove the need for lump sum payments or any insurance industry levies. Investment in research is crucial.

On the subject of lump sum payments, as the noble Baroness told us, two statutory schemes make payments to mesothelioma sufferers, both of which make payments according to the age of the sufferer and their level of disablement. Both make payments either to mesothelioma sufferers who claim a payment in life—so-called in-life claims—or to their dependants where a claim is made after death. These are so-called dependency claims. However, there is significant inequality between dependency and in-life payments. From April 2019, the maximum in-life payment for a sufferer aged 77 is £14,334 and for a sufferer aged 37 is £92,259. From the same date, the maximum dependency payment for a sufferer aged 77 is £7,949 and £48,013 for a sufferer aged 37. Dependency payments are 45% less for a sufferer aged 77 and 48% less for a sufferer aged 37.

1.15 pm

The disparity between payments is partly the result of the difference in assessment of disablement and age of the sufferer. In-life payments under the 1979 Act are assessed at a maximum of 100% disablement. Dependency payments are assessed at 50% or over. In-life payments under the 1979 Act are paid on a rising scale up to the age of 77 and over. Dependency payments are paid on a rising scale up to the age of 67 and over. Most dependency payments are made to women—widows of mesothelioma sufferers who are doubly disadvantaged by low dependency payments. As the average age of sufferers is approximately 77, many widows, who traditionally may not have a full record of employment, may have very poor pensions, a point alluded to in our discussions on the earlier orders. Personal injury compensation payments to dependants are higher than compensation payments to sufferers paid in life.

The law recognises the financial loss incurred by widows of mesothelioma sufferers. The number of dependency claims compared to in-life claims is very small. In 2017 under the 2008 Act, there were 20 dependency payments and 370 in-life payments. In that year, under the 1979 Act, there were 240 dependency payments and 2,770 in-life payments. As a percentage of total payments, dependency payments make up 8.2%. In 2017, the Asbestos Victims Support Groups Forum estimated that the percentage was approximately 10%. One reason for the decline in dependency payments is the success of the Employers' Liability Tracing Office in identifying employers' liability insurance. This has resulted in an increase in the amount of benefit and lump sum payments recovered by the Government. In 2017, the Asbestos Victims Support Groups Forum estimated that the cost of equalising payments would be approximately £1.5 million. In the same year, the Government estimated the cost at £2 million. Yet in 2018, the Government estimated the cost of equalising payments to be £5 million. Can the Minister explain why this estimate has more than doubled and how that figure of £5 million was reached?

It was in 2010 that the noble Lord, Lord McKenzie, the then Minister, to whom I pay particular tribute, committed the Government to equalising payments and went on to do so. In that year, he increased dependency payments to commence a gradual process of equalising payments. Nothing has been done since the noble Lord did that back in 2010. Manifestly, there is an unjustifiable disparity between dependency and in-life payments. The number of dependency payments is a fraction of total payments, just 8.2%. The cost of equalising payments is modest: between £1.5 million and £2 million. Meanwhile, it is worth noting that the Government have benefited from increased benefits and lump sum recoveries as a result of the stimulus to the Employers' Liability Tracing Office in finding employment liability insurers once the Diffuse Mesothelioma Payment Scheme made employers' liability insurers responsible for untraced insurance. Furthermore, the Government have recovered millions in benefits and lump sum recoveries as a result of the Diffuse Mesothelioma Payment Scheme payments which incur such recoveries. The millions of pounds in recoveries dwarf the modest cost of equalising the payments.

So I welcome the Government's decision to accept their duty to honour the previous Government's commitment to equalise payments. However, successive Ministers have excused themselves in the manner of the noble Lord, Lord Henley, who said:

> "However, we do not intend to equalise payments this year. Instead, we will continue to keep this matter under review and consider equalisation, once resources allow".—[*Official Report*, 28/2/17; col. GC 193.]

Can the Minister, when she comes to reply, tell us when that elusive date might finally be reached?

I have two other brief questions for the Minister, of which I have given her notice. I sent her an email last night; I hope it arrived. During the passage of the Mesothelioma Bill, the noble Lord, Lord Freud, gave a commitment to increase DMPS payments in line with CPI. Despite his commitment, this has not been done. Would the Minister explain why the commitment of the noble Lord, Lord Freud, to implement annual CPI increases, at a time when it was already known that the scheme would not make 100% awards, has not been honoured since the establishment of the DMPS?

My final point, alluded to a moment ago by the noble Baroness, Lady Donaghy, is on the position of people in the Armed Forces and those affected at a step's remove, such as those who might have been washing overalls. I recall, in some of the debates I referred to earlier, that the noble Lord, Lord McNally, movingly described how his own sister had died through washing her husband's overalls after he came home from the factory. The MoD mesothelioma scheme—to which the noble Lord, Lord West of Spithead, also referred in previous debates—pays lump sum compensation in lieu of a war disablement pension to veterans exposed to asbestos while serving in the Armed Forces. As the noble Baroness, Lady Thomas, said, there has been little research on why these things occur in the Armed Forces. Why have we not increased payments since the scheme's inception in 2016? Do the Government have any plans to increase the level of payments made under the MoD scheme? If not, why not?

Lord Wigley (PC): My Lords, I am delighted to follow the noble Lord, Lord Alton, and will take advantage of the opportunity to pay tribute to him for the immense work on this matter that he has undertaken in recent years. I too welcome the uprating. On the points raised by the noble Lord, I agree entirely that research should be undertaken. But we should also look at all possible ways to eliminate the causes of asbestos-related diseases.

We are aware of the incidence of asbestos in schools: three-quarters of schools in the United Kingdom have asbestos in them and, every year, some teachers die as a result of asbestos-related diseases. I wonder how many perhaps unidentified children have been affected by this. I do not know how much research has been done on this, but clearly anything that can be done to avoid the disease is better than a cure.

None the less, I welcome the fact that some £130 million has been paid since 2014 in compensation to about 1,000 sufferers—about £40 million of this has come from the insurance industry. But I take very much to heart the point made by the noble Lord, Lord Alton,

that research is vital in these areas. The other sphere that could do with more research is MoD buildings. A number of them have been affected by asbestos, and families of servicemen have been hit by the disease.

I move on to the pneumoconiosis order, which I also welcome very much. The circumstances in which we are discussing this are so similar to those in 1979, when the original Act went through. I suspect that I am one of the few people in the Chamber who was involved at that time. There was a striking similarity—a Government without a majority striking a deal with a small party to get this through—and I was so pleased to be in the right place at the right time to help with it. The 40th anniversary reminds us of the tremendous contributions that have been made by this Act—not only to the slate-quarrying community, whose lobbying brought about the Act, but to a number of other workers in industries such as cotton and in kiln-related work, who were also able to get compensation.

The Act arose because, while coal miners had in general been helped by the 1975 tripartite agreement between the NCB, the NUM and the Government, that agreement did not cover other workers suffering from industrial lung diseases. The 1979 Act has paid out millions of pounds by now, and is still being called upon by a whole range of industries. Therefore, it is appropriate that it should be uprated in this way.

There are still some misgivings about other health conditions undoubtedly stimulated by working in such dusty environments. Conditions such as emphysema and chronic bronchitis are not accepted as lung diseases—although they are in all probability generated in many circumstances by that exposure to dust.

There are a couple of points I will put to the Minister; if she cannot answer them now, I would be grateful if she could write to me. First, what is the position of quarrymen who may have worked for periods of time in overseas quarries—such as in the United States or Spain—with regard to entitlement to compensation? The second relates to those who may have worked in the United Kingdom but who may be living in another EU country. How will the changes of Brexit impact on their entitlement to receive such compensation? That said, I support these regulations.

Baroness McIntosh of Pickering (Con): My Lords, I am always glad to follow the noble Lord, Lord Wigley, who had knowledge of the original Act. I congratulate my noble friend on introducing this instrument.

This has been a very poignant debate, and there is very little I can add to the contributions of those who have spoken with such knowledge. Like the noble Baroness, Lady Thomas of Winchester, I have a close family friend who succumbed to the disease. I was surprised that someone who had worked from a very young age for the Merchant Navy had this disease; where I grew up, he would not have been alone in doing so, because in those days the Merchant Navy offered huge opportunities for learning a trade—as did the Royal Navy. I know that it is not my noble friend's direct responsibility, but could she reassure us today that the engine rooms of ships in the Merchant Navy do not now pose any danger from asbestos? I would like that reassurance going forward.

I was very disheartened when my noble friend very honestly told us that we can still expect a number of cases each year. The question I will ask her is simple—what is the length of time between the making of the claim and receipt of a payment? This also touches a little on the debate earlier. How would someone such as our family friend know that they are eligible for this compensation if they have not been contacted by their employer? Is there a mechanism in place for this? With those two questions, I would like to give these regulations a fair wind.

Lord Freyberg (CB): My Lords, I welcome the Minister's helpful comments and the opportunity to debate these regulations. Over the last 10 years, we have seen strides forward in the fight against mesothelioma. Thanks to a great deal of political support and work by colleagues in this House—I pay tribute to the noble Lords, Lord Alton, Lord Giddens and Lord Wills—and by Mike Kane, Tracey Crouch and the late Paul Goggins in the other place, much has been done to raise awareness of the disease and to improve life for people affected by it.

Because of the long period between exposure to asbestos and the appearance of symptoms, it can be extremely difficult for people with mesothelioma to trace a liable former employer or insurance company. In recognition of this, the Mesothelioma Act 2014 was passed to ensure that victims of mesothelioma who were unable to trace a liable insurer could claim compensation from a scheme funded by a levy on insurers. I thank colleagues who supported the Act and who have helped keep mesothelioma on the agenda. Since the launch of the scheme, £130 million has been paid in compensation to around 1,000 people. Like other noble Lords, I declare an interest: my late sister Annabel contracted mesothelioma in her early 50s—she had two young children at the time—and was a grateful recipient of compensation from an earlier version of this scheme that the Minister highlighted in her comments.

1.30 pm

Mesothelioma is poorly understood and historically has suffered from a lack of research investment. My noble friend Lord Alton tabled an amendment during the passage of what became the 2014 Act to secure sustainable funding for research into finding a cure for mesothelioma by charging a small additional levy on participating insurance firms. It was a great shame that the amendment was defeated here; it would have driven sorely needed investment into treatment. But the Government did allocate £5 million for a National Centre for Mesothelioma Research, and I am pleased that the British Lung Foundation, under Penny Woods, to which I also pay tribute, was able to secure matched funding to support further research and clinical trials and a mesothelioma research network.

The British Lung Foundation continues to raise awareness of occupational lung disease, most recently, as the Minister mentioned, through the creation of the Taskforce for Lung Health. The task force is a coalition of 30 organisations from across the lung health sector, including royal colleges, patients and the Health and Safety Executive, which have come together to develop a five-year national plan to improve lung health in England. The task force makes recommendations to

[LORD FREYBERG]
improve awareness of and compliance with the Control of Substances Hazardous to Health Regulations 2002 and to embed understanding of occupational lung disease in healthcare professional training.

There can be a mistaken belief that occupational lung disease is a thing of the past. It is not—it still affects people today, and from a wide variety of backgrounds. The Health and Safety Executive estimates that occupational lung disease results in around 12,000 deaths a year. I therefore welcome the Motion to uprate the lump sum payments in line with inflation for people suffering from mesothelioma and pneumoconiosis and their dependants. It is vital that we continue to support people and their families affected by these awful diseases.

When these regulations were discussed in the other place, a number of MPs—like the noble Baroness, Lady Thomas, and the noble Lord, Lord Alton, today—asked whether future increases could be made automatic rather than be made at the discretion of Parliament. The Minister agreed to consider this, and it is important that the Government give thought to this argument. It would certainly send a powerful message that, while no amount of money will compensate for the suffering and loss caused by these diseases, we are at least committed to ensuring that people get the support they are entitled to and that it is not diminishing for those diagnosed in future.

Along with other concerned parties, I have recently been exploring the current knowledge of the potential health risks of the use of carbon fibre and carbon nanotubes in the manufacture of aircraft and road vehicle brakes. Some types of carbon nanotubes bear striking similarities to asbestos fibres in terms of shape, size and behaviour. Studies with mice have shown that they cause a cancer similar to mesothelioma. Although they are being investigated for use in a wide range of applications, it is believed that they are actually used in only a limited range of products, such as sports rackets. However, because of their strength and lightness, it is likely that future use of carbon nanotubes will expand into a wider range of products. We are unsure how commonly they are currently used, both here and abroad, as this information is commercially sensitive and not available from all manufacturers, or how well regulations and guidance on suitable alternatives are publicised. While there is still further research to be done into carbon nanotubes, we should not be complacent about evolving risks to our lung health. I will continue to explore this issue and suggest that current and future industries carefully consider alternatives to carbon nanotubes in the meantime.

The main focus today, however, needs to remain on the people affected by these devastating diseases—the workers, the wives, the husbands and the children—who currently have little hope due to the lack of treatment options available. As the former Health Minister, the noble Lord, Lord Prior, stated so bluntly in a debate on mesothelioma:

"It is a death sentence—there is no getting away from that".—[*Official Report*, 27/10/16; col. GC 73.]

It is for them that we must approve these regulations and continue to do all we can to support them.

Lord McKenzie of Luton (Lab): My Lords, this has been a full debate, and many contributors to it have had at least indirect experience of this wretched condition. I will comment on a few contributions before going on to my script.

The noble Lord, Lord Freyberg, referred to the historically long-latency circumstances and the need to make sure people understand that occupational lung disease is not a thing of the past—I agree with that. The noble Baroness, Lady McIntosh, asked how people get information about what is available. The short answer is through campaign groups, trade unions, and people like the noble Lord, Lord Alton, who has been involved in this for a long time; they are a good and reliable source of information about what is going on, as is, I am sure, the HSE. The noble Lord, Lord Wigley, talked about quarrymen; this has cropped up in the past from time to time, but as yet there has been no resolution. I am grateful to the noble Lord, Lord Alton, whose knowledge of where we are on this and the history of it is second to none; I know some of it but have nothing like the wealth of experience that he brings. My noble friend Lady Donaghy asked about cross-departmental spend, and reminded us that we are dealing with heart-breaking circumstances. This is perhaps not the usual sort of debate we have.

We thank the Minister for introducing these two regulations, which we are discussing together. Obviously we will be supporting each of them. One is specifically concerned with mesothelioma and the 2008 regulations, and the other with the Pneumoconiosis etc. (Workers' Compensation) Act 1979, which encompass other dust-related diseases.

As we have heard, they each make provision for lump sum compensation to people suffering from these diseases or for compensation for their dependants. I am not sure whether many noble Lords are aware of some very recent publicity about a situation local to me. Vauxhall Motors in Dunstable was prosecuted successfully for the death of a spouse; her husband worked at the plant, and because she hugged him when he came home at night, that—the nexus—was enough to give her mesothelioma. It is a tragic situation, but one of many. I am sure that Vauxhall will be properly dealt with.

Another point arises from that. It has sometimes been suggested that knowledge of mesothelioma is relatively modern—it is not. Some of the press reports on this refer to the fact that it goes back to the 1960s, if not earlier. Frankly, we were faced with circumstances where employers, and certainly those involved in liability insurance, did not do what they should have done with regard to their responsibilities.

In the case of the workers' compensation Act 1979, the provisions apply to one of a range of diseases we have heard about which have been caused through accident or exposure in employment. These must have generated a claim to IIBD and not have given rise to a civil action against a former employer. The diseases in question are pneumoconiosis, byssinosis, diffuse mesothelioma, bilateral diffuse pleural thickening and primary carcinoma of the lung when accompanied by asbestosis. I understand that it may still be possible to get compensation for an asbestos-related disease under

the 2008 scheme even if it is ineligible under the 1979 scheme. The later scheme does not require a work nexus: the oft-cited example of a family member washing clothes is now made much more poignant by the press reports to which I just referred.

The 2008 payments scheme is for no-fault compensation and includes coverage of the self-employed. Although monetary compensation is no substitute for a life, it can help with practical issues, especially if available speedily. We should note at this point that the diseases covered very much reflect our industrial past and a careless approach to matters of health and safety. Unfortunately, we have not heard from my noble friend Lord Jones, who normally contributes powerfully to these debates, but we have heard from others.

I note with approval the point made by the Minister in the other place in praise of the Health and Safety Executive—in stark contrast to the prior contribution of David Cameron on such matters, who determined that Britain's health and safety culture would be killed off for good by the Government. It is a pity that, notwithstanding the Minister's intervention, the HSE has seen dramatic budget cuts.

Mesothelioma is a type of cancer that covers the lining of the body's organs. It is invariably caused by exposure to asbestos and results in death. It is a long-latency condition, as we have identified, and can emerge 40 to 50 years after contact with asbestos. To be fair, in introducing the regulations, the Minister let us know how many individuals have died and the forward projections.

As was debated in the other place, asbestos is still present in many structures, particularly in our schools—not to mention in this building. The Government used to have in place robust communications about the dangers of asbestos and messages about how it should be treated. What is the current position?

The level of compensation payable has been increased by 2.4% in accordance with the September 2018 consumer prices index. Can the Minister confirm that indexing of the 1979 and 2008 Acts compensation amounts has been routinely carried out, notwithstanding that there is no statutory obligation to do so? Several noble Lords, including the noble Baroness, Lady Thomas, at this end, pressed the Government on why the uprating had not been made statutory—on reflection, that is an entirely reasonable point.

A key difference between the two sets of regulations is that the mesothelioma regulations have a schedule only for sufferers and dependants. The pneumoconiosis schedule is for both, and also reflects the degree of disablement. The noble Lord, Lord Alton, introduced some very important data about the differential between those two scales. In the case of mesothelioma, the compensation schedules reflect the fact that it has been treated as invariably fatal.

I have some questions for the Minister, the first of which she has already answered. When the 2008 scheme was devised, it was determined that levels of payments would be funded from recoveries from civil action until such amounts matched levels of payment under the 1979 Act. What are the current levels of recovery? What drives the quantum of lump sum payments under the 1979 Act?

Baroness Buscombe: Can the noble Lord repeat the question?

Lord McKenzie of Luton: Yes, I should speak up. What are the current levels of recovery under the 1979 Act? Also, what drives the quantum of lump sum payments under that Act, which created the schedule in the first place? We know what the uprating is about.

The annual question posed is about bringing payments for dependants up to the level payable to sufferers. I join those who say it is time that we should do this. Debate in the other place on the regulations was in part conflated with arrangements in the 2012 Act, which I think was introduced only in 2019. Historically, as we know, there were concerns about low levels of compensation made available for these long-latency diseases. Focus for a long while was on the traceability of employer liability policies and, although progress was made, it was considered that in too many cases employers and their insurers were avoiding liability. I understand that this led to the diffuse mesothelioma payment scheme, introduced in 2014 and led by the noble Lord, Lord Freud, who deserves credit for his difficult negotiation with the insurance sector.

1.45 pm

The scheme was set up to provide for sufferers of mesothelioma who were negligently exposed to asbestos at work but unable to pursue a civil claim because their former employer had gone out of business or the employer liability insurer was untraceable. The scheme would not be the first port of call for a lump-sum payment. After considerable negotiation, relevant insurers accepted some responsibility for those situations and agreed to fund a payment scheme. They accepted a levy based on gross employer liability premiums with a maximum of 3%. Our thanks should go to my noble friend Lady Donaghy, who chairs the oversight committee; we heard from her earlier. What are the current levels of payment? Is 3% of employer liability insurance the sum being dispensed or disbursed?

Those matters are outwith the regulations before us today but are part of the story of combating mesothelioma, as is the campaign to get the insurance industry to contribute to research. We should be mindful that the UK has the highest incidence of mesothelioma in the world—a point already made. It is understood that some insurers have met their obligations and that a successful collaboration is under way with, as was referred to by several noble Lords, the National Heart and Lung Institute, Imperial College London, the Royal Brompton NHS trust and the Royal Marsden NHS trust. Can the Minister update us on that work, which we know has been strongly supported by Members of this House?

Finally, a point was raised in the other place about the difference in treatment for universal credit and tax credit purposes of IIDB. It was suggested that this gives rise to recovery of IIDB under universal credit but not tax credit. Is that correct and, if so, how does the Minister justify that disparity of treatment?

I end by paying tribute to those campaigners over the years, some of whom have spoken today. I should mention Graham Dring of the Asbestos Victims Support Group and Hugh Robertson of the TUC. Sadly, the need for their campaigning continues.

Baroness Buscombe: My Lords, I begin by thanking all noble Lords who have contributed to this really important debate. I go straight to the first point raised: why do we not uprate automatically every year or put this on the statute book? I absolutely understand where that question is coming from. It was asked by several noble Lords, most notably the noble Baroness, Lady Thomas. I think it is important to have a debate such as this to remind not only noble Lords but those many people beyond who may not appreciate that this is not something that will end in the short term. Noble Lords have so passionately highlighted the perverse ease with which people can contract these deadly diseases. We still have to be incredibly careful and cautious about the future for those people.

The noble Lord, Lord Freyberg, mentioned new products such as carbon nanotubes, which I confess I know little about. The issue of threats from these new products should be raised through opportunities to help awareness, such as this really good debate. In that way, points can be made and we can raise both awareness and ongoing concerns.

I want to be very clear that, during last week's debate in the other place, there were calls to put the uprating of the lump sum schemes on a statutory footing with a legal requirement to uprate annually in line with inflation, and my honourable friend the Minister for Disabled People, Sarah Newton MP, agreed to consider the proposal and work with her officials to explore the options. I want to set the record straight because, with great respect to the noble Lord, Lord Freyberg, I think I am right in saying that, although he said that my honourable friend said that she would make this change, she in fact just agreed to consider it.

I will do my absolute best to respond to the number of questions asked by noble Lords as fully as I can. Several references were made to the Health and Safety Executive, with which we have a brilliant working relationship and whose work is instrumental in looking at threats from new products. The question was asked what we and the Health and Safety Executive are doing to raise awareness of asbestos. The HSE health priority plans set out three strategic priorities for our work on occupational health going forward, the core focus of which concerns work-related stress, musculoskeletal disorders and occupational lung disease—including the risks associated with asbestos. Delivery of the OLD strategy includes holding a,

"National Summit to raise the profile of occupational lung disease",

and,

"establishing and facilitating a new Healthy Lung Partnership … to provide direction and coordinate stakeholder activity on occupational lung disease".

Following the asbestos awareness campaign between October 2014 and March 2015, the Health and Safety Executive continues to make a wide range of information freely available through its website. Further specific awareness-raising activities may be considered in future, and helping at-risk workers to recognise that asbestos is relevant to them and their work, encouraging them to seek reliable information about how they can protect themselves, and encouraging and enabling safer work with asbestos through behavioural change is always at the front of our mind.

Like other noble Lords, I pay tribute to the brilliant ongoing work of the British Lung Foundation in research, clinical trials, supporting research into lung health and recognising some of the difficult cases raised today.

The noble Baroness, Lady Thomas, asked specifically what the Government are doing to remove remaining asbestos in schools, which I believe noble Lords will have thought about on a personal level. The Department for Education takes this issue seriously and is committed to supporting schools, local authorities and academy trusts in fulfilling their duty to manage asbestos safely. It is the Government's aim to remove all asbestos from schools as more school buildings are replaced and refurbished over time. We have taken significant steps in recent years to strengthen schools' approaches to managing asbestos, including publishing refreshed guidance for schools in 2017 and launching an assurance process earlier this year to understand the issue better. Expert advice, again from the Health and Safety Executive, is clear that as long as asbestos-containing materials are undamaged and not in locations where they are vulnerable to damage, they should be managed in situ.

However, we are clear that asbestos cannot be managed effectively in situ. It should be removed; we have provided significant funding for that purpose. Indeed, the department has invested £5.6 billion in maintaining and improving the schools estate since 2015, enabling local authorities, academy trusts and voluntary-aided schools to maintain their school buildings. This is all part of the Priority School Building Programme, with its additional investment of £4.4 billion. Asbestos is being removed or encapsulated where appropriate as part of these investment programmes.

The noble Baroness, Lady Thomas of Winchester, and the noble Lord, Lord McKenzie, asked about universal credit. Broadly, the same rules will apply to universal credit as under current working-age income-related benefits. For someone with a disease who receives a lump-sum payment under either of these schemes and also receives an income-related benefit, the payment is treated as capital, not income, and is disregarded for a 52-week period. After that time, if the money has been placed in a trust fund, the capital will be disregarded, as will any income from the fund. If the payment is made to a working-age dependant, the normal capital rules apply, meaning that if the dependant's total capital is more than £6,000, their income-related benefit may be reduced. If they have capital of £16,000 or more, their benefit entitlement will end.

A question was also asked about why dependants who claim payments under either of these lump-sum schemes are paid less than if the person with the disease had made a claim in life. As I said in my opening speech, the main intention of these schemes is to provide financial support for people living with certain diseases and help them to deal with the issues that illness brings. As around 90% of payments made under both schemes are paid to people with a disease covered by them, we believe that resources are rightly targeted. For example, in 2017-18, 3,420 payments were made to people with those diseases and 260 to dependants.

The calculations for dependants are complex and depend on a number of factors, such as the age of the person with the disease, the length of time between diagnosis and death and whether the person died from the disease or from some other cause. In 2017-18, across both schemes, 3,420 awards were made to people with a disease, averaging £13,783 each. For the dependants, as I said, 260 awards were made, but they averaged £8,462. However, this comparison is broad and does not really reflect the complexity involved in these calculations.

Noble Lords asked why the Government do not equalise dependant payments with those made to people with a disease. We estimate that the additional cost of equalisation would be in excess £3 million per year. We must prioritise resources where they are needed most: with people living with a disease. Equalising awards between people with a disease and their dependants would require legislative changes. That would be a complex task, as awards to dependants under the 1979 Act include payments made in two parts: first, a payment for the effects of the illness before death, based on the assessed level of disability and the length of time the person had the illness; and, secondly, a payment made in cases where the death was actually caused by the relevant disease. Taking forward such changes is not a current legislative priority, but we will continue to keep this issue under review.

The noble Baroness, Lady Donaghy, suggested meeting to discuss the issue of equalisation. I do not want to commit my honourable friend in the other place, the Minister for Disabled People, but she is renowned for welcoming meetings. I shall suggest to her that this meeting could take place because it is very important for noble Lords to have the opportunity to share things with her—she takes these matters incredibly seriously—and discuss this point further. I heard with care and I want to share with my honourable friend in another place the details of the different suggestions that the noble Lord, Lord Alton, has made today of schemes that could support such a move. I suspect my honourable friend is already aware of them; she is always so on top of her brief. However, I think it would be helpful if I share with her the entire debate that has taken place today to see what could be done. I will be in touch with all noble Lords on that proposal for a meeting, and all will be welcome.

2 pm

I was asked if the lump-sum payments paid to the estates of people who had the disease but are now deceased are made at the same rate. The answer is that, if someone with the disease makes a claim but then dies before payment is made, the payment is made to their estate at the same rate that they would have received had they received their payment in life.

The noble Baroness, Lady Donaghy, and a number of noble Lords referenced the issue of research. As several noble Lords said, a grant of £5 million from Libor fines was awarded to Imperial College in 2016 to establish the National Centre for Mesothelioma Research. The centre brings together four leading institutions, all of which have a major interest in treatment of mesothelioma: the National Heart and Lung Institute at Imperial College, the Institute of Cancer Research, the Royal Brompton Hospital and the Royal Marsden Hospital.

The Government have also committed to a number of other measures to stimulate an increase in the level of mesothelioma research activity. The Department of Health and Social Care's National Institute for Health Research undertook a priority-setting exercise to stimulate an increase of mesothelioma research. As a result, five studies were funded following an NIHR themed call, with total funding in the region of £2.6 million. One project was completed in 2018, although we would not expect results to be published for some time after the completion date. Funding continues to be available from the NIHR, the Medical Research Council and other sources, including medical research charities.

The noble Baroness asked for a specific figure for research. It is quite difficult to say exactly how much, because funds are coming from so many different sources—from match funding, wonderful philanthropists and so on. A number of noble Lords alluded to different areas of support for research, and we are very focused on the need for investment in research, which, as the noble Lord, Lord Alton, said, is utterly crucial.

I think I have already talked about the British Lung Foundation launching the UK's first mesothelioma research network in 2018. The vision of the network is to improve outcomes for people affected by mesothelioma by bringing researchers together, thereby driving research progress and improving the quality of research. The network is supported by a major £5 million donation from the Victor Dahdaleh Foundation, which matches funding given to Imperial College by the Government to establish a national mesothelioma research centre.

The noble Lord, Lord Alton, asked why the tariff is not upgraded annually and whether we will ensure that the tariff remains comparable to the awards for civil damage and claims. This relates to the assurance from the noble Lord, Lord Freud. When the DMPS was introduced in 2014, the payment tariffs were based on 80% of the average damages awarded in the civil courts. We increased this to 100% in 2015. This increase is far greater than if increases had been made in line with the consumer prices index, so I think I can safely say we have followed through on the assurance from my noble friend Lord Freud. For example, the highest DMPS payment for those aged 40 or under in 2014 was £216,896, which increased to £271,120 in 2015. The lowest payment for those aged 90 or over increased from £69,649 to £87,061. In line with commitments made during the passage of the Mesothelioma Bill, we intend to review the payment tariffs in due course to ensure that payments made under the scheme are maintained at the appropriate level.

I was asked why any surplus from the diffuse mesothelioma payment scheme levy cannot fund medical research into mesothelioma or why we do not introduce an additional levy for the purpose. The levy funds come from the employers' liability insurance market to pay for a scheme for those affected by the failure of the employers' liability market to maintain sufficient records. During last week's debate in another place, it was suggested that any surplus funds could be used to fund research into mesothelioma. Another suggestion

[Baroness Buscombe]
was that an additional levy could be introduced for this purpose. My honourable friend the Minister of State for Disabled People made a commitment to look at this further.

I was asked about financial support for people who become disabled after having an accident at work or develop a disease as a result of their occupation. In addition to compensation awarded through the schemes before us today, the Government also provide specific support for those who have industrial injuries or diseases through our industrial injuries benefits. The main element is industrial injuries disablement benefit, a weekly payment based on the level of disablement. Other state benefits may also be available to claimants to cover other needs, such as income replacement and/or the costs arising from the disability.

One question was: why has the estimate for equalisation more than doubled? This is because of an error in a previous analysis. It is not a simple matter of equalising the average awards to dependants with those to sufferers. This is the complexity I referred to earlier. Where a payment is made to a dependant, the sufferer will generally have had the highest level of disablement—100% prior to death. An average comparison between the two groups does not reflect this.

The noble Lord, Lord Wigley, asked whether people who come from abroad are allowed to make a claim for a lump-sum payment under the schemes. One of the conditions of entitlement to a payment under either the 1979 Act scheme or the 2008 Act scheme is that the exposure to certain harmful dusts—most commonly asbestos—must have occurred while the claimant was in the UK. People who have come from abroad will therefore be able to receive a payment provided they can demonstrate that they were exposed to certain harmful dusts, most commonly asbestos, in the UK. People who now live abroad but were exposed in the UK are also able to make a claim.

Lord Wigley: I was referring to those under the pneumoconiosis compensation scheme, whereby dust has accumulated, perhaps in a quarryman working in Wales for a number of years then working abroad, and the disability only becomes apparent after he has worked abroad.

Baroness Buscombe: Yes. As I said, it has to be demonstrated that the disease was as a result of working in the United Kingdom. If somebody worked for a number of years in the UK and then continued that occupation abroad, I assume that it would be for those who assess an individual's case to make a reasonable assessment in the circumstances.

A number of noble Lords, including my noble friend Lady McIntosh of Pickering and the noble Lord, Lord Wigley, spoke about the MoD scheme. With a son in the Fleet Air Arm, I have a personal interest in this. It is an extremely good question. Are we being careful to ensure that we are doing all we can to protect our Armed Forces—particularly those in the Navy, on ships? I would welcome a reply from the Ministry of Defence, so I say here and now that I will ask that question with all speed and reply to all noble Lords and place a copy in the Library.

My noble friend Lady McIntosh also asked how long it takes to deal with claims under the 1979 Act scheme and the 2008 Act scheme. Claims lodged under both schemes are dealt with as quickly as possible. For the 1979 Act scheme, which includes diseases other than diffuse mesothelioma, it can take a number of weeks as investigations may be required into the existence of a relevant employer against which civil action may be taken. However, that is still very quick in comparison with civil litigation cases, which of course can take years. Under the 2008 scheme, where there is no need to ascertain the existence of a relevant employer to sue, cases are dealt with very quickly. Dependant claims under both schemes can take longer, as the department may have to await the death certificate or other official confirmation that establishes the cause of death. We are not aware of any general delays or issues with processing claims.

A number of noble Lords touched on what we do to promote awareness of the schemes. The Department for Work and Pensions highlights the availability of the 1979 Act scheme to industrial injuries disablement benefit claimants in official letters. A leaflet is included with the award notice for any of the five diseases covered by the lump-sum scheme, encouraging people to make a claim. All government schemes are publicised on GOV.UK. The department also maintains regular telephone contact with a range of asbestos support groups, and meets their representatives face to face at the annual asbestos forum to discuss the lump-sum schemes.

The noble Lord, Lord McKenzie, asked about the amounts recovered each year by the Compensation Recovery Unit of the Department for Work and Pensions. It recovers around £27 million per year from civil compensation awards. If a mesothelioma claimant subsequently recovers compensation in civil proceedings, the process for clawback of any lump-sum payments is as follows. Once a claim is settled or determined against a compensator, a certificate is requested from the Compensation Recovery Unit that details an amount equivalent to the value of benefits paid in respect of the condition for which the claimant has successfully pursued civil action. The compensator makes a payment of the value of the certificate to the CRU.

The 2008 Act scheme was set up on the basis that it would be funded by compensation recoveries from civil claims. The 1979 Act scheme is funded partly by civil compensation recoveries and partly by the department. It is a long-standing principle that people should not be compensated twice and, in most cases, where social security benefits are paid, they are recovered from compensation where people have been successful in a subsequent civil claim for damages. The net cost to the department of making payments under both schemes in the last financial year, 2017-18, was £22.2 million. Payments totalled £49.2 million and £27 million was recovered.

The noble Lord also asked how many people had benefited from the diffuse mesothelioma payment scheme, how much had been paid out and what was the average award. In the fourth year of operation, 2017-18, the scheme paid out £36 million in compensation to 200 successful claimants, with the average mean award

being around £145,000—up from £141,000 the previous year. Since the scheme was launched in April 2014, it has helped just under 1,000 sufferers from mesothelioma, with £133.8 million awarded in compensation.

The noble Lord referred to tax credits and universal credit. Payments made under both schemes are paid by a lump sum and regarded as compensation. Therefore, they are not included as income for the purpose of income tax or tax credits. However, interest arising from the lump sum is subject to income tax and included in the income calculation for tax credits. For universal credit, payments are treated as personal injury compensation and, as I said, disregarded for one year. If they are then placed in a trust, they are disregarded indefinitely.

I hope that I have managed to answer noble Lords' questions to the best of my ability. I thank all noble Lords for their many and helpful contributions to this debate. The Government recognise that the two schemes form a hugely important part of the support available to people with mesothelioma and certain other dust-related diseases. The regulations will ensure that the value of that support is maintained. I thank all noble Lords who have been supportive of the uprating of the payment scales for these schemes and ask approval to implement it.

Motion agreed.

Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2019

Motion to Approve

2.14 pm

Moved by ***Baroness Buscombe***

That the draft Regulations laid before the House on 15 January be approved.

Motion agreed.

Immigration (Leave to Enter and Remain) (Amendment) Order 2018

Motion to Approve

2.15 pm

Moved by ***Baroness Williams of Trafford***

That the draft Order laid before the House on 3 December 2018 be approved.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the order was laid before Parliament in December and is required to enable nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the United States of America who are aged 12 or above and seek to enter the United Kingdom as a visitor under the Immigration Rules to be granted such leave by passing through an automated gate, without having to be interviewed by an immigration officer. The change is needed to give effect to the announcements made by both the Chancellor and the Home Secretary that these additional nationalities should be permitted to use our e-passport gates. Noble Lords' agreement to the order will ensure that the change can be implemented in time for the summer.

The UK already leads the world in the use of e-passport gates for passenger clearance. We have more e-passport gates than any other country and we allow more nationalities to use them. We intend to continue to build on their use as they provide a safe and secure means of processing low-risk passengers, allowing our highly trained Border Force officers to focus their efforts on those who seek to abuse or exploit the system and wider border threats.

The change will have a transformational impact on the border experience for the additional nationalities, providing them with significantly faster entry to the UK. It should also have a knock-on benefit for the clearance of non-EEA passengers arriving at ports with e-passport gates, by removing an expected 6.5 million passengers from the staffed non-EEA queue.

Expanding e-passport gate eligibility to these additional low-risk nationalities will also help us to meet the challenge of growing passenger numbers, ensuring that arriving passengers are dealt with both swiftly and securely. In 2017, there were 137 million arrivals at the UK border, an increase of 5.4% on 2016. Within those figures the percentage increase in non-EEA passenger arrivals was even more noticeable, up more than 17% on the previous year. Passenger numbers are projected to continue to increase, with the Department for Transport predicting year-on-year growth on aviation routes alone of 2.8% to 2020. That is of course good news for the UK, demonstrating that we continue to be a destination of choice.

Keeping the UK's border secure remains our top priority, and I assure noble Lords that this decision has been taken only after careful consideration and in consultation with security partners across government. Nationals from Australia, Canada, Japan, New Zealand, Singapore, South Korea and the United States have been identified as suitable for using the gates based on a number of factors, including levels of co-operation with the UK on border matters.

Part of our long-term vision has always been to make better use of digital technology and greater automation to improve the passenger experience while maintaining security at the border. As noble Lords will be aware, we recently published a White Paper setting out detailed plans for the UK's future skills-based immigration system, which includes measures to strengthen border security and improve journey crossings for legitimate passengers. The expansion of the use of e-gates needs to be seen in the context of that longer-term programme of work, where we intend to use the UK's exit from the EU as an opportunity to develop a new global border and immigration system that makes better use of data, biometrics, analytics and automation to improve both security and fluidity across the UK border.

I also reassure the House that this is not a cost-cutting measure—far from it. The Government are increasing Border Force officer numbers, and their powers and responsibilities will remain unchanged. We are committed to ensuring that Border Force has the resources and the workforce needed to keep the border safe.

[Baroness Williams of Trafford]

This new order will allow nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the United States to be granted leave to enter as visitors for up to six months when they pass through an e-gate at a UK port, including our juxtaposed controls for Eurostar services. Nationals of these countries coming to the UK for other purposes, such as work or study, will also be able to enter using our e-gates but no change to the law is needed for them as they will already hold the necessary leave in the form of a visa or residence permit. We estimate that up to 6.5 million passengers from these countries will benefit from the change. This expansion in eligibility is therefore a clear signal to the rest of the world that the UK is open for business and will allow us to control our borders in the UK's best interests. Once approved, we expect the change to be fully implemented in time for the summer. I commend the order to the House.

Baroness Hamwee (LD): My Lords, I thank the Minister for explaining the draft order. I ask your Lordships to bear with some cynicism on my part.

The obvious questions are: why this order and why now? The Minister said that it is required. It is not, on the face of it, Brexit related—we have enough Brexit-related secondary legislation to fill the Order Paper—yet the Government have said that EU citizens must not be allowed in future to jump the queue at the border. You take your choice as to whether that is a political observation or because of the chaos that would be caused if they had to be checked in by Border Force in addition to those who are now. A different way of looking at the order is that we have to let some non-EU citizens in by equivalent arrangements because we cannot let EU citizens uniquely use the e-gates.

We have heard about the cohort who will be affected. I have got nothing against EU nationals or any of these nationals, quite the contrary, but they will be allowed to enter without any form of visa—unless, as the Minister said, they are coming for work purposes and so on—and without an explanation as to the duration of the stay, though it should be six months, the purpose of the stay or the means by which they will support themselves. The assumption is that all will be seeking to enter temporarily.

This leads to my first question: what if they want to stay longer? Presumably if they know that before they arrive they will have applied in their own country, but what if they take the decision during the six-month period? Will they have to leave the UK and apply out of country, which is what many people in difficult immigration situations have to do at present?

UK visitors to the United States need an electronic visa waiver before they depart. They are questioned at the border, can still be refused entry and have their fingerprints and photographs taken. The Department of Homeland Security assumes that all visitors are seeking to enter to remain permanently—in other words, illegally—until the visitor proves otherwise. So the rhetorical question is: border control?

Will there be further instances of UK citizens acting on behalf of the state as a result of this new arrangement—employers, landlords and banks checking on the status of an extra group of people who are living here? We are often told that the largest number of people in the UK without leave to be here are over-stayers, and we know how much more difficult it is to find and remove them than to not give them leave in the first place. I wonder whether this is a false economy.

The Explanatory Note tells us that there will be no significant impact on the private, voluntary or public sectors and that therefore there is no impact assessment. Should we really accept that without questioning?

I am all for efficiency and the use of reliable technology, but by identifying these nationalities as lower risk, by implication others are higher risk. I simply observe—there is no accusation in it; I say it to myself as well as to others—that we must be careful not to appear to be prejudiced in any way.

It is not news to any noble Lord that my instincts are to want the UK to be as open and welcoming to visitors as possible. I do not subscribe to the rallying cry of "take back control"—none of my noble friends do—but one must ask whether this order is taking back control of our borders.

Lord Berkeley (Lab): My Lords, I apologise for not being here at the beginning of the Minister's introduction.

In relation to the noble Baroness's questions, what will happen between the Republic of Ireland and Northern Ireland when these checks have to take place in both directions and there is, apparently, to be a no-check border? How will that be done?

Lord Kennedy of Southwark (Lab Co-op): My Lords, I thank the Minister for setting out the purpose of the order in respect of the e-passport gates and the additional countries selected to benefit from the new arrangements. The noble Baroness, Lady Hamwee, has raised a number of important points, to which I am sure the Minister will respond.

I have not been to the United States of America for three or four years but I am conscious that when you arrive at the border you have your photograph and fingerprints taken. You have to fill out a form in the UK and you can be refused at that point; and, as the noble Baroness, Lady Hamwee, said, you can be refused at the border. Will these arrangements be reciprocal? Will the current arrangements apply to British citizens when they arrive in the United States? US citizens seem able to get into our country fairly easily.

Can the Minister explain why these countries were selected? She said that they are low-risk countries. Is there a list of low-risk, medium-risk and high-risk countries? Are there plans to extend this scheme to further countries? What will other countries have to do to qualify to use the e-gates and what criteria will the department use in selecting them? More generally, apart from the US, will these arrangements be reciprocal with other countries? I want to live in a free and open country but, equally, when I am abroad I want to benefit from as much freedom of travel as possible. It would be useful if the Minister could answer that point. The noble Baroness, Lady Hamwee, also made the point that we should not be seen as prejudiced in the countries selected.

With those comments, I look forward to hearing the Minister's response.

Lord Mackay of Clashfern (Con): My Lords, I wish to ask two questions. First, on the six months, what record is there that it is a six-month stay that is allowed? Secondly, do the gates require adaptation for the nationals of the different countries coming in? If, for example, another country is added later, will it be possible to adapt the gates to enable that?

Baroness Williams of Trafford: I thank noble Lords for the points they have raised.

The noble Baroness, Lady Hamwee, asked why we are doing this. Sometimes with SIs a suspicion is built into noble Lords' minds. We are doing it because UK airports have asked us to and to make it easier for passengers. Noble Lords and Members of the Commons have been asking for the expansion of e-gates to make it easier for visitors—I stress "visitors"—to use them.

The noble Baroness, Lady Hamwee, and my noble and learned friend Lord Mackay asked about six months. It is the usual time allowed for visitors, so that is why six months is in play.

The noble Lord, Lord Berkeley, asked about Ireland. The situation for Ireland is no different from what it was before this SI was laid. It is all about expanding e-gate facilities to countries other than the UK, so the arrangements for Ireland remain unchanged under the SI.

The noble Baroness, Lady Hamwee, asked about people who want to stay longer. They would have to do so under the terms of their reasons for wishing to stay longer, such as to work or as a visitor. They would have to make those arrangements. Generally, those arrangements are made ahead of travel across the border.

2.30 pm

Baroness Hamwee: People's plans change, so my question was about whether they would have to leave the UK to make the application or whether it could be made in this country without their having to leave.

Baroness Williams of Trafford: I think the answer is not necessarily. Individuals entering the UK via the e-passport gates will be granted six months' visitor leave. This is the standard leave granted to visitors. They will be required to leave the UK at the end of the six-month duration of their visitor leave. If they want to extend their stay, they cannot. They must return home and reapply. I was not sure about that, so I thank my officials for that answer.

The noble Baroness talked about going from the UK to the US being different. Yes, it is an entirely different experience when going to the US. The noble Lord, Lord Kennedy, asked about reciprocity and other noble Lords asked whether we will expect other countries, such as the US, to do the same as we have done. Obviously, we operate the UK border in our way and in the best interests of the UK. We would expect other countries to follow suit in due course. I guess that is a partial answer on reciprocity, but I would like the eventual outcome of this to be that other countries do the same.

Lord Kennedy of Southwark: Is the Minister saying that we tried to get the United States to make an e-gate change, that we did not bother or that we do not intend to do so? It would be nice to know. The United States is a great country, and I have been there many times, but it is not the easiest place to arrive in and you do not get the friendliest welcome there. It would be nice to think that, as we have been so accommodating here, that could be reciprocated.

Baroness Williams of Trafford: Indeed. As I said, going into the US is an entirely different experience from going to Manchester Airport. I imagine that conversations have gone on but, rather than guessing the answer, I will ask whether we have information on this.

The noble Baroness said that if these countries are lower-risk, by inference others are not. It is not a question of either/or, but we have specifically looked at countries that are low-risk in all sorts of areas, some of which I clearly cannot discuss publicly. She also asked about the impact assessment. We have said that there is no impact, but there might even be a positive impact if people's travel through the e-gates is easier. Passengers will still go through the same procedures, but they will be able to use the e-gates.

Motion agreed.

Trade Agreements

Statement

2.34 pm

The Minister of State, Department for International Trade (Baroness Fairhead) (Con): My Lords, with the leave of the House, I will repeat in the form of a Statement the Answer given to an Urgent Question in the other place by my right honourable friend the Secretary of State for International Trade. The Statement is as follows:

"Mr Speaker, as a member of the EU, the UK currently participates in around 40 free trade agreements with more than 70 countries. In 2018, the trade agreements in force constituted about 11% of our trade. These cover a wide variety of relationships, including: free trade agreements; economic partnership agreements with developing nations; association agreements that cover broader economic and political co-operation; and mutual recognition agreements.

The Government's programme for providing continuity and stability for businesses, consumers and investors in our international agreements is of the utmost importance. We are committed to ensuring that those benefits are maintained, providing for a smooth transition as we leave the EU, but the best way to provide that continuity and stability is to ensure that we have a deal with the European Union so that the UK can remain covered by all those agreements during the implementation period.

We have already signed a number of agreements, including with Switzerland—the largest in terms of our trade flows, representing more than 20% of the value of all our rollover agreements. We have also signed agreements with Chile and the Faroe Islands and an economic partnership agreement with eastern

[Baroness Fairhead]
and southern Africa—ESA. The text of these agreements, the Explanatory Memorandums and the parliamentary reports for them have already been laid in the Libraries of both Houses.

As we leave the EU, we have no intention of making our developing country partners worse off, as the Opposition would have us do, and it is important for the prosperity of their people that we maintain our trading relationships so that they have the opportunity to lift themselves out of poverty. We have recently reached agreements with Israel and the Palestinian Authority, and we intend to sign those agreements shortly. We have also signed mutual recognition agreements with Australia and New Zealand and will be closing two with the United States soon. A number of negotiations are at an advanced stage. All international negotiations—indeed, any negotiations—tend to go down to the wire, and I would expect nothing less from these agreements. That is the way that countries do business.

To put the economic value of the agreements in perspective, the countries covered by 20 of the smallest agreements account for just 0.8% of the UK's total trade. For those countries where we may not be able to get a full agreement signed by exit day, it is responsible to ensure that we have contingencies in place should we end up in a no-deal scenario. That is exactly what my department, alongside the Foreign Office and the Department for International Development, is doing. We will shortly be updating businesses and the House about progress on these agreements and will continue to inform the House as soon as further agreements are signed".

2.38 pm

Lord Stevenson of Balmacara (Lab): My Lords, I am grateful to the Minister for repeating as a Statement the Answer to the UQ in the other place yesterday. The mystery which this Statement is supposed to address is why there is such secrecy about progress on the rollover of existing EU FTAs. It was always going to be much harder than was ever promised; it was always going to take time, and it has; and, as the Minister said, it was always going to be up to the last minute, so we should not be surprised by anything that has been leaked to the papers. Having said that, it is good to see the leaked report because it gives some clarity to what is otherwise a rather obscure situation.

If the Minister will forgive the comment, the Statement still has Micawberish undertones. It has been clear for many months that, at best, only a very small number of agreements will be in force if we leave without a deal on 29 March. It is also becoming clearer that the focus on these 40 EU FTAs with 70 or so countries is a bit of a distraction. Even counting the Japan agreement that recently came into force, although it takes a number of years to have its full effect, we are talking about 16% of our overall gross imports and about the same—16.5%—of our gross exports, so it is a small proportion of our overall trade.

If you go a bit further into these EU FTAs, over 80% of their value is provided by some six of them. Obviously, they are important but they are not that important, particularly when you go further into what they comprise. The much-vaunted Swiss agreement accounts for a very large proportion of the six that provide 80% of the value but it is in a very restricted sector—pearls, precious metals and jewellery. Therefore, we have to understand a much wider issue. The majority of the EU FTA agreements and the ones that account for 80% of their value deal with precious metals, pearls, jewellery and mineral fuels. They do not supply food or medicines—the sorts of things that will be in short supply if we crash out on 29 March.

To focus a little more on the wider context, can the Minister now confirm clearly to the House that, if there is a withdrawal agreement, after 29 March 2019 the UK will be a third country, no longer participating as an EU member, and that it will have to rely on the EU's promise to notify its current partners that the UK is to be treated as a member state? But of course that will be entirely up to the countries concerned and, as things stand, a very small number of the agreements with those countries will be in place on 29 March.

If there is no deal and we leave on WTO terms, the crucial question that is missing from this whole discussion is: what tariffs will be applied when we leave? Can the Minister confirm when we will get some information about the tariff rates that will be applied? We gathered from the exchanges yesterday in another place that the much-touted story over the weekend that the Government would go for zero tariffs has no credibility. The Minister in the other place said that that would not be the case. Can the Minister also confirm that the Government will announce the tariffs very shortly? If so, when will that be?

Baroness Fairhead: I thank the noble Lord. I think I heard two questions there. First, he asked whether it is true that if, as is the Government's priority, we leave with a deal—that is, with a withdrawal agreement and an implementation period—the EU has to propose that the UK is treated as a partner for the purposes of these trade agreements. That is correct. I do not believe that that is a secret. My understanding is that the countries with which we have been having these discussions are happy about that and are supporting continuity on that basis. That has been the basis on which we have been proceeding.

Secondly, the noble Lord asked what tariffs would be in place in the case of no deal. Again, I stress that a lot of the focus is on getting a deal, although there is a risk of no deal. We have already started to provide information on GOV.UK and have provided technical notices to businesses with some elements of specificity and suggestions about what they can do. If it looks as though there will be no deal, clearly the Government will come forward with a day-one tariffs paper. As I imagine the noble Lord would expect, I cannot confirm the date of that but I can confirm that it will happen.

Lord Fox (LD): My Lords, I join the noble Lord, Lord Stevenson, in thanking the Minister for bringing this Question to the Floor. As the Statement makes clear, these deals account for around 11%—or 16% if you include Japan—of our total trade. That figure pales into insignificance when compared with the 48% of trade that we have with the European Union; nevertheless, it is important, and it is important to the companies that trade on that basis. It is important too because it is something of an act of faith. The Secretary of State

was very clear that these deals would be easy and that they would be in place on the stroke of midnight, or one second after midnight. He was unequivocal and confident.

In Committee on the Trade Bill, my noble friend Lord Purvis of Tweed pressed the Government time and again to come forward with details of the progress on these deals. However, the Government did not give any and it is very regrettable that we are having this discussion due to a leak. The details having leaked, it seems that the Secretary of State's bulletproof confidence is slipping.

In answer yesterday to the Member for Eddisbury in the other place, the Secretary of State said:

"The Government are assessing where we are with each of the agreements. Where we believe that it will not be possible fully to replicate, we will set out a technical notice in the coming days".—[*Official Report*, Commons, 13/2/19; col. 895.]

Additionally, in answer to my right honourable friend Tom Brake, he said that he would now keep Parliament updated on progress "in the coming days". Can the Minister tell us on which day this update will be forthcoming?

Baroness Fairhead: My Lords, I can only repeat the Statement from my right honourable friend the Secretary of State for International Trade. The update will be given shortly—as he said, in the coming week.

Baroness McIntosh of Pickering (Con): My Lords, I am most grateful to have the opportunity to raise what was debated in the other place yesterday. The noble Lord, Lord Stevenson, asked about tariffs. What will the mechanism be for setting the tariffs? Will a statutory instrument be brought before both Houses to set them?

On a different matter, I am personally very enthusiastic about the Faroes and would like to put down a marker about that. I am probably one of the few people to have visited the Faroe Islands. I am slightly concerned that the Faroes account for 0% of our trade when we have £60 million of exports and £229 million of imports.

Baroness Fairhead: My Lords, in terms of tariff-setting, there are the powers under the Taxation (Cross-border Trade) Bill. With regard to the Faroe Islands, I think that the figure of 0% has been rounded. We are talking about the total amount of trade to the UK but I agree with my noble friend that the trade agreement with the Faroe Islands, as well as many other smaller trade agreements, is vital.

Lord Anderson of Swansea (Lab): My Lords, I too am very excited about the prospects of doubling or tripling our trade with the Faroe Islands. Can the Minister confirm that the facile optimism of the Secretary of State must surely now melt as he sees the reduction in our negotiating power when we are on our own compared with having the weight of the EU behind us, particularly in relation to the big hitters. Each of them—Japan, the US and India—will demand concessions, some of which might be painful for us; for example, it is clear that India will demand concessions on visas. That will be unpalatable to many Brexiteers.

Baroness Fairhead: I can only say to the noble Lord that we will remain the fifth-largest trading nation in the world. Third countries are very keen to work with us and to have access to our products, and they are very keen to make sure that they can export their goods to us. There is also the argument that in dealing with one country we will be able to focus on areas of particular interest to this country. I highlight in particular the service industry, which makes up 80% of our GDP.

Combined Authorities (Mayoral Elections) (Amendment) Order 2019

Motion to Approve

2.48 pm

Moved by ***Lord Young of Cookham***

That the draft Order laid before the House on 12 December 2018 be approved.

Lord Young of Cookham (Con): My Lords, in moving this order I shall also speak to the draft Local Authorities (Mayoral Elections) (England and Wales) (Amendment) (England) Regulations 2019.

The order and regulations make changes to the rules governing the conduct of elections of combined authority mayors and local mayors in England. The instruments also make important changes to the electoral framework in relation to candidates standing at these polls. They remove the existing requirement that each candidate's home address must be published during the election process and be included on the ballot paper at elections of combined authority mayors and local mayors. These changes are designed to enhance the security of candidates standing at these polls and of their families, and to deliver commitments made by the Government in response to recommendations from the Committee on Standards in Public Life.

I should explain that these are two of four instruments that we have brought forward on this issue. In December 2018, we made two statutory instruments that implement the recommendation made by the CSPL in relation to candidates at local government and parish council elections. Electoral law provides that these statutory instruments are made under the negative resolution procedure, and they are therefore not required to be debated in Parliament before being made. This reflects the requirement that the rules for local government and parish council elections are to follow those for UK parliamentary elections. These orders are laid under the affirmative procedure.

Since 2010, candidates at UK parliamentary elections have been able to choose for their home address not to be made public at these polls. The changes we are making in the four instruments that relate to local and parish council elections and to combined authority and local mayoral elections will bring the procedure at these polls into line with that at UK parliamentary elections.

By way of background, in December 2017, the CSPL published its report, *Intimidation in Public Life: A Review by the Committee on Standards in Public Life.* It made a package of recommendations on ways

[Lord Young of Cookham]
to enhance the security of those wanting to take part in public life and to reduce the risk of intimidation. This included the recommendation that:

"The Government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper".

In responding to the CSPL report, the Government accepted this recommendation in relation to local councillors. Indeed, they went further in their response and stated that the practice of removing the requirement for home addresses to be published on the ballot paper should be applied equally to all those standing for election to public office, and should apply to those standing at any level of local authority elections, including for mayoral positions. We are therefore going beyond the CSPL's report in taking action on this important issue.

As I indicated, in December last year, we made two statutory instruments that implement the recommendation made by the CSPL in relation to candidates at local government and parish council elections. The two instruments we are considering today will apply the changes to the elections of combined authority mayors and local mayors.

The CSPL heard from a number of individuals that the requirement for candidates standing for election as local councillors to publish their home address on the ballot paper has been a significant factor in enabling intimidatory behaviour, and would put people off standing as a council candidate due to that risk of intimidation. A number of former local election candidates stated that the disclosure of their home address enabled intimidatory behaviour to escalate when they subsequently stood as a parliamentary candidate. These personal accounts reinforce the need to take action to address this issue.

I turn briefly to the detail of the proposed changes. Currently, candidates standing at combined authority and local mayoral elections are required to give their home address, which will appear on certain election documents and the ballot paper. The only exception to these existing requirements is for persons standing at combined authority mayoral elections where the mayor will have police and crime commissioner functions. These candidates may already require that their home address is not made public. Under the proposed changes, candidates at any combined authority mayoral election and at all local mayoral elections will not be required to provide their home address on the nomination form or consent to nomination form. In future, candidates at these polls will be required to complete a home address form and to include their home address on it. Candidates will be able to choose that their home address is not made public and so not included on the ballot paper or other electoral documents.

We recognise that we need to strike a balance between transparency of the electoral process and the safety of candidates running for public office. We think it is important for electors to know whether a candidate lives locally and whether they have a link to the area in which they are standing for election. For this reason, under the proposed changes, if a candidate chooses not to make their home address public, they must state the name of the local authority area within which they live; this will appear on the ballot paper, the statement of persons nominated and the notice of poll for the election, instead of the candidate's home address. Again, we are mindful of the need to ensure that there is openness in the electoral process. We are therefore providing that the home address forms will be available for inspection by certain authorised people, including other candidates standing at the poll.

We have consulted on the two mayoral instruments with the Electoral Commission, the Association of Electoral Administrators and the Society of Local Authority Chief Executives. We have also kept the Parliamentary Parties Panel—which is made up of representatives of the main political parties—informed of the position of the two instruments. There is broad support among stakeholders for the proposed changes.

On a final point, I highlight that it is important that the instruments are in place as soon as possible so that they can apply at the local government elections in England on 2 May. These instruments will therefore come into force on the day after they are made. The instruments presented before the House today make sensible and fair changes to the electoral framework. I commend them to the House.

Lord Shipley (LD): My Lords, I thank the Minister for his explanation of these orders. I am supportive of them. They bring the regulations into line with the election of police and crime commissioners and of Members of Parliament. They also respond to the recommendations of the Committee on Standards in Public Life. It will of course be a voluntary matter and, where an individual candidate makes a decision not to show their home address on the ballot paper, it is right that the local authority area they live in is shown on the ballot paper to assist voters.

It is a finely balanced issue but a decision to allow candidates for the mayoral election not to publish their home address seems justified by the evidence, as long as a candidate whose home address is not shown has their local authority area published on the ballot paper, the statement of persons nominated and the notice of poll. I emphasise to the Minister that my comments relate to mayoral elections, which cover large geographical areas. We will need to look more closely at the precise regulations for local councillors, who have a much more local focus, but that is for another occasion.

Lord Campbell-Savours (Lab): My Lords, it is unfortunate that we are having to move progressively to electoral arrangements in the United Kingdom where candidates' more personal details, such as their address, are not made available publicly. It seems that we are pursuing the need for security at a cost to transparency, and that has wider implications in all sorts of other areas.

I want to flag up two associated issues. I am surprised that the Liberal Democrats did not come in on one of them: the supplementary vote, which I will now move on to. Why can we not extend the supplementary vote to parish councils? It has been successfully deployed in mayoral elections; any analysis of results under the supplementary vote over recent years shows how successful it has been. Perhaps Ministers might still consider it for the future.

Then there is the question of candidate declarations. We are removing the need for candidates to indicate where they live—albeit not altogether, in that they may publish the area where they live rather than their individual address—but there is an argument for financial declarations by candidates prior to election. It has always struck me that there is far more opportunity for abuse in local government than in Parliament. We often hear of cases at a local level where people have sailed close to the line but within the rules. It may be that pre-election financial declarations are a way of dealing with this problem. I have flagged it up before and got nowhere, but I shall no doubt persist well into the future.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I am very happy to support the instruments we are discussing today. It is right to bring all these matters into line. The security of candidates is an important consideration, but I agree with my noble friend Lord Campbell-Savours. It is right to do this but, equally, it is regrettable that we have to balance the safety and security of candidates against the issues of openness and transparency. That is a terrible shame, but we live in times when candidates can be abused and treated improperly, so we need to give them the option of not publishing their address on the ballot paper. However, it is regrettable in many ways.

I fully support the instruments in front of us today. Of course, there is one other group of people to consider. The order says that, if you want, your address can be removed from the ballot paper. But when people get elected to the council, they often find that their name, address and telephone number get stuck on the council website. In present times, I am not convinced that we should do that. If people want to get hold of their local councillor, they should contact them at the town hall. Sometimes councils make decisions that people do not like, and making people's personal details available may mean that we are exposing them to risks in a way we should not. Obviously that is not for today; it is a discussion for another time, but I think we should look at that as well. I am very happy to support the instruments before us.

3 pm

Lord Young of Cookham: I am grateful to all noble Lords who have taken part in this short debate and for their support for the Motions we are bringing forward.

As I said, the background is a recommendation from the Committee on Standards in Public Life. We have already extended this facility to a large number of people who are standing for election, and the relatively modest Motions before us simply extend that facility on a voluntary basis to those standing for combined authority and local mayoral elections. As a number of noble Lords said, we do not want people to be discouraged from putting themselves forward for public office due to fear of intimidation; there has been some evidence of publicly elected people being subjected to intimidation. That is why we are doing it. However, I understand the point made in this debate that it is a matter of regret that we need to do so.

On the specific questions, as far as I am aware, we have no plans to revisit the voting procedures at local or parish council elections. The noble Lord, Lord Campbell-Savours, suggested that before you stand for public office there should be some pre-election financial declaration. The Committee on Standards in Public Life might look at that in the first instance; it seems to fall within its remit, rather than being something for the Government to initiate.

On the final point raised by the noble Lord, Lord Kennedy, it is for individual local authorities to decide what information they put on their websites about individual councillors. I hope that they would consult local councillors before putting their home address and telephone number on a website, and that they would not do that automatically. However, I imagine this is a matter best decided by local authorities, and I am sure they will have taken on board the point the noble Lord made. With those brief points, I commend these instruments to the House.

Motion agreed.

Local Authorities (Mayoral Elections) (England and Wales) (Amendment) (England) Regulations 2019

Motion to Approve

3.02 pm

Moved by ***Lord Young of Cookham***

That the draft Regulations laid before the House on 12 December 2018 be approved.

Motion agreed.

Representation of the People (Election Expenses Exclusion) (Amendment) Order 2019

Motion to Approve

3.03 pm

Moved by ***Lord Young of Cookham***

That the draft Order laid before the House on 17 December 2018 be approved.

Lord Young of Cookham (Con): My Lords, the election expenses exclusion order brought forward today aims to make significant improvements to the electoral framework. The order proposes that expenses that are reasonably attributable to a candidate's disability, and which are reasonably incurred, are excluded from a candidate's electoral spending limits.

Examples of such expenses include, but are not limited to, British Sign Language interpretation for hearing-impaired candidates, the transcription of campaign material into Braille for visually impaired candidates and specialist equipment. This order will also exclude expenses funded from grants provided through the Government's interim EnAble Fund for Elected Office from electoral spending limits. This £250,000 interim fund will support disabled candidates

[Lord Young of Cookham]
and help cover disability-related expenses that people might face when seeking elected office, such as those I have listed.

The Government are committed to ensuring that the diversity of the United Kingdom is sufficiently represented in public office. Around one in five of the UK population has a disability, but disabled people remain insufficiently represented in our Parliaments, Assemblies and councils. The proposed changes will help to create a level playing field between candidates with disabilities and candidates without disabilities, enhancing equality of opportunity.

Alongside the proposals put forward today, I will remind the House of the other work being taken on to increase the number of disabled people in public office. This includes the review by my noble friend Lord Holmes of Richmond into opening public appointments to disabled people. We welcome his report's recommendations, which suggest improvements across each of the key points of the appointment process, from the data the Government hold to attracting applicants, the application process and interviews and assessments. We are confident that the recommendations will enable the Government to understand better the issue, improve the disability data we hold for public appointees and pinpoint effective approaches to increasing the proportion of disabled public appointees. We are currently assessing how these recommendations might be implemented.

The order brought before the House today has a wide remit of application. It will apply UK-wide to all UK parliamentary elections, including by-elections. In England, the order will also apply to local government elections, Mayor of London elections, London Assembly elections, mayoral elections and combined authority mayoral elections. In Northern Ireland, it will apply to Northern Ireland Assembly elections. I can tell noble Lords that the Government plan to lay a second statutory instrument this year to widen the application of this provision to police and crime commissioner elections across England and Wales.

I will turn briefly to the detail of the proposed changes. The election expenses exclusion order excludes expenses that are reasonably attributable to a candidate's disability and which are reasonably incurred, by substituting a new paragraph 7(a) in Part 2 of Schedule 4A to the Representation of the People Act 1983. Part 2 of Schedule 4A to that Act sets out a list of matters that are "excluded" from being "election expenses" and therefore are not taken into account when calculating a candidate's electoral spending limits. This ensures parity with electoral spending limits for non-party campaigners. Schedule 8A to the Political Parties, Elections and Referendums Act 2000 excludes reasonable expenses incurred that are reasonably attributable to an individual's disability from electoral spending limits of non-party campaigners.

I would like to allay concerns about whether the change will require candidates to disclose any disability. It will not. There will be no legal obligation for candidates to report their disability-related expenses. Candidates can declare these expenses if they wish so to do. I would also like to allay concerns that this exclusion could be misused by individuals who want to manipulate their electoral spending limits. The provisions are clear: this exclusion can be used only for expenses that are reasonably incurred and reasonably attributable to a candidate's disability. Any breach of the spending rules for candidates can be referred to the police and prosecutors for investigation. The order will not give candidates with a disability an advantage. Its purpose is to create a level playing field in respect of electoral spending limits, so that candidates with a disability are not disadvantaged by that disability in standing for election.

We have consulted on the elections expenses exclusion order with the Electoral Commission, the Welsh Government, the Scottish Government and the Northern Ireland Office. There has been cross-government collaboration between the Cabinet Office and the Government Equalities Office. All the consulted stakeholders have been supportive of the proposals. We have also kept the Parliamentary Parties Panel informed of the position with the order.

On a final point, I would like to highlight that it is important that the order is in place as soon as possible so that it can apply at the local government elections in England on 2 May. This order will therefore come into force on the day after the day on which it is made. I commend this order to the House.

Lord Shipley (LD): I thank the Minister for explaining this order and I want to record that I agree with it. It is entirely appropriate that any disability-related expenses in elections should be exempt from spending limits, on principle. That is because it helps disabled candidates to stand for election on equal terms with others. I noted the Minister's comments about some objections that may have been raised on some of the details—but none is more important than the overall principle of equality of opportunity.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I am very happy to give the order my full support. I was glad that the noble Lord mentioned the political parties panel, because I was going to ask him about it. There is no mention of political parties at all in the consultation referred to in the Explanatory Memorandum. I know that the noble Lord mentioned it in his contribution, because I was going to ask him about it. The bodies listed in the Explanatory Memorandum do not pay election expenses and do not fill out election returns. I am glad that he covered that point. It is important that we keep the political parties informed on all these matters. They can often inform the Government's thinking in a positive and helpful way. Since the noble Lord answered my question, that is fine. I am very happy to support the order.

Lord Young of Cookham: My Lords, I have had a remarkably easy time—oh, I am sorry.

Lord Campbell-Savours (Lab): I will be very brief, so do not worry. Paragraph 14.3 of the Explanatory Memorandum refers to the EnAble Fund for Elected Office having,

"robust checks and balances in place to ensure that grants are allocated to eligible applicants".

It then sets out the process to ensure that happens, because, obviously, public money is being expended. However, in the case we are discussing here, I will quote paragraph 14.1:

"There are no plans to monitor or review the statutory instrument … monitoring or reviewing of the statutory instrument is difficult to implement and unnecessary".

The Minister referred in his contribution to "reasonably incurred" and "reasonably attributable". Whenever I see "reasonably" I always think of the courts. What happens if there is a challenge on the basis that an expense has not been "reasonably incurred" or "reasonably attributable" and therefore should have been declared as part of the base limit? What happens in the event that that is breached?

Lord Young of Cookham: My Lords, I obviously spoke too soon when I said I had had a reasonably easy ride. I am grateful to noble Lords for their broad support for the measure. On the issues raised by the noble Lord, Lord Campbell-Savours, as I said, we are extending an exemption that already applies to non-party campaigners to those standing for public office. I am not aware that the existing exemption for non-party campaigners has given rise to the difficulties he presents, but he asked about the precautions we are taking to make sure that this is not abused. The EnAble Fund for Elected Office has robust checks and balances in place. There is an initial triage process—a meeting with the applicant, in person where possible. During these checks, applicants will be asked to confirm that they have a disability that necessitates reasonable adjustments to enable them to stand for election. In addition, applicants intending to stand for election will undergo a verification process to ensure that their intention to stand is genuine.

A risk confronts anybody who stands for elected office and misuses the expenses regime, as we discussed yesterday: they stand to be disqualified if they have not incurred expenditure reasonably. Those definitions, as I think I said, are already on the statute book in relation to non-party campaigners. I do not think that there has been any difficulty.

Motion agreed.

Immigration Procedures

Question for Short Debate

3.13 pm

Asked by ***Lord Roberts of Llandudno***

To ask Her Majesty's Government what steps they will take to improve immigration procedures in the United Kingdom.

Lord Roberts of Llandudno (LD): My Lords, I first declare my interest as president of Liberal Democrats for Seekers of Sanctuary. I quote from one not of my own party, David Lammy, who, in a speech last week in the House of Commons, stated:

"Your Department's treatment of the Windrush generation has been nothing less than a national scandal. In November, we learned that at least 164 Windrush citizens were wrongly removed, detained or stopped at the border by our own Government. Eleven of those who were wrongly deported have died. You have announced three more today. Every single one of those cases is a shocking indictment of your Government's pandering to far right racism, sham immigration targets and the dog whistle of the right-wing press".—[*Official Report*, Commons, 5/2/18; cols. 170-71.]

In addition, I received a letter earlier this week from one who said:

"I am a Portuguese citizen from Lisbon, came here in 1993 on a full scholarship paid for by the Royal Academy of Music to study, when I was just 19 years old. I stayed and have been working as a performer and teacher ever since.

I came here legally, settled with no issues and have had a national insurance number since 1993. I have paid tax since 1997 … When I applied for settled status I wasn't given a reason for being refused".

Nor was she asked to provide evidence. She continues:

"It made me both frightened and angry. I've been here continuously for nearly 26 years and couldn't think of any reason why I wouldn't be immediately put through … I was promised and reassured by this government that the ridiculous process of having to apply for a status I already have (!) was simple, easy and that bar criminal conviction everyone would get through straight away.

I was lied to.

The app doesn't work for the self-employed.

The app doesn't come with a helpline number or email to write to, it also doesn't tell you that if you're self-employed you're not likely to get through.

It doesn't offer help in any way.

What I want to know is why on earth the Home Office cannot just look at my 25 continuous years of NI and understand it is me!

I have lost sleep, been hugely stressed over this, and none of this is of my choice and making.

17.5% of all EU citizens here are self-employed and they are all having the same issue. Half a million people! To me this is a human rights issue, we're being lied to, the app system is immature, bugged and biased against the self-employed … Every time an EU citizen gets rejected and is asked to submit evidence of their lives here, it creates a huge amount of confusion and stress.

It seems that this whole sorry process is unethical, biased, and unlawful. The government is scrambling to put together anything that may be seen to make sense but has no actual substance.

People's lives matter, and they are playing with our future!

I worked very hard all my life, this government is happy to take my money and work but won't give me a voice or a choice in my future".

She concludes:

"I have a British husband and two small children".

This instance and many others clearly show that the whole situation is not fit for purpose. Nothing proves that better than the results of appeals against Home Office immigration decisions and how those appeals have increased in number over the years. In 2005, 17% of appeals were approved by the tribunal or the higher court. In 2009 that was up to 29%; in 2014, it was 28%; in 2015, 35%; and in 2016, 40%. We are assured that the Government are attempting to improve the situation, but nothing changes.

This results in a destruction of confidence in the whole system. When people cannot trust government decisions, we are in grave danger. When people feel, as David Lammy asserted, that one section of the community is discriminated against, that danger is even more threatening. I do not lay the blame on the officers or decision-makers; they try to fulfil this part of their Home Office responsibility. But there must be great stress in the job they are undertaking. I can immediately

[Lord Roberts of Llandudno]

suggest two changes. First, every interview should be audio recorded so that there is no uncertainty over responses or the ability of those interviewed to understand a language foreign to them. Secondly, I suggest we should have not one decision-maker in every interview, but two.

I refer to a film directed by Professor Sue Clayton of Goldsmiths university. The main character of her film is ZS—let us call him that. He is a vulnerable Afghan boy with bullet wounds from the Taliban and a record of repeated suicide attempts in France. The Home Office refused to accept him and the other 36 children in the film, who, Sue suggests, were eligible under the Dubs amendment. Sue says that,

"we became increasingly concerned that the procedures they had in place for assessing our kids and others were flawed and profoundly inadequate; that the criteria for acceptance were being constantly changed; and these changes not relayed to the applicants, so that many were not able to apply, or their applications discounted. It was also clear that the Home Office were not meeting the Dubs quota of 480 lone children from Europe. In February 2018, the Home Office were sued in the High Court on behalf of our client ZS and the others, for their failure to lawfully implement the Dubs Amendment".

The result was, Professor Clayton continued, first, that the Home Office was judged not to have provided,

"the Calais children with written decisions or any reason for their refusal. This meant they were unable to appeal (and cases such as this are generally won on appeal)".

Secondly, she says, the result was:

"That the Home Office acted unlawfully by failing in its 'duty of candour' by not making its policy and procedures available to those who needed to know".

She says that her film shows that the Home Office,

"changed its policy no less than 8 times in 18 months, so that the young people, their lawyers, carers and even the French government were all unaware of the procedures for applying to Dubs. Latterly it's only through the French government that kids in France can apply".

Professor Sue Clayton also says:

"So we did succeed in getting condemnation for the unlawful practices of the Home Office—one small further step on the way to dismantling the Hostile Environment"—

what a terrible word "hostile" is. She ends:

"Shockingly, after nearly 3 years, only … half of the 480 Dubs places have been filled, even though the Amendment stressed the agreed number shall be brought 'as soon as possible'. So, the fight goes on".

It could well be that immigration matters should no longer be a Home Office responsibility but in a department of their own. There are so many other changes that we want. We want no indefinite detention, the right to work much sooner than after the present 12 months and far better legal advice and protection for young refugees when they reach 18 years of age. I have a Bill that I hope will reach the statute book this year. All these measures would give hope and huge self-respect to those who have had the most devastating experiences. I do not want to be part of a society that dehumanises people. We should not treat them as citizens of nowhere; I prefer Socrates' claim:

"I'm not a citizen of Athens or a citizen of Greece, but a citizen of the world".

The last private rescue ship, the "Aquarius", was forced to halt its operations in December. More than 29,000 people are estimated to have been rescued by the ship, which was not allowed to dock in Italy last June. But how can we criticise such moves when we ourselves have a questionable record on immigration? We can be a country that restores and builds, or we can be otherwise. In the 17th century, the Dutch of Amsterdam welcomed immigrants and said:

"We are seekers after truth and are richer in having you among us".

Are we also not richer because of others who have contributed and are contributing to our lives? Remember: we were all immigrants once.

3.23 pm

Lord Mountevans (CB): My Lords, I congratulate the noble Lord, Lord Roberts, on calling this debate. What a pleasure it is to follow his eloquent words. I will focus more, if I may, on the business aspects of immigration.

As Brexit draws ever closer, few topics can be as important as the future immigration procedures for our country. The United Kingdom benefits greatly from strong immigrant participation in our workforce. The latest headline figures that I have, from 2017, illustrate this. Nationally, the figures for country of birth among the UK workforce stood at 82.2% UK-born, with 7.5% from the EEA and 10.2% from the rest of the world. But the importance of international labour is much more significant if we look at London, where 59.5% were UK-born, 14.1% from the EEA and 26.3% from the rest of the world. I have worked for 46 years in the City of London, mainly in international shipping but latterly including 11 years elected to the City of London Corporation. If we strip out the figures for the City, they are not dissimilar to those for London, although around 1.5% more were from the EEA and around 1.5% less from the rest of the world.

These are striking figures and illustrate the very important part played by overseas labour in our economy, particularly in London. I am sure that other noble Lords will speak about the importance of foreign labour in specific areas and industries across the country but I want to concentrate on its crucial contribution in London, not least the City. I will focus on the highly skilled individuals who are critical to our future success. We know that concern around freedom of labour movement was a key issue in the referendum but I am talking about highly skilled labour, which we need and should welcome.

A report issued by the City of London Corporation in December 2018 found that the financial and professional services sector contributed over £72 billion in taxes last year. To give a sense of scale, that corresponds to half the NHS budget and about 11% of total UK government revenue. Professional services are international and that international dimension is London's strongest suit; for example, across measures of competitiveness in global trade and investment and financial services capability, London ranks top when compared with other cities. Between 2013 and 2017, London received the highest volume of financial services foreign direct investment projects globally.

The contribution of the City is not always fully remarked on. I for one have been greatly concerned to see how little the City and the associated sector's interests appear to have been weighed in the balance

during the withdrawal negotiations. This is a sector where the UK is number one in the world. It becomes doubly important that the future visa regime should match the needs of the City and other related sectors. Please do not let us throw the baby out with the bathwater. It is crucial for the future success of our economy and nation—for the City, for British business, for international businesses and to attract more of them, for our creative industries, for SMEs, for academia, for students, for the UK—to have a regime in place where we attract and are open to the best in the world.

On a cautionary note, I would point to a risk. If we fail to put in place a system where the brightest and best can get visas and work here, the risk is that our own British brightest and best will depart. The young feel much more citizens of the world. They want to work with the best from around the world and where they feel best rewarded, which is likely to be where their international peers are working. It is vital that changes are made so that the UK's future immigration process is both ambitious and dynamic—ready to change for the benefit of the country and those whom we wish to attract. We must improve the current process to one which is helpful, efficient and predictable, and ensures that we are the country of choice for applicants and employers—a country that operates the immigration system to which other countries aspire.

How are we to set about this? The City of London Corporation and the international consultants EY have just published a very helpful report, *Streamlining Success: Building a World-class Visa Process for the UK*. The report sets out practical steps to improve the visa process, allowing firms to recruit international talent, and recommends ways to streamline the user experience for people going through the process. The feedback received from employers by the City of London Corporation is that the current system is, "stressful, inefficient and precarious". The perception is that the Home Office can ask for additional information or documentation at any time, make subjective and retroactive decisions that are difficult or impossible to challenge, and take an indeterminate length of time to make decisions. The research indicated that the practical impacts of the current system include: reputational impact for the UK and a loss of candidates to other employers or destinations; uncertainty and delays; and extra costs associated with internal management processes.

The report made a number of recommendations for a future system including, first, to reduce the administrative burden and uncertainty associated with visa applications. In response to the City's research, employers agreed that checks are important. However, currently a UK visa application is typically made up of many different processes, requirements and touch points, with overlapping, interdependent and uncertain timeframes. Streamlining these steps will decrease stress for applicants, increase certainty for employers and save time and costs for government; for example, trusted sponsors should be empowered to certify a candidate's English language skills, and there should be a more transparent approach, allowing candidates to view the progress of their immigration application online, which would mirror the Irish system.

Secondly, the report recommends relying on an entirely digital immigration status so that applicants no longer need to surrender their passport or update physical status documents. To surrender a passport is particularly unattractive for professional services contractors and artists who move between countries from job to job. A digital immigration status could also be a secure log of the individual's current and past immigration status, tied to their passport number and biometric information.

Thirdly, to avoid duplicate processes, the use of existing data can be very helpful. Fourthly, the report recommends technology and guidance to provide tailored support for employers and sponsors of different sizes and in different sectors, to encourage investment and growth in the UK. For example, it is recognised that SME employers find the administrative and HR management obligations very onerous. The proposal is that, building on the positive work of the outreach programme on the EU settlement scheme, the Government should offer an enhanced level of support for SMEs looking to apply for a sponsor licence for the first time.

In conclusion, businesses must be able to respond rapidly to changing needs, their clients' demands and new opportunities. To do this, they need a visa system that enables them to fill a new role or bring in an expert from an overseas branch in weeks rather than months. This is needed if the UK is to have a clear competitive advantage in the future.

3.31 pm

Baroness Ludford (LD): My Lords, there is very little trust in our immigration system. On the one hand, the Home Office is a byword for inefficiency, maladministration and heartlessness, with its "go home" vans, the Windrush scandal and the hostile environment; on the other hand, many people mistrust immigration because they are not sure that people are here legally. Since the Border Force was slashed under the Conservatives, that distrust of good management has some validity.

The migration and asylum system is not fit for purpose and needs to work a great deal better than it currently does to increase efficiency, quality, value for money and trust, making Britain welcoming and customer-friendly for those we want to stay, and better at stopping and removing those we do not. This needs radical reform and better deployment of resources to convince the public that migration is well managed, and to convince migrants that the UK is not out to cause them misery.

The Home Office sets itself up to fail with the net migration target that the Prime Minister is so wedded to. It is arbitrary, unachievable and damaging; and when not reached, inevitably, just fosters suspicion. I am afraid that the sight of the Home Secretary flying back from his holiday over Christmas and declaring a major incident over a few hundred migrants in the Channel—it needed to be dealt with competently, but it was not a major incident—did not increase trust. It undermined trust in the migration system. Fear of EU free movers could have been turned into a win-win if the Government had been more nimble on the local impact, channelling local resources so

[Baroness Ludford]
that communities could see that they attracted more doctors, teaching assistants and so on, to help everybody.

Far from offering improvements, the new immigration Bill will suck all EU citizens into the bureaucratic system that they have so far escaped, instead of the simplicity of EU free movement—and of course Britons will lose that opportunity for free movement as well, because it is a two-way street. EU citizens and their employers will be subject to the full weight of the Home Office red tape. The NHS will be paying hundreds of millions of pounds in visa fees to the Home Office—talk about robbing Peter to pay Paul. The proposed £30,000 salary threshold could leave up to 100,000 jobs in social care and nursing unfilled, and imperil the ability of businesses to expand or survive.

For those already here, or who come in the transition period, if we get to it, many of us—including the Liberal Democrats—wanted a simple declaratory system. Instead, the Government have insisted on making them jump through the hoops of an application for settled status, and if they fail, risk falling into the hostile environment. As my noble friend Lord Roberts of Llandudno mentioned, this is not only causing administrative hassle for people but it affronts their dignity that, in some cases after decades of being here, they have to reapply—or apply for the first time—to stay in their own homes.

I understand that the cost is about £500 million to £600 million—can the Minister confirm that? Can she also say what the cost would be, or would have been, of a simple declaratory scheme, with a light-touch evidential requirement? It is a vast bureaucratic undertaking of 3.5 million or 3.7 million people. The stakes are very high. Even if 5% are rejected, that is 175,000 people, and that will not improve either the Home Office's reputation or social integration. To get through everyone, the Home Office will have to process about 4,500 applications a day, whereas I think in the pilot phase the maximum was about 360 a day. Will 1,500 case workers be enough to cope with those who have difficulties?

The Home Office has to get this right. The operational failure of the settled status scheme will further damage confidence and Britain's reputation—and possibly get us into problems under the legal provisions of the withdrawal agreement—and would harm our reputation with key partners in Europe. There are many problems with the settled status system: it is not available on iPhone; people, I understand, are holding Android Tupperware parties, which must raise the possibility of data protection issues, if they are helping each other with all the data. There are problems where the official records do not match. People may be wrongly being classed as having pre-settled status because the system is wrong and has wrong information. They are faced with having to trawl through years of evidence, and then the Home Office has the problem of looking through it all. We need to look at whether the burden of evidence is too high.

Lastly, I raise the fear of what happens to vulnerable applicants. Are the outreach and communications sufficient, and is information available in all EEA languages? Can the Minister clarify what exactly happens in a no-deal scenario? Do the EEA regulations remain in force, even if the immigration Bill is passed? Will that part of it be suspended so as not to abolish the regulations? Finally, could the Home Office reconsider that people are not going to get any piece of paper as evidence of their settled status? They have to rely on a digital code and therefore on the efficiency of the Home Office's digital systems.

3.38 pm

The Lord Bishop of Durham: My Lords, I too thank the noble Lord for securing this debate, and need to declare my own interest, as laid out in the register, as a trustee of Reset.

Given the velocity with which the incredibly narrow immigration Bill will likely be sped through this House, any and all opportunities for Parliament to provide scrutiny of immigration is to be welcomed. Without more scrutiny we seem to risk squandering the potential for a reset moment in the way that the UK thinks, debates and legislates about migration.

What could have been the moment when the Government led a discussion about the deeper purpose of our migration system has become instead one that underlines the persistent and escalating centralisation of policy by successive inhabitants of 2 Marsham Street. This trend has also resulted in the Immigration Rules becoming infamous in their complexity, as the Law Commission has recently highlighted.

Improving immigration procedures means making them simpler and more open to parliamentary scrutiny. Only then can we hope to secure a future system animated by a shared sense of purpose and focused on human dignity.

This is not to say that the reflections on purpose are entirely absent from the current discussion. The White Paper is not without its problems, but it sets out some of what the Home Office thinks migration is for. In particular, it is to be welcomed that the rhetoric is beginning to move beyond arbitrary targets.

However, given that the focus of this debate is on opportunities for improvement, I want to focus on the ways in which crude policy levers continue to be confused for a deeper purpose and risk jeopardising other policy objectives. For example, we see this in the proposed short-term worker visa proposed in the immigration White Paper. A 12-month "cool down" period would create a churn of workers, hurting businesses and integration. The National Conversation on Immigration found that while people were often sceptical about immigration, they would much prefer newcomers to settle in a community and integrate, and not constantly churn. At the moment, our procedures prioritise making immigration undesirable to certain groups over and above making immigration desirable to local communities. There is a conflation of "control" with "making life difficult for those considering migrating". We need an immigration policy led by the needs of communities and the personhood of migrants.

At the heart of current policy-making is confusion over what we mean by "contribution". The current system operates on a reductive logic that equates contribution with "how much you are paid". The White Paper's proposed £30,000 threshold is a strange measure of what it means to be skilled. I worry about

parts of the country whose economies rely on immigrants but where jobs paying £30,000 are rare. This proposal will result in communities such as many of those in my own diocese of Durham and regions such as Cornwall, Cumbria and Lincolnshire experiencing immigration almost exclusively in the churn of short-term worker visas. What will this do to how different parts of the UK think and feel about migration? The contribution of immigrants must be better defined and widely experienced. A crude financial measure simply will not work.

Today is Valentine's Day—I think I am the first person to mention that. I also want to note the ongoing harm caused by the minimum income requirement. We hear that this is about ensuring that migrants contribute, passing over the burden that many separated families are subjected to and the well-known benefits, economic and otherwise, of a united family. This policy punishes British citizens for falling in love and deprives thousands of British children of one of their parents. How can we ensure that love, meaning and those things that make life worth living are given their rightful place in future policy-making?

Finally, on the question of meaning, I want briefly to raise the lack of faith literacy displayed in both asylum and visa application procedures. All too often, asylum claims on the grounds of religion are turned down because someone is told that they are not able to display a detailed knowledge of the scriptures. You do not need a Bishop to tell you that millions of people live lives transformed by the life, death and resurrection of Jesus Christ without being able to name the three gifts that the Magi presented to Jesus. It is their faith that matters, not their ability to answer simplistic questions. This speaks to a deeper issue around improving faith literacy in the Home Office and possibly across the Civil Service as a whole. I understand that some work on this is ongoing between the Home Office and APPG for International Freedom of Religion or Belief, but that it has seen limited progress during the past few months. Please can I ask the Minister for an update on this work?

I hope that faith literacy training across the Home Office might also alleviate some of the difficulties faced by many bishops from across the Anglican Communion as they try to navigate the application process for short-term visas, particularly as we approach the Lambeth Conference in 2020. Here, too, a better understanding is needed of what it means when a bishop and a diocese guarantee that they will care and support the visitor throughout their stay, rather than simply looking at the low income of the visitor in their home nation. We should be trusted on our promises.

I still believe that the White Paper consultation and future legislation can provide the space for a truly national conversation on the purpose of immigration and the gift that migrants can be. We still have the opportunity for a reset moment, if only we would seize it.

Baroness Goldie (Con): My Lords, may I invite your Lordships' co-operation in keeping an eye on the clock? The time limit allocated to Back-Benchers is six minutes. When the clock shows six, time is up, I am afraid.

3.45 pm

Baroness Hooper (Con): My Lords, I too thank the noble Lord, Lord Roberts, for giving us this opportunity to debate an important issue while there is still time to smooth some of the rough edges of the Government's policy on immigration procedures, as outlined in last December's White Paper. It is worth saying that flaws in the system have existed for some time and are not caused exclusively by Brexit, although they are exacerbated by it.

I want to concentrate on the creative industries sector, which contributes more than £90 billion a year to the British economy and is growing twice as fast as the rest of the economy. It is highly international and dependent on overseas employees. I therefore very much support many of the observations made by the noble Lord, Lord Mountevans.

It so happens that last week a meeting of the British Council All-Party Parliamentary Group brought together representatives of the arts—ballet, music and writing—the fashion and design industry, museums, architects and the regions, particularly the devolved regions, to discuss the gaps and risks for the arts and creative industries post Brexit. Time and again, the issues of visas and freedom of movement were raised. It seems to me that a special category of highly skilled workers needs to be considered for the sector. I recognise that the Government state in the White Paper that there will not be a cap on the number of skilled workers and I hope that is good news for the creative industries. It may also be that the new regulations on leave to enter and remain, introduced by my noble friend Lady Williams earlier today, will be helpful, but there is a need for more discretion and flexibility.

There needs to be a fast-track procedure for a situation when, for example, an opera singer loses his or her voice or a leading ballerina strains a muscle and a replacement has to be flown in at short notice. Obviously, in the past there was little or no problem if the replacement was an EU citizen, but it has always been difficult when a third country is involved. I therefore ask the Minister whether any consideration has been given to creating a special exemption for highly skilled performers to cover these exceptional cases. After all, there is clearly very little likelihood that these exceptional people will either wish or be able to remain permanently in the United Kingdom, which seems to be the dominating thought behind our immigration procedures. Might the concept of an individual immigration status as a basis of control be tailored in some way to meet such special needs?

On a final and more general point, having read the report, I support the Migration Advisory Committee's recommendation that the Government should consult users of the visa system more systematically to ensure that it works as smoothly as possible.

3.49 pm

Lord Greaves (LD): My Lords, I want to talk about settled status and follow on from the discussion we had at Question Time this afternoon. In doing so, I pay tribute to the campaign and information groups that have brought to light serious problems with the system that is being set up, notably the3million, the

[Lord Greaves]
Twitter-based group In Limbo, the Joint Council for the Welfare of Immigrants and its latest report, and many other individuals, academics and journalists who are raising this. A scandal is developing, and it needs to be nipped in the bud early if it is not to result in what Yvette Cooper called, "Windrush on steroids. We are at an early stage; we can do it now and we need to do it.

I have lots of questions to ask the Government and I have not possibly got time to ask them all, so those that I do not get to I will put down as Written Questions. The Minister may be batting on a sticky wicket with some of them, but she will no doubt write if she cannot answer.

As the existing rights of EU citizens living here are being abolished, which is what is happening, they were promised that these would be replaced with a new system—the Government are calling it settled status—which would simply require them to say who they are, show that they are an EU citizen, and show that they are resident in the UK and have not been guilty of a serious criminal offence. It was promised that it would be simple, easy to navigate, and in the interests of the applicant and of the Home Office, which simply cannot cope with a complex new bureaucracy. Instead, we are being offered something that is complex, difficult to navigate and not coping: settled status looks like a new slippery slope.

What is settled status? What is pre-settled status? So far, it has been a talus of broken promises. What is the system for applying? It has been a tale of betrayal. Does it work? No. The Government seem to be telling us that it is okay because, of the people who have been successful so far, 100% have been successful. That seems to be their argument. They ignore the facts. They say there have been no refusals so far. That is because the default they are giving the people they refuse is pre-settled status, whatever that may mean. It is an even more slippery slope.

My first question concerns the3million. Last July, the3million sent the Home Office 168 questions. I have looked at these questions; they are all pretty obvious and straightforward. The organisation claims that, so far, only 19% have been adequately answered. Why is this? Is it because the Home Office does not know the answers, because it is trying to keep everything secret or because it is a bit shambolic?

My second question is: what exactly does pre-settled status mean? They say that if you have not been here for five years, you get pre-settled status—a silly term—but can then move on to settled status. Actually, people who have been here for 10, 20 or 30 years are being given pre-settled status, because the machines the Home Office uses to deal with the applications say that there is some minor irregularity. In any case, why do you have to have been here for five years before you are thought to be settled? You are either settled or not—it is not a matter of five years.

My third question relates to the fact that there is huge doubt that the Home Office can cope with the burden it is giving itself. My noble friend Lady Ludford has already said that a declaratory report would surely be best, with a presumption of granting settled status on the simple information provided by people—actually believing people and not saying, "There seems to be a gap of six months in your employment record 10 years ago". That kind of thing is happening time and again. It is all done by machine-checking. There is no common sense; there seem to be no people involved.

My fourth question is on appeals. Surely a right to appeal refusals or the allocation of wrong status must be clearly and urgently set out in law. It is not being proposed at the moment. The right reverend Prelate suggested that the immigration Bill might be galloped through this House—I do not think it will be, unless they want us to sit overnight and at weekends. There is no way the Government can do it, but we will see. Further to that, surely legal aid should be available for those appealing.

My final point, because my time is running out, is on the timetable. There seems to be a mismatch between the start of the full settled status scheme on 30 March—whether we have a deal or crash out—and the timetable for getting the legislation that governs it through the House. As far as I can see, settled status does not exist in English law at the moment. To operate a settled status scheme on a proper statutory basis, I assume that the Government will have to get it into English law. Can we have some explanation of the process to enact the legislation and what they think the possible timetable is for this? If they do it in the immigration Bill, given how it is doing in the Commons, it will not come to us until the end of March at the very earliest.

There is one final thing, if I can pinch another 20 seconds. What nonsense is it that the Prime Minister announced that the £65 fee for settled status was abolished but people on the pilot scheme are still being charged? The Home Office is requiring details of people's bank accounts so that it can repay the fee when it comes through. This is utter nonsense, and only the Home Office could have dreamed up that kind of scheme. I look forward to the Minister's replies, and to her replies to the many Written Questions I will put down after this debate.

3.56 pm

Baroness Bull (CB): My Lords, I thank the noble Lord, Lord Roberts, for securing this debate and for generously framing it in a way that allows the concerns of many sectors to be raised. Addressing the noble Lord's question squarely is a bit of a challenge, as it would require general agreement on what exactly is wrong at the moment—this we do not have. The Prime Minister continues to assert that taking back control of our borders is the will of the people, while polls show that public concerns about immigration are the lowest they have been for 16 years.

Be that as it may, we now have a White Paper, which confirms, as anticipated, that the current dual-entry system—

Lord Lilley (Con): Surely the reason concern is lower than before is that people believe that we have taken back control and that henceforth we will have proper controls on immigration. That is the only explanation.

Baroness Bull: I thank the noble Lord for his intervention. I would not presume to understand the general mindset of the British public without having asked them. I will move on, because time is limited.

The White Paper confirms that a single route for all countries will be the case in the future. This may appear to be more equitable, in that it creates a level playing field, but in fact it is far from even. It gives access to only the skilled and the highly skilled, assessed via a salary threshold. The stated intention is to welcome only the brightest and best, but this fails to address two important issues: first, that the brightest and best are not always those earning the highest salaries; and, secondly, that the UK economy is dependent on at least 1.5 million low and medium-skilled workers who come to the UK via the free movement afforded by EU membership.

A vast number of business sectors have come to rely on this supply stream, not least for vital but lower-paid roles in teaching, health and social care. Our requirements for this type of worker are only going to rise. In social care alone, it is estimated that we will need an extra 650,000 workers by 2035 to care for our ageing population—that will be us.

With virtual full employment in the UK, where exactly will these essential workers come from? The White Paper proposes a time-limited transitional measure that will see employers rely on a rotating pool of low-paid workers who come in on 12-month visas. These workers will be responsible for some of the most vulnerable people in our society. The risks of this—loss of know-how, discontinuity of service, constant recruitment and retraining, and dips in standards—were eloquently outlined by my noble friend Lady Masham of Ilton in this Chamber on 8 January. Might the Minister comment on what I see as a disconnect between the White Paper's preference for high skills and the economy's requirement for low and medium skills?

I turn to the specific concerns of the creative and cultural sector, following on from the contribution of the noble Baroness, Lady Hooper. Foremost among these is the proposed salary threshold of £30,000. In this sector, high-level skills are not commensurate with high levels of pay. As just one example, an assistant film commissioner—a grand title—earns £23,000. If this proposed threshold were agreed, employers would either be forced to do without the talent they require or would have to pay rates that were out of line with industry levels. We cannot look to the domestic workforce to fill these gaps; there are currently 22 creative industries roles on the shortage occupation list.

This domestic skills gap is driven by three things: inadequate provision in schools, an underdeveloped education system for technical skills, and a lack of awareness about careers within the sector. Opening the doors to only established talent, as the White Paper proposes, will not help. A thriving domestic sector depends on talent pipelines that are built from the ground up and on welcoming potential, wherever it comes from, so that we can nurture the stars of the future. These are people for whom a salary of £30,000 is the stuff of dreams.

Finally, I will touch on the question of freelance workers. Freelancers make up 15% of the overall workforce in the UK and 35% of the creative sector. They provide skills that are required on an occasional basis, and often at short notice. They offer vital flexibility, particularly for small businesses, and help to upskill domestic workers. The current non-EU immigration system offers few opportunities for international freelancers who want to work here on a long-term basis. The exceptional talent visa scheme is on too small a scale, and it does not allow access to workers who are skilled but not exceptional. Short-term visas do not help either; they are costly, slow and restrict the number of jobs a freelancer can undertake—which rather undermines the concept of being a freelancer. The Creative Industries Federation has proposed a freelance visa that would provide a new route and which would work across all sectors, not just the creative sector. Will the Minister consider meeting with sector representatives so that she can explore this proposal?

As the noble Baroness pointed out, any changes to the immigration system that deny one of the UK's most successful sectors access to the talent it needs to thrive would have serious consequences for our economy, jobs and innovation, and would risk the world-leading position we have established in arts, culture and creativity. This seems more important now than ever. I very much look forward to the Minister's response, and hope she will give us comfort that this will not be the case.

4.02 pm

Lord Kirkhope of Harrogate (Con): My Lords, this debate is of great interest to me, and I thank the noble Lord, Lord Roberts, for bringing it to the House. I had the privilege to serve as the Minister for Immigration and Race Relations in the mid-1990s—I point out to the right reverend Prelate that at the time I was an inhabitant of Queen Anne's Gate, not No. 2 Marsham Street. Subsequently, I was the Conservative spokesman on this subject for much of my 17 years in the European Parliament.

Your Lordships will note that I mention race relations in the same breath as immigration. That is because, until 1997, these roles were held by the same Minister in the same department, and in my view always ought to be. In order to maintain good race and community relations, you need to have an immigration policy that is shown to be firm but also fair and compassionate. That is how I exercised my powers and how I believe they should always be exercised.

Migration is a very complex matter, but it should not always be lumped together in one term, as appears to have been the case recently. I want to examine quickly the components, which should be looked at in separate ways.

First, there is immigration proper, which requires clear rules and procedures that must be followed by applicants and by the authorities. Over the years, we have of course altered our rules on many occasions—I note the reference made by the noble Lord, Lord Roberts, to the alteration of rules. We have done so sometimes to facilitate an increase in numbers or

[Lord Kirkhope of Harrogate]
categories that we might welcome here, sometimes based on skills or professions that we need to work here, sometimes linked to anticipated salaries—although that is the least satisfactory caveat, and one that is being looked at at the moment—and sometimes linked to historic connections such as the old Empire or the Commonwealth, or to obligations which we needed to fulfil. That is and always has been a competence directly under our control and in our hands in this country.

The noble Lord, Lord Roberts, referred to errors and mishandling by the authorities. Although I appreciate that time has passed since, my experience always was that officers and officials working in the department and in the area of immigration carried out their duties with great devotion and sensitivity. I must say that, often when things went wrong, it was the fault of Ministers. Ministers should always take responsibility and not try to pass it on to officials.

I want to talk about asylum for a moment, because the grant of refugee status is something on which we have a good record in this country. We have granted refuge to many in need over many years and it is a precious gift at our disposal, but in my view it requires applicants to meet the criteria of the 1951 United Nations Convention on Refugees, which I think is as applicable today as it was when it was created after the Second World War. Those who do not meet the criteria—currently, I believe, about 70% of applicants—must not be permitted to acquire the status of those who do. In some marginal cases, of course, it is proper that we go further and offer leave to remain in the UK, but we must maintain the recognition of such applications only when the UN criteria are met. Otherwise, there is gross unfairness on those who meet those criteria and are given that status.

Thirdly, there is the issue of freedom of movement, which is accorded through agreements, including the current EU single market and potentially through future trade and economic alignments. We must also take into account the movements of young people who come to study here under various schemes including, currently, the EU Erasmus+ scheme. Many people seem to be confused about this aspect of migration. As noble Lords know, it is mutually beneficial to have that entry into the United Kingdom and economically positive for us to enter into such arrangements. Since our EU referendum, the net increase in EU citizens in the UK has dropped considerably and is currently falling fast, while the number of non-EU immigration applications has continued to grow. Assuming that we proceed to lose the current arrangements with the EU, that trend will accelerate. It will provide new challenges to good race relations and perhaps not satisfy some of those who appear to have been misled or have the wrong approach to the issue of immigration and international relations.

I mention one further element of any sensible and practical immigration policy. I know that this is controversial, but where our immigration rules are abused or illegality is found, including with people trafficking, in which we have seen growth recently, we must in the interests of fairness to those who comply react by refusing in many cases to grant the right to remain here and, in appropriate cases, return the persons concerned to the places from which they came. In asylum cases, the same applies, and we must return the failed applicants either to their source country or at least to the first safe country they were in after leaving their country. If we do not act in this way, we are diminishing the importance and value that must be placed on the legal and genuine cases of those who entrust us with their future. The Government's removal policy is often the least implemented because it is controversial, sensitive and often expensive, and the loss of the Dublin agreements between EU countries as to safe country returns will make things more difficult for us.

Finally, it is important to emphasise that, despite statements to the contrary, UK immigration policy has always been ultimately under the control of the UK. We have never, under any agreement that I know of, fully ceded power to anyone else. Nor have successive Governments lost their rights in this field. In or out of Europe, that must continue to be the case.

4.09 pm

Baroness Redfern (Con): My Lords, I thank noble Lords for allowing me to speak in the gap, and I thank the noble Lord, Lord Roberts, for securing this timely debate on how the Government are to implement measures in taking full control of a future new, skills-based immigration system, which, importantly, will apply to all nationalities the same.

In leaving the EU, the UK will be required to transform, upgrade and improve its immigration procedures. Continuity and certainty are important in building the confidence of our businesses to create a skilled workers route for all nationalities, with a single system that welcomes qualification, diligence and entrepreneurial skills—not one based on which country workers come from. Businesses need certainty to make decisions quickly.

It is also important to note how the document deals with incorporating the lowering of the skills threshold on the skills route to include medium-skilled workers, who are to be recognised, with no cap on numbers through the skilled workers route. Again, this is about what businesses demand and need to support their requirements. Businesses and public services will be able to employ any suitably qualified migrant with the skills they need, however benefits them—and the UK—the most and minimises the time needed to process those workers' visas.

In all areas of the country, businesses will welcome the incorporation of a transitional measure for a new time-limited route for temporary short-term workers of all skills levels, including seasonal low-skilled workers—particularly in agriculture, horticulture or any seasonal work: a single system that welcomes talent, hard work and the skills that businesses across the country need, recognises the benefits of immigration and, it is important to stress, gives the UK full control over its immigration procedures. We must not forget to highlight that in working with businesses, we must continue to invest in and improve the productivity and skills of the UK workforce.

At this time of uncertainty as we leave the EU, I am pleased to see more EU students and international students wanting to come to the UK to study. That is set to continue, with no limit on the number of international students encouraging more graduates to stay and work here. I note that university applications have gone up for the first time in three years, together with the rise in applications from overseas, seeing a record number of students from outside the EU applying to UK institutions. That represents an increase of 9% on last year as overseas students continue to recognise our world-leading universities, which perform so well in the global league tables.

On the skills agenda, under the new skilled immigration system, all skilled workers—whose skills we need—who want to work here can do so. They matter to our economy; they support and help to drive our businesses, maximising the benefits of immigration for every city, town and rural area in a post-Brexit world—one that the public trust, importantly. A strong immigration system for the future that is quicker and easier to use will complement our UK workforce.

4.13 pm

Lord Shipley (LD): My Lords, I thank my noble friend Lord Roberts for this short debate. I also thank my noble friends Lady Ludford and Lord Greaves for their devastating critique of the current Home Office policies and operational procedures that cause stress and confusion for thousands of people. We have heard about the importance of immigration to our economy, growth and public services, the bureaucracy and narrowness of the immigration White Paper and the problems in achieving settled status for EU citizens living in the UK. I hope that the Minister finds this debate helpful in informing Home Office thinking.

I raise two specific but very important issues. The first relates to refugees from persecution, and concerns the time taken to consider genuine applications for political asylum from those fleeing persecution and waiting in a third country for permission to come to the UK as their preferred destination under the UN refugee agency scheme. I recently referred to the Home Office a specific case concerning asylum seekers from Iran, because it seems to take a very long time for such cases to reach a conclusion. A few days ago the noble Lord, Lord Alton, raised a similar issue in relation to Iranians trying to cross the English Channel. The Minister who replied, the noble Baroness, Lady Williams, agreed to investigate whether the Home Office draws a clear distinction between those genuinely seeking refuge from persecution and economic migrants. This distinction matters, and I hope the Minister might agree to look at the procedures followed and assess how applications from those genuinely fleeing persecution might be speeded up.

The second issue relates to what happens to refugees in the UK granted leave to stay. The problem is that refugees do not have prior notice of when a decision will be made on their asylum application, and they get only 28 days to leave their accommodation. But 28 days is not long enough to guarantee the arrangement of alternative accommodation, not least because it can take several days within the 28-day period for a letter granting the right to stay to be received. It would be sensible to bring Home Office policy in line with the Homelessness Reduction Act, which extends the period that people can be deemed threatened with homelessness from 28 to 56 days. Under Homelessness Reduction Act regulations, some public bodies in England are required to refer people at risk of homelessness to local housing authorities—yet asylum accommodation providers are not included, on the understanding that contractual obligations are sufficient. Yet if these obligations and the duty to refer are working towards the same goals, it would make sense for them to be added to the list to ensure uniformity and promote joint working. I regard the extension from 28 days to 56 to be extremely important. If the Minister would be willing to meet with me to talk about it further, I would be very happy to do so.

The Ministry of Housing, Communities and Local Government has piloted the appointment of 35 local authority asylum support liaison officers in 19 areas of England. Their remit includes supporting refugees into housing—a most welcome step. But I wonder if the Minister could advise whether there will be a cross-departmental evaluation of the pilot involving the Home Office and the Ministry of Housing, Communities and Local Government, which is responsible for the pilot. Understandably, newly recognised refugees without savings struggle to pay deposits on private tenancies. The Government's integration loans scheme is one way to overcome such a hurdle, but I wonder whether the Minister might be willing to look at ways in which this could be made a more viable option for those unable to access social housing.

Finally, I raise other issues relating to universal credit. Refugees who have to apply for advance payments are left worse off in the months that follow. Furthermore, advance payments may not prevent homelessness. Many hostels only take people with a full universal credit claim, and proof of income can also be a problem for people trying to get private tenancies—landlords want to see details of a full claim rather than just an advance payment. In light of these issues, I wonder if the Minister would look at whether a longer-term solution would be for Home Office policy to match the timeframe for universal credit. Extending the move-on period to at least 56 days would also allow more time to arrange national insurance numbers and biometric permits and, crucially, more time for people to open bank accounts.

4.19 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, as others have done, I congratulate the noble Lord, Lord Roberts of Llandudno, on securing this Question for Short Debate and enabling us to debate these important issues. In his introductory remarks, he set out examples of cases in which people have not been treated properly. It is not good enough, and the Government should be ashamed of the stress that they are causing in many regards.

As the Brexit shambles rumbles on, every day we get shocking new revelations that set out what a complete mess everything is and how the Government have not got a grip of the situation. The immigration process is one of those areas that we must get right immediately. We need not only a just and fair system, but one that

[Lord Kennedy of Southwark]
aids our economic growth and prosperity. That will be difficult. Whatever side of the argument you are on, leave or remain—I am very firmly on the remain side—we will face challenging times if we leave the European Union on 29 March this year.

I want an immigration system that delivers for the UK. I was delighted when the Prime Minister announced that the fee had been scrapped for those EU citizens applying for settled status, but shocked to learn today at Question Time from the noble Baroness, Lady Williams of Trafford, that we are still charging people who are applying for settled status and have clearly refunded nobody yet. The noble Lord, Lord Greaves, referred to that. That is one of those shocking Brexit revelations that you cannot quite believe when you hear it—Brexit: the gift that just keeps on giving.

I am pleased that the common travel area and the rights of Irish nationals to live and work in the UK will be unchanged. The right of visitors from the EU to enter the UK visa free is to be respected, which is good news. We want to support our tourism industry and it will be important to make business travel as easy as possible for our friends and partners in the European Union.

Can the noble Baroness, Lady Barran, say something about workers when she responds? The noble Baroness, Lady Bull, made an important case about the work of people in teaching, nursing and social care. They might not earn large sums, but they do vital jobs for us all. This cannot be just about money. I also agree with her about the creative sector and the need for talent pipelines. The arts and creative industries face significant challenges as a consequence of Brexit. That vital sector of the UK economy needs proper support.

The noble Lord, Lord Mountevans, set out the importance of overseas labour working in London. He is absolutely right to draw our attention to the fact that the interests and requirements of the City have had little attention from the Government. I have observed only an unrealistic, ill thought-out approach—in some cases, there has been no thought at all—with a series of claims and counterclaims that just damage business, and an unwillingness by the Government to respond to business's reasonable requests. I also recall that Boris Johnson used the word "business" with a four-letter swear word in front of it; I will not use that word in the Chamber. It is disgraceful from a man who was at a senior level in the Government.

We will have a single route for skilled workers coming from anywhere in the world. I see the logic in that but we have not got the framing right. Unfortunately, part of the Brexit fallout has been that we are not seen to be as welcoming as we should be and have been. That risks people looking elsewhere for work and not considering the UK as their number one option, which is regrettable. Also, there is the issue of seasonal workers. We have arrived at the proposal for working here for 12 months, and then you have to go away and come back in another 12. I do not see how that will work. Although I am a Londoner, I lived in the east Midlands for many years. Agriculture is really important there, and to Lincolnshire in particular. Workers come there to pick fruit and vegetables year on year. Under this proposal, they will come for one year but cannot come again. It will not work. We need to look at such things carefully.

The right reverend Prelate the Bishop of Durham pointed out the complexity of the Immigration Rules and the crude policy levers of these proposals. As was said, things like the financial caps cannot be left as they are; it is not realistic. I mention again seasonal workers picking crops in Lincolnshire, because they are vital. If there is a labour shortage there, it will have a disastrous effect on the local economy and in many other parts of our country; the wider UK economy will be affected. If you cannot get your perishables picked and off to the shops, markets and other companies, it is a disaster. It will ruin you and put you out of business.

We have also got the system wrong in relation to students. Despite the Government saying that there is no cap on the number of students who can come to the UK, that is not the impression the world has. We have lost that argument completely. We are told that many students come in—they do—but we have lost out to the United States of America, Canada and elsewhere.

The policy has a detrimental effect in all kinds of areas, including soft power. If people do not come here in the future and realise what a great country it is, we will lose out there as well. How will the Government deal with the important issue of dependants who have arrived here and work as well?

I fully endorse the comments of the noble Lord, Lord Kirkhope of Harrogate, about civil servants. In all my dealings with civil servants I have always found them courteous, knowledgeable officials who try to deliver the complex policies of Governments. All Governments of all complexions make mistakes and get things wrong, but that is the responsibility of the Ministers who decide these policies, not the civil servants. I fully endorse the noble Lord's comments on that matter, as I do his comments about asylum policy and immigration policy in general.

It would help the House if the Minister explained how the Government intend to deal with vulnerable people—an issue on which we appear to have taken a harsh route in recent years. This has damaged our reputation and international standing.

I will bring my remarks to a close as my time is up. I again thank the noble Lord, Lord Roberts, for enabling this debate.

4.26 pm

Baroness Barran (Con): My Lords, I congratulate, with others, the noble Lord, Lord Roberts of Llandudno, on securing this debate and welcome his contribution. As we have heard, he is a keen and passionate advocate for a fair and effective immigration system. As my mother was a refugee in this country, I was brought up to appreciate fully the importance of the issues that many noble Lords have raised today.

People from all over the world come to the UK and help to make this country what it is today. We all welcome their contribution and the fact that Britain is one of the best countries in the world to come to, study, work and live in. As the noble Lord, Lord Kennedy, and others have said, that is exactly why we

need a fair immigration system that treats people with decency and respect and is trusted by all. That is why this Government have apologised—and I apologise again today—for the failure of successive Governments to deal with the issues faced by the Windrush generation. We are taking action to make procedures more effective and will continue to do so.

Noble Lords have raised a number of important issues, which I will aim to address. Although I disagree with the noble Baroness, Lady Bull, about the breadth of the debate—it may be an opportunity for speakers—I fear I may be writing to many noble Lords about their valid questions.

I remind the House of the scale of the immigration system to give some perspective. Thousands of decisions are made every single day, the overwhelming majority of which are completed within published service standards and enable people to visit the UK, to study and work here or, importantly, to rebuild their lives here. I thank my noble friend Lord Kirkhope and the noble Lord, Lord Kennedy, for acknowledging the hard work of civil servants. Clearly, I cannot comment on the role of Ministers.

The noble Lord, Lord Roberts, was critical of the Government in relation to our work with refugees, particularly child refugees, and I feel I need to set the balance straight. Our resettlement schemes offer a safe and legal route to the UK for the most vulnerable refugees.

The noble Lord, Lord Shipley, mentioned the speed of decision-making and better communication, and he was right to do so. Ironically, I understand that our processes might be faster than other countries', which creates another level of anxiety. In the year ending September 2018, almost 6,000 people were provided with protection and support, meaning that we have now completed more than two-thirds of our commitment to resettle 20,000 refugees from Syria by 2020 through the vulnerable persons resettlement scheme, and we are confident that we will deliver the full commitment. As of September 2018, 1,075 people have been resettled through the vulnerable children's resettlement scheme, although, as the noble Lord, Lord Roberts, said, we have more to do in that area, and we are determined to do so.

A number of noble Lords asked about the quality of decision-making in the asylum system. It will not surprise noble Lords to know that we believe it is a work in progress. I shall share with noble Lords some of the work that is going on and the reasons for cases being overturned on appeal. In some cases, new information becomes available. In an effort to resolve some of the older cases, which are, by their very nature, complex, we are prioritising them and introducing a new system in which we will have the option of withdrawing cases at the 20-week point to review them to avoid going to appeal. Finally, we have created a new facility for legal representatives to submit new evidence to have decisions reconsidered ahead of an appeal hearing, so we are making progress.

With regard to detention, as noble Lords know, we invited Stephen Shaw to conduct a follow-up review in 2017 to assess the implementation of his earlier recommendations. This Government are committed to using detention sparingly and only when it is necessary to remove those with no right to remain in the UK. I remind noble Lords that 95% of people with no leave to remain in the UK are managed within the community rather than being detained. In the year ending September 2018, 91% of those detained left detention within four months and 66% in fewer than 29 days. Crucially, we have changed the law to stop children being routinely detained in the immigration system. Noble Lords will remember that in 2009 more than 1,100 children entered detention; last year, 44 were held for a very brief period.

I am keen to take some time to respond to the comments about the proposed future immigration system; I shall briefly set out our vision for how it will work. We aim to maximise the benefits of the UK leaving the EU and create a joined-up, coherent border, immigration and citizenship system. As the Government set out in the White Paper published on 19 December, the future immigration system will work in the best interests of the UK. In line with the Migration Advisory Committee's recommendation, we will focus on the high skills that the noble Lord, Lord Mountevans, and others mentioned and prioritise those migrants who bring most benefit to the UK, maximising the benefits of immigration.

Importantly, we are launching a year-long engagement process to make sure that businesses and all key stakeholders can help shape the final details of policy and processes. A number of noble Lords raised concerns about how this will work in practice, including the noble Lords, Lord Kennedy and Lord Greaves, the noble Baroness, Lady Ludford, and my noble friend Lord Kirkhope. I stress that this is, in the words of my right honourable friend the Home Secretary, the start of a conversation about how the new system will work, not the end.

As noble Lords noted, the Government are making significant changes across a number of areas. Despite the doubts expressed by several of your Lordships, I hope that I will demonstrate our commitment to creating a more agile, transparent and user-friendly system—described by the noble Lord, Lord Mountevans, as ambitious and dynamic—for the full range of people who will use it. The EU settlement scheme is indicative of the improvements that the Home Office is making. After we leave the European Union, it will secure the status of our friends and neighbours who have come to the UK.

The noble Baroness, Lady Ludford, asked about the numbers. So far, 100,000 applications have been received under the scheme, including 8,000 on the first day. I think she mentioned that we need to cope with 3,500 a day. So far, 79% of applications have been processed with no additional information required. The noble Lord, Lord Greaves, described very clearly the three criteria, as we understand them, for admission to the scheme.

The noble Lord, Lord Kennedy, and the noble Baroness, Lady Ludford, asked about additional support for vulnerable applicants. That support is certainly available, and there is a range of ways in which one can access the scheme. The noble Baroness also asked about the costs. We estimate that the scheme will cost between £400 million and £500 million. I will have to write to the noble Lord, Lord Greaves, on a number of

[Baroness Barran]
his questions, including on what will happen if there is no deal. However, the key message from the Home Office is that we are looking to grant status; we are not looking for reasons to refuse.

I turn to the questions from a number of noble Lords, including the right reverend Prelate the Bishop of Durham, the noble Baroness, Lady Bull, and the noble Lord, Lord Kennedy. There was a lot of focus on the £30,000 salary threshold. That really is part of the conversation. As my right honourable friend the Home Secretary said, salary is one factor—it was a recommendation from the Migration Advisory Committee—but it is not the only one, and that applies also to lower-skilled workers and those on short-term contracts. The right reverend Prelate raised concerns about certain parts of the country where wages might be lower. My right honourable friend the Immigration Minister held a series of round tables in preparation for the White Paper. I know that she went to Cornwall but I am not sure about Durham.

The noble Baroness, Lady Bull, and my noble friend Lady Hooper talked about the creative industries. The immigration White Paper sets out the Government's intention to attract the best creative and cultural talent from around the world. The UK's existing rules permit artists, entertainers and musicians to perform at events and to take part in auditions and competitions for up to six months. They can receive payment for appearances at certain festivals for up to a month or for a specific engagement without the need for formal sponsorship or a work visa. In preparation for this debate, I discovered that classical ballet dancers are on the shortage occupation list. You learn something new every day in your Lordships' House.

I am running out of time, so I will write to noble Lords about their concerns—my noble friend Lady Redfern and the noble Lord, Lord Kennedy, raised concerns about students. The right reverend Prelate and my noble friend Lord Kirkhope talked about simplification of the Immigration Rules. They will be aware that we have asked the Law Commission to look at that, and we will consider its findings carefully.

In conclusion, the Government remain committed to improving the border, immigration and citizenship system. We absolutely recognise that there is more to do and that is why we are listening to and engaging with Members across both Houses, with those using the system and with stakeholders, and we are taking independent advice as we seek to build a new immigration system for the future that meets our economic, humanitarian and security needs as a country. Noble Lords have raised important issues in many areas, particularly in relation to the asylum system and the challenges that we face as we leave the EU. I will endeavour to raise these points with my right honourable friend the Home Secretary when I meet him next week. I will write to all noble Lords. The noble Lord, Lord Shipley, and the noble Baroness, Lady Bull, suggested further meetings, and I am delighted to accept.

The Lord Bishop of Durham: Can the Minister confirm that she will write to me on my question about bishops visiting this country?

Baroness Barran: I shall be very happy to do that.

House adjourned at 4.40 pm.

Volume 795
No. 255

Thursday
14 February 2019

CONTENTS

Thursday 14 February 2019