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**HOUSE OF LORDS**  
**OFFICIAL REPORT**

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<b>Abbreviation</b>	<b>Party/Group</b>
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
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

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# House of Lords

Tuesday 14 May 2019

2.30 pm

Prayers—read by the Lord Bishop of Portsmouth.

## Stalking Question

2.37 pm

Asked by **Baroness Royall of Blaisdon**

To ask Her Majesty's Government what steps they are taking to ensure that all police forces have the requisite training on stalking to prevent women and girls being murdered or taking their own lives.

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, before I start, may I take a moment to apologise to the doorkeepers? Last week, I referred to them as doormen. Of course, they do not stand outside the doors of nightclubs—maybe they do; I hope not—but I wanted to take this first opportunity to apologise, so that they know how very grateful we are to them.

Stalking is an insidious crime, which has a significant impact on victims' well-being. To ensure that the front-line response is as effective as possible, the College of Policing has recently published new advice for police responders and call handlers on how to respond to reports of stalking and/or harassment. Further advice to police on investigating stalking crimes will be released later this year.

**Baroness Royall of Blaisdon (Lab):** My Lords, I am grateful to the noble Baroness for that Answer, and warmly welcome the new advice being given to the police by the College of Policing. However, 70% of victims do not go to the police until the 100th incident, and when they do, too often they are still not believed and no action is taken. At least 60 women have been killed by their stalkers since 2015, so I very much hope that the College of Policing's advice will be thoroughly implemented. However, I should like to be sure that it is not just guidance but that there is much more to it. May I also ask the noble Baroness when judges will receive training on the sentencing guidelines on intimidatory offences, introduced in 2018?

**Baroness Williams of Trafford:** My Lords, the noble Baroness points out the very stark, very low figures for people who will go to the police. If officers do not have the training to spot the signs of harassment and deal with it, the figure for perpetrators being brought to justice will be even lower. There is a training programme for the police, Domestic Abuse Matters, which, as she said, has been developed by the College of Policing and Safelives.

I pay tribute at this point to my noble friend Lady Barran, who was chief executive of Safelives. The current evaluation shows that the programme has had a positive impact on police officers' knowledge of coercive control and on attitudes to domestic abuse,

and that a number of police forces have undertaken Domestic Abuse Matters training. In the *Victims Strategy*, the College of Policing committed to review the national policing curriculum and develop a set of resources to support learning in relation to victims and witnesses, for police forces to then use as a basis for any relevant locally based training. I will get back to the noble Baroness on the point about judges.

**Baroness Burt of Solihull (LD):** My Lords, stalking has been described as murder in slow motion. While the number of reported incidents has increased fourfold in recent years, charge rates have halved. We do not need the Minister to tell us that the police must do better, although I welcome her comments about training, but can she tell us what plans the Home Office has properly to address how the police will be given the compulsory training and resources to help stem this tide in human misery and save lives?

**Baroness Williams of Trafford:** I think I outlined the training to the noble Baroness, Lady Royall, but on charge rates halving, I have acknowledged previously that the figure for referrals—and therefore for charges—has dropped. I know that the police and the CPS are working together to understand why that is. I also know that my right honourable friend the Home Secretary chairs an oversight board to understand why the figures are going the way that the noble Baroness describes.

**Baroness Gale (Lab):** My Lords, as stalking is one of the most frequently experienced forms of abuse and can escalate to rape and murder—it is a crime and it destroys lives—I ask the Minister once again whether she will consider introducing as a matter of urgency a national register of serial stalkers and domestic abuse perpetrators, as recommended by Paladin. I understand that the actress Emma Watson was recently at the G7 meeting, where she raised the issue of stalking and linked it to the Istanbul convention. Does the Minister agree that if the Government were to introduce such a register, it would help them go some way towards ratifying the convention?

**Baroness Williams of Trafford:** On the noble Baroness's second question, she is absolutely right: the Government were challenged, and I was challenged, by Emma Watson on Friday about the fact that we had not yet ratified the Istanbul convention. She is also right to link it to domestic abuse, because it will be the domestic abuse Bill that will enable us, through the definition, to ratify the convention.

I think I have previously been clear that a series of separate registers could fragment the system that we have. Dangerous and violent stalkers should already be captured on ViSOR and managed through MAPPA if appropriate.

**Lord Mackenzie of Framwellgate (Non-Affl):** My Lords, does the Minister agree that stalking can be an obsessive crime and is quite often related to mental illness? Of course, it can lead to murder. I dealt with a case recently where the accused was a foreign national. Importantly, he was convicted of the crime and eventually

[LORD MACKENZIE OF FRAMWELLGATE] deported. The police need to take the issue seriously and senior officers need to supervise those on the front line who deal with these incidents. Quite often, they deal with them as domestic disputes, which of course they are not.

**Baroness Williams of Trafford:** The noble Lord is absolutely right to point out that stalking is, at its heart, an obsessive undertaking. Often these obsessions are linked to mental conditions and the police need to recognise what stalking looks like. We have, therefore, talked about training, which is the only way to catch perpetrators and, in many cases, to bring them to justice.

**Baroness Jones of Moulsecoomb (GP):** My Lords, one option that would benefit the police when dealing with this sort of crime is for misogyny to be made a hate crime, along with racial and religious hatred, homophobia and so on. Is that something the Government are thinking about bringing forward legislation on? We obviously have a fair amount of time here and could probably deal with it quite quickly.

**Baroness Williams of Trafford:** The noble Baroness makes a good point. She will know that we have asked the Law Commission to look at various types of hate crime. Misogyny is among the things they could look at to see whether there is anything further we can do in legislation to enhance the types of crime we consider hate crimes.

**Lord Paddick (LD):** My Lords—

**Baroness Corston (Lab):** My Lords—

**Lord Taylor of Holbeach (Con):** My Lords, it is the turn of the Lib Dems.

**Lord Paddick:** My Lords, coercive control can sometimes be so subtle and perpetrators so manipulative that victims may not even be aware of it themselves. Does the Minister agree that compulsory sex and relationship education is an essential part of keeping young people safe from this type of offence?

**Baroness Williams of Trafford:** The noble Lord is right that coercive control can be so subtle that the victim of it does not realise, sometimes until many years down the line, that financial control or mental manipulation is happening to them. Sex and relationship education is to be made compulsory. Every young child needs to know what a healthy relationship looks like, as opposed to a coercive or manipulative one.

## Brexit: Free Trade Agreement *Question*

2.46 pm

*Asked by Lord Pearson of Rannoch*

To ask Her Majesty's Government whether, instead of their proposed Brexit deal, they will offer European Union exporters a free trade agreement under the auspices of the World Trade Organisation, and European Union citizens continued reciprocal residence rights for a period to be agreed.

**The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con):** My Lords, the best way to secure certainty for UK and EU businesses and citizens is to leave the EU in an orderly fashion with a deal. Without the withdrawal agreement, we will not benefit from the smooth and orderly exit that the implementation period delivers. The citizens' rights agreement offers reciprocal protections for EU and UK citizens. EU citizens resident in the UK can safeguard their residency rights now by applying to the EU settlement scheme.

**Lord Pearson of Rannoch (UKIP):** My Lords, I thank the Minister for his reply, which shows that the Government do not really want to leave the European Union at all. Since Brussels has broken clause 1 of Article 50 by not allowing us to regain our complete sovereignty, why do the Government still feel bound by the rest of it, instead of breaking free and making this sort of offer to the real people of Europe, who are our friends? Why do the Government want our laws to go on being proposed in secret by the unelected Commission, negotiated secretly in the unelected Committee of Permanent Representatives—COREPER—and passed behind closed doors in the Council of Ministers, with this Parliament entirely powerless throughout? Why do the Government want the British people to continue in such servitude to the corrupt octopus in Brussels?

**Lord Callanan:** The premise of the noble Lord's question is wrong. The Government want to leave the EU. We are doing our best to deliver a deal that will enable us to leave the EU in a smooth and orderly fashion.

**Baroness Hayter of Kentish Town (Lab):** My Lords, given the letter that all those Tory leadership hopefuls have just written, saying that they would never countenance what this House would like—a permanent customs union—and as the Prime Minister seems to concur with that view, in what way were the Government willing to compromise in the talks that they offered to the Opposition?

**Lord Callanan:** We took the view that both sides would have had to compromise. The noble Baroness cited Conservative leader hopefuls so I will tell her what her leader, Jeremy Corbyn, said at the launch of his European election campaign: that a commitment to leave the EU was confirmed in the Labour Party manifesto and at the party conference. We seek to explore whether that really is the position of the Labour Party.

**Baroness Ludford (LD):** My Lords, this Question is a perfect illustration of the disdain that Brexiters have for expertise—as expressed at one point by a member of the Cabinet, Michael Gove, who dismissed experts—and their ignorance about how the EU and the WTO work. Even at this late stage, will the Government run a training session for Brexit supporters in both Houses, including Ministers, to remedy this deficiency in knowledge?

**Lord Callanan:** I have many differences with the noble Baroness but I hope she will accept that, given the experience that we both have in the European Parliament, at least one Minister here has some idea of how the EU works.

**Lord Tomlinson (Lab):** It is the normal practice that Members of this House ask questions and the Minister answers the question he is given. It is not the practice that he chooses the question and answers that, even if it has no relevance to the question asked. So will he now answer the question that he was asked from the Opposition Benches?

**Lord Callanan:** I thank the noble Lord for his advice on answering questions. I did answer the question. I will not go into details of the talks because they are still live and are still taking place. Suffice it to say that if there is to be a deal that will deliver Brexit, and if it is true that the Labour Party wants to deliver Brexit—I know that many of its members might disagree, but that is today's position of the leadership—let us explore how that can be done in a compromise fashion. The talks seek to explore that, and we accept that that requires compromise from both sides.

**Lord Mackay of Clashfern (Con):** My Lords, I had understood that the question at the moment was on the withdrawal agreement. The European Union made it clear that future relationships would not be a matter for substantive discussion until after the withdrawal agreement was settled. Therefore, why should the negotiations to which the noble Baroness referred deal with matters connected with the future agreement, rather than seeking to achieve what we urgently need—namely, an agreed withdrawal agreement?

**Lord Callanan:** With the benefit of his great experience, my noble and learned friend makes an important point—that the withdrawal agreement, as negotiated, will not change. I think that even many in the Labour Party accept that it is not going to change, which makes it slightly strange that they voted against it.

**Baroness Smith of Newnham (LD):** My Lords, what is Olly Robbins doing in Brussels today? Is he seeking to renegotiate, or do the Government have another plan for him?

**Lord Callanan:** I understand that he is exploring possible changes to the political declaration.

**Lord Campbell-Savours (Lab):** If what the Minister has just said is true, what is Olly Robbins doing in Brussels today?

**Lord Callanan:** I understood that I had just answered that question.

**Lord Watts (Lab):** My Lords, are the Government prepared to compromise on the red lines that they set out, and if not, what is the point of the dialogue taking place between them and the Opposition?

**Lord Callanan:** To repeat the answer that I gave to the noble Lord's noble friends Lady Hayter and Lord Tomlinson, we are prepared to compromise and we have offered what we thought were potential solutions. I understand that the Opposition Front Bench are considering them, and a dialogue is still taking place. The talks are not concluded and are still being undertaken, so let us hope that we can get an agreement and the matter can be put to bed.

**Lord Howarth of Newport (Lab):** My Lords, taking the Minister back to his first Answer, what would be disorderly about leaving with a free trade agreement?

**Lord Callanan:** Of course there would be nothing disorderly about leaving with a free trade agreement, but we need to negotiate that agreement. It is a very detailed and complex subject. To get on to those negotiations, we need a withdrawal agreement to settle all the outstanding issues. If we do not have a withdrawal agreement, the EU has made it clear that it is not prepared to discuss any free trade arrangement until we settle all the issues.

## Internet Encryption Question

2.53 pm

Asked by **Baroness Thornton**

To ask Her Majesty's Government what assessment they have made of the deployment of the Internet Engineering Task Force's new "DNS over HTTPS" protocol and its implications for the blocking of content by internet service providers and the Internet Watch Foundation; and what steps they intend to take in response.

**Baroness Thornton (Lab):** My Lords, I beg leave to ask the Question standing in my name on the Order Paper and, in doing so, declare as an interest that, until recently, my husband was an unpaid adviser to successive Governments on matters concerning online child safety for the last 17 years.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con):** My Lords, DCMS is working together with the National Cyber Security Centre to understand and resolve the implications of DNS over HTTPS, also referred to as DoH, for the blocking of content online. This involves liaising across government and engaging with industry at all levels, operators, internet service providers, browser providers and pan-industry organisations to understand rollout options and influence the way ahead. The rollout of DoH is a complex commercial and technical issue revolving around the global nature of the internet.

**Baroness Thornton:** My Lords, I thank the Minister for that Answer, and I apologise to the House for this somewhat geeky Question. This Question concerns the danger posed to existing internet safety mechanisms by an encryption protocol that, if implemented, would render useless the family filters in millions of homes and the ability to track down illegal content by organisations

[BARONESS THORNTON]

such as the Internet Watch Foundation. Does the Minister agree that there is a fundamental and very concerning lack of accountability when obscure technical groups, peopled largely by the employees of the big internet companies, take decisions that have major public policy implications with enormous consequences for all of us and the safety of our children? What engagement have the British Government had with the internet companies that are represented on the Internet Engineering Task Force about this matter?

**Lord Ashton of Hyde:** My Lords, I thank the noble Baroness for discussing this with me beforehand, which was very welcome. I agree that there may be serious consequences from DoH. The DoH protocol has been defined by the Internet Engineering Task Force. Where I do not agree with the noble Baroness is that this is not an obscure organisation; it has been the dominant internet technical standards organisation for 30-plus years and has attendants from civil society, academia and the UK Government as well as the industry. The proceedings are available online and are not restricted. It is important to know that DoH has not been rolled out yet and the picture is complex—there are pros to DoH as well as cons. We will continue to be part of these discussions; indeed, there was a meeting last week, convened by the NCSC, with DCMS and industry stakeholders present.

**Lord Clement-Jones (LD):** My Lords, the noble Baroness has raised a very important issue, and it sounds from the Minister's Answer as though the Government are somewhat behind the curve on this. When did Ministers actually get to hear about the new encrypted DoH protocol? Does it not risk blowing a very large hole in the Government's online safety strategy set out in the White Paper?

**Lord Ashton of Hyde:** As I said to the noble Baroness, the Government attend the IETF. The protocol was discussed from October 2017 to October 2018, so it was during that process. As far as the online harms White Paper is concerned, the technology will potentially cause changes in enforcement by online companies, but of course it does not change the duty of care in any way. We will have to look at the alternatives to some of the most dramatic forms of enforcement, which are DNS blocking.

**Lord Stevenson of Balmacara (Lab):** My Lords, if there is obscurity, it is probably in the use of the technology itself and the terminology that we have to use—DoH and the other protocols that have been referred to are complicated. At heart, there are two issues at stake, are there not? The first is that the intentions of DoH, as the Minister said, are quite helpful in terms of protecting identity, and we do not want to lose that. On the other hand, it makes it difficult, as has been said, to see how the Government can continue with their current plan. We support the Digital Economy Act approach to age-appropriate design, and we hope that that will not be affected. We also think that the soon to be legislated for—we hope—duty of care on all companies to protect users of their services will help. I note that the Minister says in his recent letter

that there is a requirement on the Secretary of State to carry out a review of the impact and effectiveness of the regulatory framework included in the DEA within the next 12 to 18 months. Can he confirm that the issue of DoH will be included?

**Lord Ashton of Hyde:** Clearly, DoH is on the agenda at DCMS and will be included everywhere it is relevant. On the consideration of enforcement—as I said before, it may require changes to potential enforcement mechanisms—we are aware that there are other enforcement mechanisms. It is not true to say that you cannot block sites; it makes it more difficult, and you have to do it in a different way.

**The Countess of Mar (CB):** My Lords, for the uninitiated, can the noble Lord tell us what DoH means—very briefly, please?

**Lord Ashton of Hyde:** It is not possible to do so very briefly. It means that, when you send a request to a server and you have to work out which server you are going to by finding out the IP address, the message is encrypted so that the intervening servers are not able to look at what is in the message. It encrypts the message that is sent to the servers. What that means is that, whereas previously every server along the route could see what was in the message, now only the browser will have the ability to look at it, and that will put more power in the hands of the browsers.

**Lord West of Spithead (Lab):** My Lords—

**Baroness Benjamin (LD):** My Lords—

**The Lord Privy Seal (Baroness Evans of Bowes Park) (Con):** My Lords, if we are very quick and we actually ask questions, we might get two in. We will start with the Labour Benches.

**Lord West of Spithead:** My Lords, I thought I understood this subject until the Minister explained it a minute ago. This is a very serious issue. I was unclear from his answer: is this going to be addressed in the White Paper? Will the new officer who is being appointed have the ability to look at this issue when the White Paper comes out?

**Lord Ashton of Hyde:** It is not something that the White Paper per se can look at, because it is not within the purview of the Government. The protocol is designed by the IETF, which is not a government body; it is a standards body, so to that extent it is not possible. Obviously, however, when it comes to regulating and the powers that the regulator can use, the White Paper is consulting precisely on those matters, which include DNS blocking, so it can be considered in the consultation.

## Emergency Services Network *Question*

3.01 pm

*Asked by Lord Hogan-Howe*

To ask Her Majesty's Government what assessment they have made of the report by the National Audit Office *Progress delivering the Emergency Services*

*Network*, published on 10 May, in particular its finding that the new emergency services communications network may go over budget by at least £3.1 billion.

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, the emergency services network aims to deliver an ambitious world-leading digital communications network for the emergency services by 2022, resulting in savings of £200 million a year. When fully implemented, its mobile technology and infrastructure will transform the emergency response of police officers, firefighters and ambulance crews. This will result in faster and better treatment for victims.

**Lord Hogan-Howe (CB):** My Lords, I thank the Minister for that Answer. The Audit Commission has provided an excoriating judgment on this Home Office-run project. Not only has the cost risen by 49% but the project should have finished in 2019, while it is now hoped that it will finish in 2022. The Audit Commission has no confidence that this project will be delivered, given that a technical solution is not defined, and the police have no confidence. So will the Government guarantee that the extra funds needed for this project—which will be significant—will not be taken from the police, fire or ambulance budgets?

**Baroness Williams of Trafford:** The noble Lord is absolutely right to point out what the NAO report says. I am not going to sugar-coat the cost and time overruns, but we can take some comfort from the fact that a new team is in place, and the additional costs should ultimately be recouped. But I take the point that a reset is needed, that the project needs to run to time and cost, and that that needs to be done as a priority.

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, will the noble Baroness tell the House who is responsible for this shambles?

**Baroness Williams of Trafford:** My Lords, there are a number of factors involved in what is not a satisfactory situation. As I said to the noble Lord, Lord Hogan-Howe, I am not going to pretend that it is a satisfactory situation. Some of the technological solutions and the infrastructure have run mainly according to plan, but there is now the testing phase, which is going to be done incrementally. That is probably the right way to do it, so that if any part of it is not running as planned, it can be changed. But there are a multitude of problems, for which a multitude of solutions are needed.

**Lord Paddick (LD):** My Lords, Motorola owns the current Airwave communications system used by the emergency services, and it is also a main supplier for the new system. It is being paid £1.4 billion to keep the existing system going beyond its contracted date, and stands to benefit even more if the project is delayed further. How did the Home Office get itself into a contract that rewards one of the main suppliers for delays?

**Baroness Williams of Trafford:** What the noble Lord points out is correct. As I said to the noble Lord, currently a change notice is being prepared for signing

to reset the situation. I think that Motorola acquired the contract after it had the Airwave contract, rather than at the point when the contract was signed. But a change notice is being issued to try to resolve the situation.

**Lord Marlesford (Con):** My Lords, does my noble friend recognise that the Government's record on procuring high-tech projects is lamentable? Will she consider consulting Mr Ken Livingstone, under whom the very successful congestion charging system was introduced into London without a hitch? He might be able to point her in the right direction of good management.

**Baroness Williams of Trafford:** My Lords, I am not sure that even the Labour Party would consult Ken Livingstone if it wanted any advice. The congestion charge was done under Ken Livingstone, and I am sure that there were many good people behind it. On a positive note, this infrastructure project is sorely needed, both in terms of its reach and the potential number of victims it can get to. As a result of the upgrade to 4G and 5G it will have reach underground and from surface to air—therefore, there is no going back on it. But, as I said, we need this reset and I am glad that the change notice is being issued.

**Lord Harris of Haringey (Lab):** My Lords, will the £3 billion overspend come from existing policing budgets or is it being found centrally? When I looked at this three years ago, I could not find a single serving emergency service officer at senior or junior level who had any confidence in this system. Has that changed?

**Baroness Williams of Trafford:** My Lords, the team that will be responsible for delivering it has changed, and I know that the Permanent Secretary is taking personal responsibility for its delivery as well. The noble Lord is absolutely right to point out the £3 billion, which is a very large sum; it is hoped that the savings that are realised will go towards mitigating that loss.

## Draft Domestic Abuse Bill

### *Motion to Agree*

3.08 pm

*Moved by Baroness Evans of Bowes Park*

That, notwithstanding the Resolution of this House of 6 March, it be an instruction to the Joint Committee on the Draft Domestic Abuse Bill that it should report on the draft Bill by 14 June.

*Motion agreed.*

## Domestic Abuse

### *Statement*

3.08 pm

**The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, with the leave of the House, I shall repeat a Statement on domestic abuse made yesterday by the Secretary of State for Housing, Communities and Local Government. The Statement is as follows:

[LORD BOURNE OF ABERYSTWYTH]

“With permission, Mr Speaker, I should like to make a Statement to the House today on a consultation on a new, sustainable approach to delivering support to victims of domestic abuse and their children in accommodation-based services across England.

Domestic abuse is a devastating crime experienced by more than 2 million adults a year, with women twice as likely to be victims. This is completely unacceptable, and we have much more to do if we are to reach a point where no family lives with the threat of domestic abuse.

Domestic abuse can take many forms and affects the young and old, male and female. But whoever the victim, those fleeing abuse must have somewhere safe to go. Just last year, we announced £22 million to provide more than 2,220 new beds in refuges and other safe accommodation, supporting more than 25,000 survivors with a safe space to rebuild their lives, but I know that more must be done to ensure a consistent approach across the country to ensure that survivors have a safer future.

At the 2017 general election, the Prime Minister made a manifesto commitment to review funding for refuges. The *Ending Violence Against Women and Girls* strategy for 2016-20 set out our ambition to provide support for refuges and other accommodation-based services, helping local areas ensure that no victim is turned away from the support they require at the time of need. We also committed to reviewing the locally led approach to commissioning of domestic abuse services.

To meet these commitments, in January 2018 we began a full review of the funding and commissioning of domestic abuse services in England. We have worked closely with sector partners, drawing on their data, expertise and knowledge. This review complements wider government work on tackling this devastating crime and supporting victims, including our new domestic abuse Bill.

Through the course of the review, we have engaged with specialist domestic abuse service providers and their representative bodies, local authorities, police and crime commissioners and other organisations which support victims to fully understand the challenges in commissioning and delivering these vital services and the positive features of the current system. We are grateful for their engagement and extensive input into our work.

We know that there are dedicated professionals delivering support to victims and their children in accommodation-based services across England. This support helps victims move from danger and abuse to safety and independence, and their children to regain their childhoods, and includes the vital work of service managers and support staff, counsellors, outreach workers and play therapists. But we also know that we need to do more to ensure that all victims and their children can access this support at the right time, underpinned by a sustainable approach to providing it.

We understand that victims and their children will live in a variety of different forms of safe accommodation and will need support to stay safe and rebuild their lives in all of them. This includes outreach support to

remain safe in properties with enhanced security measures, in emergency or temporary accommodation, in dispersed accommodation and in refuges.

While refuge plays a critical role in supporting those victims at high risk of serious harm, we have deliberately kept our definition of “accommodation-based” wide to include the full range of safe accommodation in which victims and their children may require support. This will help local areas meet the support needs of diverse groups of victims and their children and those at lower and medium risk to prevent their needs escalating.

Having reviewed the current system and listened to the views of expert stakeholders, I am today proposing new, local authority-led arrangements for delivering support to victims of domestic abuse and their children in accommodation-based services in England.

Our proposals would place a new statutory duty on upper-tier local authorities—county councils, metropolitan and unitary authorities and, in the case of London, the Greater London Authority—to convene a local partnership board for domestic abuse accommodation support services. The local partnership board should include representation from police and crime commissioners, health bodies, children’s services and housing providers, along with specialist domestic abuse service providers. The board would be required to assess need for domestic abuse services, develop domestic abuse strategies, commission services to meet the support needs of victims and their children and report progress to MHCLG.

In two-tier areas, lower-tier local authorities—city, district and borough councils and, in this instance, London boroughs—will have a significant role to play in contributing to needs assessments, strategy development, service commissioning and reporting on progress. Authorities in those areas would be subject to a statutory duty to co-operate with the local partnership board.

To support local authorities and local partnership boards to meet these new requirements, I am proposing that we should produce new statutory guidance, making our expectations clear. This new approach will be backed by funding from the Government to ensure that services are put on a sustainable, long-term footing. This will be determined through the forthcoming spending review and informed by the consultation.

I want to safeguard provision of support, clarify expectations of governance and accountability, ensure that needs assessments are undertaken, and enhance our understanding of service provision across England through monitoring and reporting. I also want to ensure that the diverse needs of all victims and their children are met, including those with protected characteristics.

This is part of a wider government drive to tackle domestic abuse and end this pernicious crime for good. Our domestic abuse Bill, published in January this year, is the most comprehensive package ever to tackle domestic abuse. We have also brought in a new offence to capture coercive and controlling behaviour, and new domestic abuse protection orders will allow police and courts to intervene earlier.

It is our duty to ensure that victims and survivors can receive help by providing the support they need to transform their lives and move to safety and independence.

Through this consultation, I want to hear views on our proposals from victims and survivors, service providers, local authorities, housing providers and other public agencies, as well as professionals who support victims and children every day.

I believe that my announcement today will provide much-needed help to ensure that more victims and their families better overcome their experiences and move on to live full and independent lives. The consultation will run from today until 2 August 2019. A copy of the consultation document will be placed in the House Library”.

My Lords, that concludes the Statement.

3.16 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I draw the House’s attention to my relevant registered interest as a vice-president of the Local Government Association. I thank the Minister for repeating the Statement delivered yesterday in the other place by the Member for Old Bexley and Sidcup.

I welcome the announcement. Many people deserve credit for the Government taking this step, but I think that the survivors of domestic abuse, who have campaigned for this and shown real courage and strength, are to be congratulated on the progress made to deal with this disgusting and appalling crime. While men are sometimes the victims, most victims are women, often suffering years of sustained, horrific abuse.

There are several questions still to be answered by the Government to ensure that this announcement delivers what it is intended to. Funding will be a huge issue. Without adequate funding, this policy will fail. At this stage, what is the Minister’s estimate of the likely cost of the new legal duty, and will the Government provide these funds? I ask this in the context of the £8 billion funding gap for local authorities in England by 2025.

Why is this announcement wholly focused on crisis-point intervention? What about early intervention? I welcome the idea of local partnership boards. Getting all the agencies together to deal with the issue across the broad spectrum of services and interventions is very welcome.

However, I was less impressed with the reply to my Parliamentary Question from the Minister’s noble friend, the noble Baroness, Lady Blackwood of North Oxford. I tabled a Question on 11 April and received a Written Answer on 29 April. It was about GPs charging domestic abuse survivors outrageous sums of money to write letters confirming that they are victims of domestic abuse. Clearly, no progress has been made on getting these charges banned. I will keep raising the issue until they are banned, because there is a real risk that we cannot help victims here if we do not get this right.

The Statement says:

“I also want to ensure that the diverse needs of all victims and their children are met”,

and that,

“I know that more must be done to ensure a consistent approach across the country to ensure that survivors have a safer future”.

Victims of domestic abuse are now in a postcode lottery. They can be charged for these letters in one area and not in another. That is not good enough. Will the Minister confirm that the guidance that is to be

issued will make it clear that such charges are unacceptable until we can bring forward a Bill to ensure that they are abandoned entirely? We also need a greater focus on social rather than affordable housing and further support for refuges, a fifth of which have closed since 2010. Can the Minister also confirm that police officers dealing with domestic abuse will form part of the partnership board? They can bring valuable experience of helping to deal with the issues faced by victims seeking to get to a place of safety.

In conclusion, I welcome the announcement, but we need to see much more in terms of funding, policy change and legislation from the Government if we are to tackle this sickening crime—one that is committed by the very person who should be supporting and protecting you. As the Prime Minister said:

“Whoever you are, wherever you live and whatever the abuse you face, you will have access to the services you need to be safe”.

**Baroness Burt of Solihull (LD):** My Lords, I add my welcome to this Statement and declare my interest as a patron of a refuge in Birmingham. Local authorities will now have a legal duty to provide secure homes for the victims of domestic abuse. It is absolutely right that the Government are taking this step to end the postcode lottery of the wide disparity in provision depending on where a victim lives.

The Government are anticipating that local authorities will require an extra £90 million to buy the beds and space needed. This is to cover BAME, LGBT+ and disabled people, women, children and men. Does the Minister believe that this is enough when 60% of women are currently being turned away from refuges—this, as the noble Lord, Lord Kennedy, mentioned, in a country where local authorities will have seen their budgets shrink by £8 billion by 2025? Does the Minister anticipate that other budgets for non-statutory projects will be raided to pay for this support or can he confirm that this money will be additional and ring-fenced?

**Lord Bourne of Aberystwyth:** My Lords, I thank the noble Lord and the noble Baroness for their comments. I have to say that it seemed a little as though there has been a desperate search to find some bad news. I would say that this is extremely good news and it is worth putting on the record that this is the first time that we have ever looked at having a statutory duty on such an important area as well as the domestic abuse Bill. Yes, there are some issues, so let me try to deal with those which have been raised.

First, of course we need proper funding but it is inappropriate to come up with a precise figure at this stage. The £90 million per annum referred to by the noble Baroness was mentioned by the Secretary of State, but we need to look at the consultation before we can come up with a hard and fast figure, which obviously will be informed by the spending review. I think that it would be unwise to come up with a definitive figure at this stage, but this certainly needs to be properly resourced, and it is on that basis that we are seeking to end the postcode lottery by having appropriate provision in every area of the country. That will ensure that we will not have cover for domestic abuse in just one particular area. The funding needs to

[LORD BOURNE OF ABERYSTWYTH] take care of specialist services. Mention was made of LGBT, Roma and Travellers, and of course it is appropriate that we have cover for the BAME community. It is worth noting that Imkaan, the specialist provider in the area, rightly welcomes what we are doing.

The detailed consultation will look at how we can ensure that we make properly funded provision across the country on a consistent basis. The noble Lord, Lord Kennedy, referred to the importance of early intervention. Certainly, prevention is better than cure and we need to look at this. Again, that is what the system is designed to ensure. Partnership working through local partnership boards will be key to this. The noble Lord also asked if this would involve police officers. Certainly it will; indeed, they are central to it, along with health professionals. Through the involvement of police and crime commissioners, specialist agencies and professionals, we can ensure that we go forward with the appropriate cover for what is a very serious issue, given that there are 2 million victims every year. While they are twice as likely to be women, obviously it means that a significant number of men are victims as well. All of this needs to be taken care of and that is why we are carrying out the consultation until early August.

3.24 pm

**Baroness Butler-Sloss (CB):** My Lords, I chair a commission on forced marriage. Will the Minister keep in mind that victims of forced marriage are often victims of domestic abuse? Many are extremely young and sometimes need rather better accommodation than the refuges provided—when they are provided—for victims of domestic abuse. They are also victims of domestic abuse, but in forced marriage.

**Lord Bourne of Aberystwyth:** The noble and learned Baroness is absolutely right to make that cautionary point about forced marriage. These will often be members of BAME communities, so we hope that will be catered for additionally, but she is right about the importance of ensuring there is appropriate provision here. Again, this perhaps relates to the broad definition of domestic abuse that will be in the Bill, which will include coercive and controlling behaviour.

**Lord Pickles (Con):** My Lords, does my noble friend the Minister accept that one criterion for the success of these new measures is that it is the aggressor—the one committing the domestic abuse—who should be excluded from accommodation? Early intervention means that people subject to domestic abuse have a right to stay in their house and to protection. Will the Minister outline this change and ensure that early intervention becomes the norm?

**Lord Bourne of Aberystwyth:** My Lords, I thank my noble friend for that point. I very much agree that we must ensure that the aggressor—the controller, the person perpetrating the domestic abuse—is appropriately excluded from the home if that is what the domestic abuse victim wants, as it often is. We have sought through guidance to take care of that issue in advance of this Statement. It will often be appropriate for the

domestic abuse victim to stay in the home. It is not always appropriate for them to go to a refuge; that is often not what they want.

**Baroness Lister of Burtersett (Lab):** My Lords, I welcome this Statement, which is good news, and the Prime Minister's pledge—already cited by my noble friend—that:

“Whoever you are, wherever you live and whatever the abuse you face, you will have access to the services you need to be safe”. Can the Minister give an assurance that this means that no domestic abuse survivor will be denied help because of the rule about making no recourse to public funds, which is of such concern to organisations in the sector? The implication of the consultation document is that they will still be denied access to the services they need, in contravention of the Istanbul convention—which, as we heard earlier, we are finally going to ratify.

**Lord Bourne of Aberystwyth:** My Lords, I first thank the noble Baroness. I know she has done a tremendous amount of work in this area; indeed, we have worked together on some aspects of domestic abuse coverage and on ensuring that it is dealt with. I agree with her that the important point about this consultation on the action we propose to take is that any victim of domestic abuse—this will often include children, who, of course, are victims too—will be covered by this. This is the essence of what we seek to do, so I give her that assurance and encourage professionals and others to look at all the cases—there are many complex cases that will need taking care of in the statutory provisions—so that when we look at the consultation over the summer we will know that every area has been covered.

**Baroness Hussein-Ece (LD):** My Lords, I also welcome the Statement, the pledge from the Prime Minister and all the work that has gone into the consultation on the domestic abuse Bill. It is an important step forward. I have dealt with domestic violence cases over many years with women from many different communities. Recently I was asked to help a young woman in Islington, where I live, who was facing serious threats of violence from her ex-partner. She was forced to flee with two small children. Three months later, she is still waiting for permanent accommodation, her children have had to go from school to school and she has had to go from house to house, because there was a lack of refuge beds when she had to flee her home. As the Minister will appreciate, this is very distressing. I was also in touch with the police safeguarding officer dealing with her case, and it was apparent to me that the police could not do as much as they should about this man—who is scary and very dangerous—because they simply did not have the resources. I spoke to the safeguarding officer a number of times, asking why someone who was out on bail and restricted from going to the family home or the parents' home was routinely doing that, and they could not do anything about it.

Local authorities have an important role, but we must ensure that the safeguarding officers and the police have the resources to ensure that their role in upholding this exclusion is in place as well. Without the

police working with the local authority and other agencies, people will, sadly, be under threat and will not get the safeguarding they need.

**Lord Bourne of Aberystwyth:** The noble Baroness makes an important point. In seeking to deal with it, I congratulate all those victims of domestic violence who step forward to help others. There are many in refuges up and down the country. It is important to the victims of domestic abuse to have those examples of people who have come through it. I make that point at the outset.

The noble Baroness is right that there are often safeguarding issues, which is why we are particularly keen to have this partnership approach whereby police and crime commissioners and police forces are represented as well as emergency services and health services so that we can look at this in the round. She is right that this is not just a question of protecting the victim and children, although that is vital, but of dealing with the perpetrator. It is no good dealing with one and not the other, particularly when we know where the person is. That should be a high priority.

**Baroness Donaghy (Lab):** My Lords, I very much welcome the Statement and the commitment of the Prime Minister and the Minister to this subject. Is there any intention to have national oversight on this? One complication of setting up refuges, possibly on local authority-based areas, is that the person escaping domestic violence sometimes wants to go a lot further than the boundary of that local authority to ensure their safety and that of their family. There is a lot of cross-border activity, which also possibly reflects on the commitment of a particular local authority when the person concerned has moved away to another authority for refuge. Some kind of oversight mechanism would be important to take account of the cross-border activity, if I may call it that.

**Lord Bourne of Aberystwyth:** My Lords, I thank the noble Baroness for her kind comments. She is, as always, on the money. Paragraphs 70 to 72 of the consultation are headed “National Oversight” and make provision for a ministerial-led steering group to evaluate progress and understand how delivery of support to victims and their children is proceeding. We very much agree with that. National oversight is important if we seek to do away with the postcode lottery and ensure that we have a national system.

**Lord Paddick (LD):** My Lords, while what the Minister said is welcome, will he confirm that this will not just be about accommodation? Refuges used to provide counselling and other forms of support to victims but, because of central government cuts, many local authorities now provide the bare minimum of accommodation only, if that—often contracted out to the private sector. Will the Government fund restoration of these vital additional services?

**Lord Bourne of Aberystwyth:** My Lords, the noble Lord will have heard me say that it is indeed across the piece. Accommodation-based services are obviously central, essential and probably more costly than much of the service that is needed. But additionally we need

to do other things, as we do now. There are helplines and training, and there is care for particular kinds of victims, such as those who are deaf or disabled. We need to do all that. The noble Lord is right that this is not just about accommodation-based services. He will be reassured by the consultation—which is very detailed, involving a survey and lots of questions—that we are seeking to take care of those essential elements that he mentioned as well.

**Lord Ponsonby of Shulbrede (Lab):** My Lords, I too welcome this announcement. I remind the House that I sit as a magistrate: I am the domestic abuse lead at Westminster Magistrates’ Court and I regularly deal with these matters.

As the noble Baroness, Lady Burt, said, 60% of referrals to refuges were turned away. On my figures, that adds up to 21,000 in 2018 or 2017. My question to the Minister is about monitoring how effectively these refuges are being used. We have heard about national oversight: will that include people being turned away, the reasons they are turned away and whether categories of people who are inappropriate to go into particular refuges are also monitored? As the Minister will be aware, a wide range of people who are victims of domestic abuse need to be found accommodation appropriate to their needs.

**Lord Bourne of Aberystwyth:** My Lords, I thank the noble Lord for what he does in an important area of activity and an important area geographically. He is right that we need continuing oversight to make sure that we continue to deliver. It is anticipated that the local partnership boards, which will be responsible for delivering the statutory duty locally, will make annual reports and be held to account. As one would expect, accountability is a key part of the consultation. It runs through the consultation document that accountability is extremely important. To do this effectively we must ensure that it is working not only locally but nationally. Another key feature, without going through it in detail, is the need to work across local authority borders. Consideration will be given to the devolved areas—this issue is essentially devolved in Scotland and Wales—to make sure that we are joined up at the borders. However, effectively, there is no border, so we need to make sure that we have effective provision in those areas as well,

**Baroness Lister of Burtsett:** My Lords, perhaps I may have another go. The noble Baroness, Lady Burt, asked about ring-fencing and I do not think the Minister answered. Yesterday the Secretary of State said:

“I remain open-minded about how we look at this as the consultation develops”.—[*Official Report*, Commons, 13/5/19; col. 41.] From my quick read of the consultation document, I cannot see any question about ring-fencing. If I am right, can the Minister assure us that the Government will consult on whether this money should be ring-fenced? I do not expect an answer now. However, if the money is not ring-fenced, hard-pressed authorities will inevitably be tempted to use the money in other underresourced areas.

**Lord Bourne of Aberystwyth:** The noble Baroness is right that the Secretary of State, in answering questions in the other place, indicated that he is open-minded on

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 this issue. Obviously, we will seek to understand what people want. From memory, I think question 29 in the consultation would perhaps allow something on that but the noble Baroness is probably right that there is nothing specific on this issue and it will be a matter for the spending review. It is an important consideration but I come back to the fact that there is a statutory duty and, to deliver it, the money will have to be spent. However, we are open-minded and we have certainly not ruled it out.

## **Courts and Tribunals (Online Procedure) Bill [HL]**

### *Second Reading*

3.38 pm

*Moved by Lord Keen of Elie*

That the Bill be now read a second time.

**The Advocate-General for Scotland (Lord Keen of Elie) (Con):** My Lords, this Bill is a further step in delivering legislation to underpin our ambitious court reform programme. Most of these measures have already been before Parliament as part of the Prisons and Courts Bill, which fell when the general election was called. Since then, the Courts and Tribunals (Judiciary and Functions of Staff) Act has achieved Royal Assent, representing the first legislative step towards delivering our aims. This Bill follows on from that, continuing our legislative programme. We will bring forward further courts legislation as parliamentary time allows.

In our manifesto, the Government committed to modernising our courts and tribunals so that they are fit for the 21st century. Following that commitment, we have been pressing on with reform in areas where primary legislation is not required and we are making significant progress in enabling access to justice through online and digital means.

Clearly, the modernisation of the courts system must have ordinary court users at its heart. People need new digital services to be accessible, understandable and easy to use. They need to have confidence that the justice system of the future will deliver justice as fairly as it has in the past, although with greater efficiency. This means that, for online proceedings in particular, our court rules across the civil, family and tribunal jurisdictions must be designed with the aim of making our services accessible and straightforward for the everyday user.

This vision formed part of Lord Justice Briggs's *Civil Courts Structural Review* published in 2016. The review supported the concept of an online process governed by simplified rules and overseen by a new rules committee. This Bill will allow that to happen. It creates an Online Procedure Rule Committee which will be responsible for making new court and tribunal rules to enable further innovation and to support people to access our online services with ease.

Digitisation of the court process is now a well-established feature of the civil justice landscape. For example, the Online Civil Money Claims service that

went live in March 2018 offers people the opportunity to resolve financial disputes online and has attracted in excess of 63,000 users, with an 87% satisfaction rating. It is these existing online services, which already form part of our modernisation programme, that we expect to be the initial focus of the new committee.

All our online services will be accompanied by appropriate and robust safeguards to protect and support users and to ensure that access to justice is maintained. In pursuing this approach, we recognise that there will be people who will need help accessing a new digital system. That is why we are putting in place a comprehensive "assisted digital" programme of support that will include telephone and face-to-face help for court users. These safeguards apply equally to future online provision under the new committee. Our online services offer a straightforward and efficient alternative to traditional paper routes, but we recognise that not all court and tribunal users will be able to engage online and so paper routes will continue to be available for those who need them.

I turn now to the measures in the Bill. It will establish an Online Procedure Rule Committee to make procedural rules. The committee will have a particular focus both in its membership and its purpose on creating rules to support services designed around the people who use them. To ensure that the new rules achieve the desired effect, the Bill makes it explicit that they will be accessible, fair and simply expressed to assist the efficient resolution of disputes.

The new rule committee will have five members, be chaired by a member of the judiciary and will include laypersons and IT experts. This combined expertise will ensure that our online services continue to maintain our renowned standards of fairness and justice, while also offering a straightforward, accessible and proportionate experience to those who use the courts system.

The Bill also sets out the procedure for appointing members to the committee and for altering its composition, with the agreement of the Secretary of State, the Lord Chief Justice and the Senior President of Tribunals. This measure will ensure that the committee retains flexibility to respond to emerging technologies and user needs.

The Bill will provide a power to specify in regulations which proceedings should be subject to the online procedure. This means that any proceedings likely to benefit from an online procedure can be brought under the remit of the new rule committee. Before we extend new proceedings online, however, HMCTS will conduct appropriate piloting of online services to ensure that they are fit for purpose. We expect the committee to start by focusing on the online services that already form part of our modernisation programme.

The Bill also provides that the new online committee will operate with the same powers as apply to existing rule committees. For example, the new committee will be expected to consult appropriate persons during its rule-making process. It also provides the Lord Chancellor with the power to issue the online rule committee written notice that the rules should achieve a specified purpose. This is a standard power that already applies to existing rule committees. The Bill provides to the Lord Chancellor the power to make amendments to legislation introduced prior to the introduction of this

Bill to facilitate the making of online procedure rules. It is anticipated that that will be used to make minor revisions to the legislation in order, for example, to regularise and modernise terminology to match that in new rules. Before making such regulations, the Lord Chancellor must consult the Lord Chief Justice and the Senior President of Tribunals. Again, this is a similar power to that provided in the legislation that establishes the current rules committees.

In summary, the Bill, in combination with our wider package of reforms, will ensure that our courts and tribunals system remains fit for the 21st century and for the digital age. It will help to ensure that the judges and staff of our courts and tribunals are able to respond to the changing demands of the justice system, and ultimately it will deliver a more flexible framework, supporting better services for court users. The Bill reinforces our enduring commitment to delivering a reformed courts and tribunals system, and I commend it to the House.

3.45 pm

**Lord Ponsonby of Shulbrede (Lab):** My Lords, I remind the House that I sit as a magistrate in London; I sit in the adult, youth and family jurisdictions. I welcome the underlying aim of the reform agenda and its aim to improve the efficiency of the justice system, while ensuring equal access and fair process within our courts.

First, I will talk in some detail about the family jurisdiction. My first concern is that the Online Procedure Rules Committee, the OPRC, should not require certain proceedings to be initiated electronically. The Government are too optimistic when they look at the figures for members of the public who are digitally included. The Government's figures that I have seen quoted are that 82% of the population are comfortable using the internet. However, if one looks further, one sees that only 56% of the population use the internet for sensitive issues such as banking or shopping. Older people and people with disabilities and vulnerabilities are more likely to be digitally excluded. The people I see in court are very often disadvantaged in some way. It should be clearly stated in the Bill that parties will be able to engage in proceedings using paper if they so choose.

I turn to particular aspects of the Bill. Section 1(6) allows the OPRC to set out the circumstances in which proceedings should be transferred to a full hearing. I am concerned that there should be no restriction on judicial discretion to respond to specific circumstances and order that a court hearing is required.

On designation, Section 2(1)(b) allows the OPRC to designate that any family proceeding can be dealt with online. I understand that the aim of the legislation is to be permissive. Nevertheless, it will be the case that the vast majority of family cases will not be appropriate for an online hearing. The president of the Family Division has said that,

“for contested cases involving the giving of oral evidence, multi-party cases, cases concerning Litigants in person, and/or cases concerning children”,

a face-to-face hearing would normally be required. I believe that that, too, should be reflected in the Bill.

Section 4 deals with the membership of the OPRC. At present there is no requirement for any representative member of the committee at all, let alone from the family jurisdiction—no requirement for either a judge or a magistrate. Maybe this should be looked at—although I noted what the Minister said about being able to consult and change the membership as different issues are raised. Nevertheless, the lay magistracy is the largest judicial cohort in the country and it is currently represented on the Criminal Procedure Rule Committee and the Family Procedure Rule Committee.

I will make some more general points about the road that we are travelling down with regard to the reform agenda and the attempts to digitise the courts process. Last week I was reading an article in the freesheet *City A.M.*, which is a business paper. There was an article by a journalist, who is also an economist, called Paul Ormerod. He was writing about the pitfalls of the constant push to introduce new technologies. The example he used in his article was of poor technologies—“so-so technologies”, he called them—being introduced. They can have the effect of automating customer service, be it in banking or supermarkets, and putting more obligations on the receivers of those services—the customers.

In our banks and supermarkets, we have seen a big reduction in jobs, but we have not seen a noticeable reduction in costs. As far as I am concerned, the service I receive as a customer in my bank or supermarket is not as good as it was. Of course, there are parallels with this in the courts service. As the Minister said, quite a few systems have already been introduced over a number of years, and I think it is fair to point out to noble Lords where the systems have been falling short of expectations.

The first example is magistrates' courts, which use digital technology extensively at the moment. A survey of HMCTS staff who work in magistrates' courts found that 85% of respondents said that this was having a negative impact on the timeliness of their work. Perhaps more worryingly, 81% said that it was interfering with their ability to give proper legal advice and ensure that those who attend court had a fair hearing. That is of concern.

The second example is applying for a divorce online. The regional divorce centre at Bury St Edmunds had unprecedented delays last year. Freedom of information figures showed a 9% increase in the time taken to issue a decree absolute and a 17% increase in the time taken to issue a decree nisi. Those were the figures for 2017-18.

I am aware that this is a difficult thing to do. In my own working life I have introduced computing systems; it is not straightforward and it requires persistence. But there also needs to be honesty about whether we will actually deliver a better service for people using these technologies, and whether we will have procedures that will review the services and will be frank about the benefits to the people supplying them and receiving them. Staff need to be supported as these technologies are introduced. Ultimately, there is really only one consideration, which trumps all others: are we delivering improved access to justice? One role of this committee should be to find a way of measuring whether access to justice is being improved.

3.54 pm

**Lord Beith (LD):** My Lords, like the noble Lord, Lord Ponsonby, I very much welcome the Bill. He has brought to the attention of Ministers some important considerations about what it should contain and how it can be implemented. It is of course one of the delayed instalments of the Prisons and Courts Bill which fell because of the 2017 general election—one of the many things which fell because of that election. When the Minister used the phrase “as parliamentary time allows”, I thought, “Good heavens, if parliamentary time does not allow it now, when will it?”. I commend the department on leaping in to the gap with a Bill; surely the Government can slip a few others in while we have so little in our legislative programme because of Brexit.

It is a very welcome Bill and I am encouraged in saying that by the large number of people who have used the existing opportunities for online access to justice. Extraordinarily high levels of user satisfaction are recorded, certainly in the Parliamentary Answer given on 30 April in the other place, which talked about a user satisfaction rate of 87% for services dealing with civil money claims, and rates of 92% and 93% in some of the other categories. That is encouraging, despite the difficulties that the noble Lord, Lord Ponsonby, referred to.

The users of online facilities will include a lot of private individuals worried about the cost and difficulty of oral proceedings, and by a great many small businesses, which will want to take advantage, particularly in relation to money claims. They and their organisation, the FSB, are very concerned that the procedure should be developed with a proper eye to the needs of small business and that they should be fully involved in developing it.

Looking at some of the things which we need to get right in the Bill, under Clause 1(b), the Online Procedure Rules can require relevant kinds of proceedings to be conducted electronically. Does that mean that in some areas there would be no choice—even if both parties want an oral hearing? That may depend on what regulations are introduced under Clause 3, and to what extent they limit the impact of Clause 1. At this stage, we do not really know, so there is a degree of uncertainty. The Bill could be implemented in a way which gives little or no choice at all.

Alongside that is the risk of imbalance. What if one party is prepared to use online processes but the other party does not wish to? Neither the Bill nor the Explanatory Notes have convinced me that we have got this sorted out or got it right. The party who does not want to use online claims may be someone who has difficulty in managing them, or has had adverse experiences—as most of us have had trying to book a flight or accommodation, when the site has simply imploded on us or refused to let us go any further or go back and change what we got wrong. I make no claims to be an expert in these procedures—sometimes they are very helpful—but there is a variety of perfectly legitimate reasons why someone might not wish to use them, and who might be confronted by another party who is very keen to use them. In those circumstances, it is important to know what support can be made available.

The Government have done some work on this in the pilots that have been taking place. I would like to have confidence that something like that is going to be available around the country once these procedures are developed. However, I looked at the Explanatory Notes to try to get a better understanding of the circumstances in which there might be a lack of choice. Paragraph 15 gives an example that,

“might apply where a party might not have access to the requisite IT, so creating a parallel procedure which may still be subject to those features of the online procedure that are readily available to the parties”.

That is the course of action provided for. I find it somewhat mystifying. Similarly, paragraph 17 talks about providing for,

“circumstances in which such proceedings may nonetheless remain subject to the Online Procedure Rules, so enabling the rules to provide for alternative procedures under clause 1(7)”.

Can the Minister clarify what will happen if both parties are unwilling to use the procedure, or if one party but not the other is unwilling or ill-equipped to use the procedure?

I will raise a couple of wider points. Clause 5 allows the Online Procedure Rule Committee to provide for existing non-online procedural rules to apply, even if they would not normally be applicable to that kind of proceeding. This might, in theory, allow the anonymity rules from family procedure to be imported into other types of case, which cannot be the intention. What is this for? Why has this provision been included?

Clause 1 to 3 together give a very wide power to preclude oral proceedings altogether, in all but a few types of case, if the powers were used in that way. That could conflict with the ECHR and common-law rights to a fair and public hearing, and would somewhat undermine the statement of compliance on the front page of the Bill—which the Minister has vouched for.

There are some areas where we need to look in more detail at whether the Bill is appropriately worded, but its intentions are right. I hope that I am not being unwise in having some confidence that a lot of people could benefit if the Government get this right.

3.59 pm

**Lord Judge (CB):** My Lords, I too welcome proposals which will improve the administration of justice by using digital or modern technology. That said, I share the reservations that have already been expressed by the noble Lords, Lord Ponsonby and Lord Beith. I was going to say more on that subject, but this is Second Reading and I propose to be brief, so perhaps I may respectfully adopt what they have said as if I had said it for myself. I shall confine my remarks today to the way in which excessive powers have been vested exclusively in the Ministry of Justice or the Lord Chancellor.

Dear old Henry VIII does not lurk around the corner in this Bill; as is the custom nowadays, that ogreish sight is there in full vision—you cannot miss him. What the Bill seems to have overlooked is that, since the Constitutional Reform Act, it is not the Lord Chancellor but the Lord Chief Justice who is the head of the judiciary. This Bill relates closely to how justice will be administered. As I have had the honour to hold

the office of Lord Chief Justice, I underline that I have no wish to impose on my successor the additional burdens that what I shall now suggest would create.

Let us go back a little. These proposals followed an investigation by Lord Briggs, as he now is, addressed to small, low-value civil claims. Effectively, this Bill covers all non-criminal proceedings: every single case in the Family Division or the family courts, or the magistrates' court doing family cases; every single employment case; every single tribunal case, and every single civil case whatever its value. That suggests, and it is easy to overlook because the Bill is modest and short, that this is a serious, wide-ranging Bill with wide-ranging consequences. All this is achieved by the creation of an Online Procedure Rule Committee. A number of aspects have already been addressed. We need to consider whether the Bill when it becomes an Act should not include an express provision relating to access to justice, but we will come to that at a later stage.

Perhaps I may illustrate my concerns in a simple way, by reference to the membership of the committee. At present, there is a Civil Procedure Rule Committee. A majority of its members are from the judiciary and all levels of the judiciary, including magistrates, are represented on it. There is a tiny number of nominees made by the Lord Chancellor. It has worked well and nobody has suggested otherwise. Similar principles apply to the Family Procedure Rule Committee. Again, it works well. Let us contrast this new committee, which is vested with these vast powers. It will have five members, two of them nominated by the Lord Chief Justice and three appointed by the Lord Chancellor, empowered to look at all these issues. At the end of their consideration of the issues and what regulations should be introduced, the recommendations of three members of the committee will be sufficient to enable the Lord Chancellor to introduce the relevant regulations.

This is rather strange: three nominees by the Lord Chancellor and three needed to justify and support the regulations. Where does the Lord Chief Justice stand in this? Save in one respect, on these issues he is entitled to be consulted, but his "concurrence" is not required. As a matter of reality—good heavens, as a matter of plain English—and as a matter of constitutional principle, there is a chasm between consultation and concurrence. Concurrence requires approval, agreement. Consultation means that if I, the Lord Chancellor, do not agree, with you, the Lord Chief Justice, I can still go ahead; the regulations will still be lawful. Given the breadth of proceedings which are to be covered by this new rules committee, and the Henry VIII powers—I have not overlooked them—this is rather astonishing. After all, not only is the Lord Chief Justice the head of the judiciary, and ultimately responsible for the delivery of justice, but he also has the widest possible access to information about how these new systems are or are not working, where they could be improved and where there are concerns. That access is not available to the Lord Chancellor.

There is one aspect of the Bill which does require the concurrence of the Lord Chief Justice, and that arises under Clause 6(1) relating to amendments to the numbers and members of the committee itself. I venture to suggest that there is absolutely no legislative complication in amending every reference

to "consultation" in the Bill to "concurrence". That might help to put Henry VIII back into the naughty corner. If the Lord Chancellor considers that the concurrence of the Lord Chief Justice is being unreasonably withheld, and to the public disadvantage, it would of course be open to him to come back to Parliament to have the matter looked at here.

4.06 pm

**Lord Mackay of Clashfern (Con):** My Lords, I too welcome the Bill, which develops the system of assistance in the courts using modern technology. I also share the concerns already expressed. I do not propose to repeat those, because they have been expressed at least as well as I could have done. It is important that the new provisions should not in any way restrict the accessibility of justice. The figures showing how many people can use the systems we have now are interesting, and I would like to probe the detail of them. My experience, over quite a long time, has been that government numbers are not infallible, so one needs to look at that. I am sure that there is a need for care in this respect because, apart from anything else, modern systems of communication are very amenable to glitches of various kinds: we have had plenty of them over the years. It is extremely important that the public, especially people who may not be very familiar with these systems, know what is going on.

One thing that worries me somewhat is knowing for sure that you are on the correct government system. If you try to apply for a passport without too much knowledge of the system you can find yourself in some other group that wants you to pay fees for advice, something our generous Government do not require—so far—if you get on to the right site. If there is a system for paying fees online, you want to be sure that they are being paid to the courts, not to some other group who are willing to receive the money but have nothing to offer in return. I submit that the Bill itself should contain a degree of protection for people in this respect. The noble Lord, Lord Ponsonby, has already suggested that, and it is certainly worthy of consideration at the next stage.

One of the great features of our courts, over all the years that I have had anything to do with them, and for long before, is that they are very immune to any form of leakage. Even in the most important cases that are eagerly awaited by the public as a whole, you do not find a leak in advance of what the judgment is going to be. That is an extremely precious and important aspect of our justice system. One thing that we must be careful about in using an electronic system is that something of that kind could happen. I would certainly like the Bill to have some procedure for trying to ensure that that does not happen.

The next thing I want to mention is judicial discretion. I was always very conscious of the function of the listing officer in making hearings available for people. The speed of getting a hearing is sometimes vital, so the listing officers are officers of the justice system acting under the general directions of the relevant judges. It is very important that if we introduce a system based on electronics, that element does not disappear.

[LORD MACKAY OF CLASHFERN]

Next, is the Court of Protection covered by the Bill? Is it a civil proceeding, a family proceeding, or a protective proceeding? Is that different, or not?

I have had representations from the Federation of Small Businesses. Apart from anything else, it wants to be represented on the committee, and I shall come to that aspect in a minute, but it is also anxious about the fees that small businesses have to pay to ensure payment by big companies which just delay payment for as long as they can, until they are taken to court. The small business often has to pay quite a substantial portion of the total amount at stake in fees. That matter should be taken into account, and I hope that if a system of electronic communication is introduced, the fees will be reduced, but there is nothing to suggest that in terms in the Bill, although I believe that it should be looked for.

The quality of the English and United Kingdom justice system—I shall come to the distinction in a minute—is generally attributed to the quality of the judiciary. Your Lordships will be aware that there has been concern recently about the availability of quality for the judiciary. I believe that one of the reasons is that the Government, some time ago, departed from the rule that I understood: if someone is appointed to a secure position from which they cannot be taken except by resolution of both Houses of Parliament, the terms on which the person takes it on are the terms which will continue until the time that person retires, or in another way expires. That was undermined by the decision on judicial pensions, which was made some years ago. I believe that if a person is in top-flight practice at the Bar, certainly in England—it may be true in Scotland too—the amount they have to surrender to become a judge is quite substantial. Therefore, the terms on which they are taken on are of vital importance.

The quality of the judiciary is very important. I am not sure about the costs of these proposals, but I am certain that it is more important to ensure that the arrangements for the appointment of judges and the terms of service of judges are secured in such a way that top people can be invited, with a degree of confidence, to take on a judicial position.

As noble Lords know, I have not spent all my time in the practice of the law of England and it occurred to me to see what happens about Scotland. Lo and behold, Clause 14 provides that the Act will apply in Scotland to the two tribunals,

“to employment tribunals and the Employment Appeal Tribunal; otherwise, to England and Wales only”.

If that is so, how is the committee doing? Noble Lords will find that quite interesting. The procedure for committee appointments is made absolutely explicit. First:

“The Committee is to consist of one person who is a judge of the Senior Courts of England and Wales, appointed to the Committee by the Lord Chief Justice”.

So that is a responsibility for the Lord Chief Justice, but the person has to come from the judiciary or “the Senior Courts”. Noble Lords will know that the last time the constitution was changed, one of the results was that England lost its Supreme Court, so it is now from “the Senior Courts”. The important thing is that it is not from the Supreme Court; therefore the judge in question is a judge who exercises English jurisdiction.

The next person is,

“one person who is either a judge of the Senior Courts of England and Wales, a Circuit Judge or a district judge”.

These are all judicial titles from the English system and that person will be,

“appointed to the Committee by the Lord Chief Justice”.

The next person is,

“a judge of the First-tier Tribunal, a judge of the Upper Tribunal, an Employment Judge or a judge of the Employment Appeal Tribunal”—

there are judges of that type in Scotland but the sentence goes on—

“appointed by the Lord Chief Justice”,

and he does not appoint the judiciary in Scotland at all, so there is no possibility of any of these being Scottish judges.

The next person is,

“one person who is either a barrister in England and Wales, a solicitor of the Senior Courts of England and Wales or a legal executive, appointed to the Committee by the Lord Chancellor”.

It is obvious that these are all systems that apply on this side of the border. I suppose the,

“two other persons appointed to the Committee by the Lord Chancellor”,

might possibly have some relationship with Scotland, but it is by no means certain. Can my noble and learned friend explain how this is supposed to work in relation to the application of the Bill to Scotland?

I very much welcome the Bill but I think it probably requires a fair degree of consideration at later stages.

4.18 pm

**Lord Thomas of Cwmgiedd (CB):** I add my welcome to the Bill. I shall be very brief, since everyone else has welcomed it so warmly, but that is not to say that I am not extremely enthusiastic about it. I am very glad that the Ministry of Justice has found the opportunity of bringing it in as a government measure and for the work that has been done. A number of concerns were raised during the course of this debate, which I think must be addressed, but I will offer a little explanation, if the House will bear with me, as to why the Bill is so necessary.

The primary purpose of the Bill is to reinforce access to justice at an affordable price. What has happened, unfortunately, over the last two years is that, because the Treasury has not been prepared to spend money on justice, fees have risen and risen and risen, while the costs have not gone down. Therefore, one very much hopes that this Bill will bring down the costs of justice, particularly those for small claims, for ordinary citizens and SMEs.

The only way to do this is to take advantage of digitalisation. If you go into the Crown Court these days, you will see virtually no paper. On the other hand, if you were to go to the county court, you would probably find that little had changed—except for the advent of the telephone and some computers—to the volume of paper that would have existed in 1846, when the county courts were established. Therefore, there is a most urgent need to digitalise the process and procedures of the court.

Thirdly, it is quite clear that you can only digitalise and make a fair system if you have effective procedure rules. The proof of that pudding is in the work that my noble and learned predecessor did in the Criminal Procedure Rule Committee, which revolutionised the way in which criminal procedure has been dealt with. It seems to me that you can only look at providing justice more cheaply, more efficiently and more effectively if you can conduct an analysis of what procedural rules are needed. Before this idea was brought forward, an analysis was done of various common forms of procedure in civil, family and, if I may say so, administrative or tribunal justice. Unfortunately, over the centuries lawyers have always had the habit of complicating their own particular area and trying to show how unique it is; hence, you have many different names for the processes by which claims are begun, and you have different names for the people bringing claims. In this House, one again finds names that are not at first sight familiar. An analysis has been carried out, and it is right to say that what underpins this proposal is that, in essence, the basic procedure of all forms of litigation is broadly the same, and in the age of digitalisation that is a very important concept.

I do not know how many will recall this, but in the court system prior to the introduction of technology about seven or eight years ago, there were tens of different systems: one for the probate system, one for certain types of civil claim, one for the Admiralty, and so on. One consequence of that was that, when you tried to modernise it, you had the immense expense of trying to modernise so many different systems. The purpose of the modernisation programme—and one can never be sure when the Treasury will again provide money necessary to modernise the system—is to have something that can be modernised at little cost, so the whole purpose of the modernisation is to try to devise, for smaller and less complicated cases, a single procedural system that can be supported by a single digital system. Nothing else makes any sense, and nothing else is in truth affordable. No one would wish for more money for justice than I, but realism shows that there are many other priorities. So what lies behind this Bill is actually trying to harness modern technology to try to ensure that access to justice is again affordable and that the money that the Treasury will not give is found by making things work in a better and more effective way. Those are the principles that underlie the Bill.

It seems to me that two things are of fundamental importance going forward. First, it is obviously right that those who do not find using digital equipment easy must be entitled to have access to justice in exactly the same way as everyone else—to do anything else would be wrong. Secondly, I do not believe it has ever been suggested that, if proceedings were started using digital systems, and the making of the claim, the provision of the defence and maybe the making of some procedural directions were all done using online systems, a judge would not have the discretion to say, “This looked very simple, but it’s not—I must have a hearing”. I do not think it has ever been in anyone’s mind that, ultimately, you would take away the judge’s discretion. These points are obviously of concern and must be addressed. However, I hope that a way can be found of not putting too much in the Bill, because, as

technology advances at a pace that is phenomenal and which no one can predict, having restrictions in the Bill may prove to be a very difficult matter in the future.

That is the background, but I will make one or two general observations. First, I entirely support what my predecessor as Lord Chief Justice, the noble and learned Lord, Lord Judge, said, about the clauses in the Bill—those must be addressed. The Lord Chief Justice has, with the Lord Chancellor, an important responsibility, and as they have a partnership with regard to the running of the courts service, it seems that they ought to have a partnership in regard to the making of these rules, and they ought to agree when legislation should be changed.

Secondly, I draw attention to one provision of the Bill where a great deal more needs to be done. That relates to Clause 1(3)(b), which is the requirement, “that the rules are both simple and simply expressed”.

Earlier this year, Justice—I declare an interest as a member of its council—produced a report under the chairmanship of Sir Nicholas Blake on *Understanding Courts*. It made 41 recommendations, most of which were directed at enabling lay people to be able to understand the court processes and the court having a duty to understand the needs of lay users. The Bill ought to go a long way to addressing that.

One of the difficulties that is clear is that rules take effect as subordinate legislation. Certainly, when I was chairman of the Criminal Procedure Rule Committee, having succeeded the noble and learned Lord, Lord Judge, we had one or two interesting discussions with those responsible for the scrutiny of legislation—they are, rightly, particular. However, if rules are to be written in a way that the ordinary lay person can understand them, that is quite a departure, although a very welcome one, from the way in which we have traditionally drafted matters. You might say, “Let the rules be drafted in language that lawyers are comfortable with, and we can provide an explanatory booklet”. That would be to defeat what I believe is essential, which is making law accessible, and there is no reason therefore why the rules should not be drafted in language that the lay person can understand without the need to go to a lawyer. I very much hope that the Government will consider amending the Bill to make clear that “simple and simply expressed” is not “simple and simply expressed for a lawyer”, which is one thing, or “simple and simply expressed for a lay man”, which, unfortunately, is quite another.

Secondly, it seems to me in this connection that it is important that the Government consider making it clear in the Bill that assistance will be provided not only for those who find it difficult to use digital equipment but for those who wish to try to understand more complicated issues, by having access to advice online. I therefore hope that consideration can be given to imposing on the committee the duty to ensure that its rules provide for proper assistance to be given.

I warmly commend the Bill, but I recognise that all the concerns raised must be addressed if it is to go through.

4.30 pm

**Lord Faulks (Con):** My Lords, as several noble Lords have pointed out, the Bill reflects what was in the Prisons and Courts Bill, which fell because of the 2017 general election. I was a Minister in the Ministry

[LORD FAULKS]

of Justice when Lord Briggs's interim report on the online court was published. It was met with enthusiasm. I shared the general view that it was necessary to harness modern technology to improve our justice system. At the same time, I retained a little anxiety that some of the enthusiasm was prompted by the cost savings that would accrue to a department which had been a major casualty in the spending cuts—necessary though those cuts were.

The Government's court reform agenda involves £1 billion-plus investment in transforming the courts and tribunal services. The Bill is a key part of that reform programme. The recommendations for changes to existing rule-making were made by Lord Briggs in his 2016 review, where he described the current system as designed by lawyers for lawyers. The Briggs plan was to introduce simple rules to go hand in hand with the online court. The rules of the Supreme Court were known for their arcane and sometimes impenetrable content. The CPR, born out of the proposals of the noble and learned Lord, Lord Woolf, were an improvement in terms of the accessibility of the language but have, I fear, become just as lengthy and encrusted with case law.

I welcome the call for simplicity and echo what the noble and learned Lord, Lord Thomas, said about access to justice, although we must be careful not to throw the baby out with the bathwater when approaching the making of the rules. It is plainly important to establish an appropriate committee to oversee the new rules, and in that connection, Clause 4 seems eminently sensible, although I take note of what the noble and learned Lord, Lord Mackay, said about the role of Scottish lawyers and others. I also note that the Law Society suggests that there should be representatives on the committee from all branches of the legal profession—solicitor, barrister and legal executive—whereas the current composition suggests that there would be only one of those three. I also observe that a lot of responsibility will fall on the one IT expert on the committee.

Lord Briggs recognised the need for help that may be required with the new process. He stated in a lecture I attended that, "that means face-to-face help for the digitally challenged, not just a helpline with a 25-minute waiting time". I think all noble Lords will know what he meant. I hope that one slip in the process will not result in the dreaded words: "Start again". We are, after all, not dealing with the renewal of a parking permit but a dispute likely to be of great importance to the parties. The Government have responded to those concerns by announcing a number of initiatives. I welcome them, although I would expect certain teething difficulties.

The Law Society goes as far as suggesting that there should be a choice between digital and paper when the rules are formulated. I am not sure about that. The pilots should help to evolve a satisfactory solution. If the online procedures are sufficiently accessible and there is assistance of the sort that has been discussed, would it not be better to make the whole process online? Of course, fundamental to the whole revolution is getting the IT right, a point emphasised by Lord Justice Briggs. The noble Lord, Lord Ponsonby, made some important points in connection with that.

By and large, the Explanatory Notes to the Bill are reassuring. I accept that the purpose of setting up the OPRC is clear and likely to operate in the interests of justice. I too retain some doubts about the adequacy of the safeguards against a theoretical Minister who might want to make some quite radical changes to court procedures. In this context, I must declare an interest as a practising barrister, although I accept that judges have given the courts the sort of reputation described by the noble and learned Lord. We advocates do our best to help, although what I say may be regarded as somewhat protectionist.

My reading of the Bill—I may be wrong—is that Clause 7 gives the appropriate Minister an effective veto in respect of the rules that the committee makes or amends. Clause 8 allows the appropriate Minister to give notice to the committee to make a rule for a, "purpose specified in the notice".

What is to stop a Minister—not the Lord Chief Justice—doing away with oral hearings or providing that disputes be resolved by officials employed by the Government? With great respect to the noble Lord, Lord Beith, the ECHR does not mandate an oral hearing in all circumstances. They are not always necessary but sometimes they are. Cross examination can and should be illuminating and while oral arguments can be too lengthy, they are still required even in the appellate courts where much of the work is done on paper. What safeguards are there in the Bill to prevent a Minister imposing unsuitable rules on the committee? Should there not be some restraints built in?

I appreciate that this may seem alarmist, but all Governments want to save money and hearings cost money. More worrying is the possibility of a Government of an extreme nature, left or right. This is not impossible in these volatile political times. Authoritarian Governments are not generally supportive of open justice systems, particularly if courts can and do find against them.

The noble and learned Lord, Lord Keen, said that this is a standard power and is there for minor revisions. I am sure that that is what he or some other Minister would use it for, and that the noble Lords, Lord Beecham or Lord Marks, would approach the matter in a similar way. However, what guarantee is there that some Minister of a Government of a different hue would exercise such restraint?

I turn next to enforcement. I understand that the Ministry of Justice is developing ideas about this. Enforcement is critical to the whole process. It is no good having a system that generates a judgment online using modern technology but leaves only 19th-century methods of enforcing that judgment. I look forward to hearing about the progress that the Ministry of Justice is making.

The financial implications of these potential changes are not spelled out in the Explanatory Notes. It is said that the rules will help drive efficiencies in the system and enable delivery of wider court reform savings of approximately £237 million benefits in steady state in 2024-25. Does the Minister have any further details? In this context, he might want to say something about the programme of court closures. I have never been convinced that all court proceedings must necessarily be resolved in large, formal and expensive court buildings. Council buildings have been adapted and have served

adequately for many years. It may be different where there needs to be a cell infrastructure or there are particular security requirements. Closing courts is always controversial, as with local hospitals, since it can take a court further away from the locality of the parties to a dispute. Can my noble and learned friend help us as to whether the existence of the online court is of itself going to result in fewer court buildings?

This Bill has benign and worthwhile intentions, and I applaud them, but they should not prevent your Lordships' House scrutinising it carefully to ensure that there is no collateral damage to our much-valued justice system.

4.39 pm

**Lord Marks of Henley-on-Thames (LD):** My Lords, from these Benches I echo the broad welcome given to the Bill from all around the House, and to the Government's wider commitment to implement the recommendations of the 2016 review of civil court structures by Lord Justice Briggs, as he then was. We regard online procedures for commencing and pursuing proceedings in appropriate cases as a welcome innovation that has the potential to make justice more accessible, more efficient and less expensive. We too are encouraged by the success, mentioned by the Minister and my noble friend Lord Beith, of the online divorce service and online money claims, with their very low error rates and high rates of user satisfaction. Small businesses in particular, as the noble and learned Lord, Lord Mackay, said, will welcome the improved efficiency and lower expense of online cases. Indeed, in many ways it is a shame that the Bill has taken so long to reach us after the loss of the Prisons and Courts Bill when the 2017 election was called. That said, I believe that the Bill's success will be measured by the degree to which it improves access to justice. In this, I echo the points made by the noble and learned Lord, Lord Thomas, and I agree with him that reducing costs along with simplifying and unifying procedures are central to achieving this aim.

For me, one of the most significant provisions in the Bill is the requirement in Clause 1(3)(a),

"that practice and procedure under the rules are accessible and fair".

That is complemented and supported by the requirement in paragraph (b) that the rules must be,

"both simple and simply expressed",

emphasised by the noble and learned Lord, Lord Thomas, who sought the strengthening of those words. However, the very helpful briefing provided by the Library says much about the challenge of ensuring accessibility. Lord Justice Briggs said that he was concerned to get beyond the,

"lawyerish culture and procedure of the civil courts",

but he recognised that barriers might be raised by court users' lack of understanding of or access to IT. He noted:

"Much the largest concern has been about the need to cater for those who would be challenged by the need to communicate with the court by computer".

He said in the conclusions to his report in paragraph 12.8:

"The success of the Online Court will also be critically dependent upon digital assistance for all those challenged by the use of computers and upon continuing improvement in public legal education".

I would go further. My concern, acknowledged in the HMCTS document on the court reform agenda, is with all those people who find it difficult enough to deal with court proceedings on paper and may face even greater difficulties with IT-based solutions. I question whether sufficient attention has been given to the problems likely to face potential litigants—probably defendants as much as or more than claimants—who lack the understanding to handle what is likely to seem a very impersonal system online. I am particularly concerned about the difficulties confronting those whose first language is not English; those who find all legal documents, however simplified, nightmarishly difficult to understand, particularly older people; and those whose ability to engage with officialdom is limited. These points were powerfully made by the noble Lord, Lord Ponsonby of Shulbrede, and the difficulties go far further than unfamiliarity with IT.

I recognise that the court reform agenda document commits to a number of genuinely helpful measures. These include functions to enable users to pause and take advice part way through any process without losing the work they have already undertaken on online forms, which would address the point made by the noble Lord, Lord Faulks, about the danger of users being sent back by the computer to start again. There is to be signposting to online or in-person advice services; a commitment to maintaining and simplifying paper forms, enabling them to be used in parallel with online services; and, most importantly, what is called—in what I suggest is unacceptable jargon—"assisted digital", by which is meant telephone, web chat and face-to-face services to help users make sense of and use the online processes. I understand that telephone support will be provided by HMCTS, whereas face-to-face support will be delivered through the voluntary sector. The charity Good Things Foundation, already established in a number of areas of interaction with government, will through community networks engage directly with users needing support and assistance.

I welcome the commitment to measures of assistance that the Minister outlined in opening the debate, but I cannot understand why the Government cannot commit in the Bill to ensuring not only that practice and procedure under the rules are accessible and fair but that users will be able to secure adequate help in handling the new online procedures. I believe it would give the House and the wider public greater confidence that the introduction of online procedures is more about broadening public access to justice than about achieving efficiency savings if the Bill incorporated a commitment to help users access, navigate and manage their cases online. The risk of the Bill being perceived primarily as a cost-saving measure was pointed out by the noble Lord, Lord Faulks. I invite the Minister, with whom I have canvassed this possibility, to consider introducing or accepting an amendment requiring the Government to make support available. I was very pleased to hear powerful suggestions that such a statutory requirement be included from the noble and learned Lords, Lord Judge, Lord Mackay of Clashfern and Lord Thomas.

Turning to the detail of the Bill, I share the concern expressed by my noble friend Lord Beith at the plight of those who may not wish to use online procedures facing opponents who do, and about the interface

[LORD MARKS OF HENLEY-ON-THAMES]  
 between online and paper proceedings generally. I also share the concern of the noble and learned Lord, Lord Judge, about the Henry VIII power in Clause 9. I understand the reason for that power but agree with him that before amending legislation using it, the Lord Chancellor should be required to agree any amendment with the Lord Chief Justice and the Senior President of Tribunals, rather than merely consulting them. I also agree with him that the same principle should apply to appointments to the Online Procedure Rules Committee. It seems to me that he is also right to say that the principle should apply to other areas where the Bill requires only consultation at present but where agreement between the Lord Chief Justice and the Lord Chancellor seems not just desirable but essential. The noble Lord, Lord Faulks, directed attention to the danger of the Lord Chancellor having the power to require changes to the rules. I accept that that is a problem, but there is a parallel provision in the CPR to similar effect.

On a different point, I am also concerned that the commitment in the Bill and its supporting documents to piloting the new procedures before extending them nationally may be insufficient. The House of Commons Public Accounts Committee described the programme as a,

“hugely ambitious programme to bring the court system into the modern age”,

but had little confidence that HMCTS could deliver it successfully. In particular, it voiced the criticism that:

“The intended pace of the reforms did not allow for meaningful consultations or evaluation, and could lead to unintended results”.

I suggest that a careful programme of graduated piloting of all these reforms would help meet that criticism and enable pitfalls of the kind mentioned by the noble Lord, Lord Ponsonby, to be addressed when encountered on a manageable scale, before their wholesale introduction to an unready public by a largely guinea pig staff. The history of large IT projects in government departments strongly suggests a cautious and carefully staged approach, which this is not.

In this context, it is very important that there should be a statutory commitment to post-legislative review of how the implementation of these online procedures is working after perhaps three years. I believe the Minister may be sympathetic to that aim. It is also important that the introduction of new online procedures should not be used to justify further court closures, which make courts much more difficult to access and damage the local administration of justice.

We have had a helpful recent response to consultation on the court estate, but I am not sure that it is sufficiently flexible. Everyone accepts that we will continue to need court premises in cases where hearings are necessary, but I would argue that the way to respond to any reduction in the need for court premises is by imaginative and innovative use of existing buildings, not by court closures. I thought I detected some support from the noble Lord, Lord Faulks, on that matter. It is wrong to send litigants to distant court centres that are inconvenient and expensive to reach and I do not agree with the Government that accepting a 12-hour day, from 7.30 am to 7.30 pm, often in cases lasting more than one day, is an appropriate response.

In summary, we on these Benches welcome the Bill, we welcome online courts, we welcome the new procedures and we hope they will be successful. But we shall strive in the further proceedings on the Bill to ensure that at its heart is a commitment to increased access to justice.

4.51 pm

**Lord Beecham (Lab):** My Lords, I refer to my interest as an unpaid consultant in my former solicitors’ practice, as recorded in the register, and to my less-than-complete mastery of the digital process. I may not be alone in that in your Lordships’ House. Clearly there is a case for an appropriate development of the use of technology, not least because of the pressures on the system, enhanced as they have been by the closure of many courts and the inconvenience thereby occasioned to litigants. But this must not be at the expense of access to justice, or indeed a further dilution of the provision of legal aid and advice.

Why have the Government chosen to go well beyond the recommendation of Lord Justice Briggs in the 2016 *Civil Courts Structural Review* that the online courts should be used for money claims with a value of up to £25,000? Given the number of potential cases across the legal system covering both courts and tribunals, and the diverse character of those cases and of the parties involved, should not the new approach be piloted before being rolled out across the whole country and the whole system?

While the Online Procedure Rule Committee will design the rules, with the requirement that at least three of its proposed five members support the proposed rules, they can be required by the Lord Chancellor to make rules, and he or the Secretary of State will be empowered to amend, reveal or revoke legislation where necessary and/or desirable to facilitate the making of rules. What process is envisaged for the exercise of such powers, and will change be effected through the affirmative procedure?

Given the wide range of application of the new procedure, why is the committee restricted to five members? The Civil Procedure Rule Committee has 16 members, the Family Procedure Rule Committee has 15 members and the Tribunal Procedure Committee has nine. Here a much smaller figure is proposed. Will the Government ensure that there is gender balance within the composition of the committee and its staff, and that the Bar and solicitors are represented, together with representatives from the advice sector and, as has been suggested this afternoon, from the judiciary itself? And will they look again at the suggestion in Lord Justice Briggs’s report that the membership of committees should include in relevant cases members with relevant skills such as engineering and IT? Given their declared intention for the committee to be independent, how will the Government exercise their power,

“to require the OPRC to make online rules to achieve the specified purpose”,

within a specified time? The Law Society points out that Clause 1(3)(d) refers to the use of,

“innovative methods of resolving disputes”.

What do the Government have in mind in that area?

Clause 1(6) and (7) authorise rules to provide for proceedings of a specified kind not to be governed by, or to cease to be governed by, rules, and instead to be

governed by civil procedure and other existing rules. What consultation will take place and what criteria will be applied to that process?

Clause 3 allows the Minister by regulations to provide for the person initiating proceedings to choose between online and other procedures and rules. What consultations have taken place or will take place on this process? What role is there for the defendant in such cases? The clause also empowers Ministers by regulations to allow online procedure rules for excluded proceedings. What is the rationale of this provision? Can the Minister exemplify how it will work?

Why will regulations empowered by Clause 6 be made by the negative resolution process?

Clause 8 empowers the Minister to write to the committee asserting that he,

“thinks it is expedient for Online Procedure Rules to include provision that would achieve a specified purpose”,

which the committee has to make “within a reasonable period”. The Explanatory Note says that this, “may be required in situations of urgency”.

Can the Minister exemplify such situations and indicate what would constitute a “reasonable period”? Will it be open to the committee to decline a request or amend any proposed change?

Will the powers of the Lord Chancellor in Clause 9 to amend secondary legislation to reflect the introduction of online procedure rules be made by the affirmative or negative procedure? I concur with the Law Society’s view that it should be the former, as others have suggested today.

There is a particular concern about the impact of the Bill on housing cases, an issue raised by the Housing Law Practitioners Association, to which Lord Justice Briggs responded in his report by asserting:

“Claims for possession of homes (even if accompanied by a money claim) should at least initially be excluded from the Online Court”.

He also stated that he was,

“persuaded that there should not be compulsory inclusion within the Online Court of the damages-only sector of these claims, particularly where fixed costs recovery still supports an economic model for CFAs”.

He added:

“I continue to see no reason why there should not be voluntary admission of these cases, where a tenant claimant so wishes”.

However, he added that he could not see,

“how these counterclaims could easily be brought within the Online Court if the possession claim is to be excluded”.

On enforcement, Lord Justice Briggs recommended that,

“urgent steps need to be taken to address the under-investment and consequential delays which clearly undermine the quality of the County Court bailiff service”.

Can the Minister indicate whether, and if so when, the Government intend to address this issue?

Clause 2 does not explicitly refer to housing cases but, in the light of Part VII of the Housing Act 1996, it would appear that they are included in the category of civil proceedings. Perhaps the Minister will confirm that that is the case?

Your Lordships will be aware that housing law is an area in which access to justice is problematic with, in effect, legal aid and advice deserts in many parts of the country enhancing the vulnerability of tenants. It is

not unreasonable to question whether in this most sensitive area of the justice system reliance on a digital system is the right approach. What steps will the Government take to ensure that adequate support is available to tenants, many of whom will be vulnerable and unequipped to contest a claim for possession, and will they, and if so when, review the efficacy of the changes embodied in the legislation?

There is wider concern about the impact of the policy on people unfamiliar with the digital world. PCS, the Public and Commercial Services Union, shares this concern and avers that the changes are primarily driven by the 40% cut in the Ministry of Justice’s budget, and points to the fact that the Courts and Tribunals Service’s own staff survey revealed that 85% of its respondents regarded the new technology as having a negative effect on timeliness, with 81% averring that it interfered with their ability to give legal advice and ensure a fair hearing.

Finally, can the Minister assure us that the next move to modernise the justice system will not be to replace the judiciary and tribunals with artificial intelligence?

5 pm

**Lord Keen of Elie:** My Lords, on the last point, I am not aware of any proposal to attempt to replicate the ability of our judiciary with artificial intelligence. I am obliged to the noble Lord, Lord Beith, for his acknowledgement that the Government are seeking to leap into a gap rather than an abyss.

I will begin by making a number of general observations before I respond to the particular points raised by noble Lords—at this stage in the process we are listening and will consider the points made. First, there is concern that powers under the Bill will enable the Lord Chancellor to take extraordinary steps with regard to the judicial system; for example, by requiring rules that dispose of rights to an oral hearing across the board, perhaps, rather than just in particular cases. Let us be clear, those powers already exist. They are not exercised in that fashion and there is no intention to do so. That is not the purpose of this legislation.

The overarching powers of the Lord Chancellor with regard to the rules and the rules committee already exist with respect to the civil, family and criminal rules committees. This simply reflects that fact. There has been no suggestion in the past that the Lord Chancellor, who ultimately would always be answerable to this Parliament, would seek to abuse any powers he might have in that respect.

Furthermore, the Bill is intended to introduce the opportunity for additional, but simplified, court processes. It is not replacing the existing processes. At the prompting of Lord Justice Briggs’ report, it introduces the idea of a far simpler and more accessible system of disposal with regard to civil courts, family courts and tribunals. It is intended that it should be implemented in the first instance in the area of financial claims, where we already have some digitisation—a digital portal—and extend, in due course, to family law claims. I do not understand there to be any intention to extend it to the Court of Protection. I am not aware of any intention to extend it to housing claims but I will take further soundings on that point and respond to the noble Lord, Lord Beecham, when I have done so.

[LORD KEEN OF ELIE]

I emphasise again—and this is partly in response to the points made by the noble Lord, Lord Ponsonby—that we are intending to introduce an additional, much-simplified procedure that people can employ. Of course, we recognise that not everyone will wish to engage in that procedure, although why they would want to pursue a more complex and less accessible procedure might be difficult to fathom. We understand that some people will find it difficult to engage with such a digital procedure and that is why we intend to take steps to make assistance available to people, whether by telephone, other electronic means or face to face. As the noble Lord, Lord Marks, indicated, provisions are already in place for such face-to-face advice to be given.

Some people may want to engage in the simplified procedure but to do so in writing. There will be scope to do that. Somebody may put their claim in writing, rather than online, and that written claim may then be scanned on to the system. Somebody may respond to a claim in writing. Whether it is then appropriate for the claim to remain on the online system will be a matter of judgment at the time, depending on how parties respond to the system. As I understand it, there will be the ability to engage in the simplified process even if there is difficulty in actually entering the online system itself. However, there may come a point where there is really nothing to be gained from having people pursue such written forms along the lines of this new set of rules, and they may then revert to the existing civil procedures. That remains to be seen.

The noble Lord, Lord Ponsonby, talked about consultation and the potential for pitfalls with new technology. We are very conscious of that. The intention is to pilot the schemes and reflect what has already been done with regard to small financial claims by extending the limits for those claims. Overall, though, I emphasise in response to the noble Lord that we intend to introduce a simplified process that does not replace the existing process but will provide the means by which people without recourse to legal advice and guidance will be able to pursue a claim; in other words, as Lord Justice Briggs observed, a process that is designed not by lawyers for lawyers but for the use of the lay person.

**Lord Ponsonby of Shulbrede:** My Lords, the Minister has made that point twice. Does that mean that we will see two systems operating within the family jurisdiction: the simplified online system, to which the Minister has referred, and the existing paper-based system, which the Minister is saying is more complex? Will there be two systems operating in parallel?

**Lord Keen of Elie:** I do not suggest that there will be two systems operating in parallel, although it is perhaps the use of that word that I am concerned with. This will be the staged introduction of a simplified process that will cover simplified claims and, in due course, family law claims. It will not replace the family rules that already exist; it will be an additional, simplified process that people can engage in through a digital portal.

As I say, those wishing to use the simplified process may begin in writing and then see that written claim scanned into the system. They will still be using the

simplified system of rules that it is intended should be introduced. There may be cases—this is where judicial discretion will come into it—where it is determined that it is not appropriate for a case to continue in that simplified process. There could be any number of reasons for that to occur and I would not seek to speculate on what they might be. That will be the outturn of the application of these processes once the relevant rules have been made and applied to particular types of claim.

The noble Lord, Lord Beith, asked what would happen when one party wanted to use the online process and another did not. As I have sought to explain, it will be essentially a situation in which a claim will be made using the simplified process. If it is not made online, it may be made in writing and then scanned into the process. Whether it is feasible for it to continue in the digitised process, we will have to wait and see. However, the idea is certainly to give the claimant the option as to where he begins with the claim. At the end of the day, there is an element of flexibility, I hope.

I turn to the observations of the noble and learned Lord, Lord Judge. He touched first upon the membership of the rules committee. The intention is that the rules committee should be kept relatively small and flexible. There is of course provision in the Bill for changes to be made in the constitution of the committee depending upon our experience, but this is going to be the starting point to see how easily it can work. Regarding the membership of the committee, with two appointed directly by the Lord Chief Justice and three by the Lord Chancellor after consultation with the Lord Chief Justice, the noble and learned Lord brought out the idea that where we have consultation within the Bill, we should replace it with concurrence. I question whether that would be appropriate. I hear what has been said on that point by number of noble Lords, but there is a balance to be struck here. For example, within the provisions of the Bill itself, where there is a need for regulation to be made subject to the affirmative procedure, noble Lords will see that there is to be consultation with the Lord Chief Justice.

Examples can be found in Clause 2, which addresses “‘Specified kinds’ of proceedings”. Regulations there are,

“subject to the consultation requirement”,

with the Lord Chief Justice, among others, and,

“subject to affirmative resolution procedure”.

The same applies to Clause 3. However, in circumstances such as those in Clause 6, where there is to be consultation, there is also a provision for the negative resolution procedure.

At the end of the day, it is the Lord Chancellor who will be answerable to Parliament. It strikes us as unattractive to have a situation in which the public, the Executive and Parliament wish to see a change in procedures and process, but the Lord Chief Justice can effectively veto any such change because he is not prepared to give his concurrence. The Lord Chief Justice is not answerable to Parliament but the Lord Chancellor is. In those circumstances, it would be for the Lord Chancellor to answer to Parliament after consulting the Lord Chief Justice.

Before I go on to a contrasting situation, the noble and learned Lord, Lord Judge, said that of course the Lord Chancellor can always come back to Parliament if the Lord Chief Justice will not give concurrence. Yes, he could, to try to seek primary legislation to overcome that issue and amend the existing Act. Given the legislative process, it might take years to address a situation in which changes are desired, if the issue is one of concurrence not consultation. Therefore, I do not believe that that is an answer to our concern on this point.

I will mention a contrast. Parts 1, 2 and 3 of Schedule 1 to the Bill deal with practice directions, which are given by the Lord Chief Justice to the judiciary. Those are very much the responsibility of the Lord Chief Justice, and in these circumstances, his obligation goes only so far as to consult the Lord Chancellor. I suggest that there is an element of balance here. When a matter falls very directly within the responsibility of the Lord Chief Justice, as with practice directions, he is required only to consult the Lord Chancellor, and when a matter falls very much within the responsibility of the Lord Chancellor, because he is answerable to Parliament, he is required only to consult the Lord Chief Justice. That is the balance that the Bill seeks to achieve in this context. It may not be a balance that is acceptable to everyone, including the noble and learned Lord, Lord Judge. I hear what he said on this point and it is something I will consider before Committee. Nevertheless, that is how I would explain the present position.

I turn to a number of points made by my noble and learned friend Lord Mackay of Clashfern. He mentioned the dangers of any electronic system and what he termed “leakage” therefrom. That is a perennial problem for us all, but it is one we are conscious of and will seek to guard against. I see no reason why there should be any greater problem there than there is with the present judiciary.

My noble and learned friend Lord Mackay also asked whether the Court of Protection would be covered. Strictly, one could argue that the proceedings of that court are civil proceedings, but there is no intention to make them subject to this simplified procedure. As I understand it, we are concerned in the first instance with financial claims, and thereafter with developing this in respect of family law claims. Each step of the way will involve a process of consultation, not only with the relevant committee but with the Lord Chief Justice, the Secretary of State—in so far as it deals with employment tribunals and employment appeal tribunals—and the Senior President of Tribunals.

My noble and learned friend Lord also raised an issue about the quality of justice being attributable to the judiciary—with which I entirely concur—and concerns about such matters as pensions, which are currently being considered and addressed by us. I do not take that matter further.

He also raised the question of Scotland, because, in respect of the employment tribunals and employment appeal tribunals, these provisions extend to Scotland. Of course, at present, these are UK-wide jurisdictions, which is why the provisions with regard to appointment to the committee are set out as they are. There will be

developments there because, under the amended Scotland Act, the Scottish Government will, in due course, be able to take up responsibility for employment tribunals and employment appeal tribunals. As and when that happens, the whole process will be handed to them and will come under their own tribunal legislation. In the meantime, we have consulted, not only with officials but with Ministers in the Scottish Government, who have expressed themselves content with the way the present provisions are formulated. I hope that brings some relief to my noble and learned friend.

The noble and learned Lord, Lord Thomas of Cwmgiedd, also welcomed the Bill. He raised a number of questions about how it would operate in practice. He emphasised a point made by Lord Justice Briggs: the whole point of this process is to bring forward a set of rules—a system of justice—that is not only accessible to lay people but understood by lay people. That is what lies behind much of what we propose in this legislation. We will ensure that those lay persons are given assistance in accessing these digital portals. I do not consider it necessary to place that in the Bill, and I question the way in which that might be done. I suggest that it is better that we have sufficient flexibility to ensure that, as technology develops, we can respond to those developments and make the appropriate provision available for those lay persons who wish to employ these processes.

My noble friend Lord Faulks and other noble Lords referred to the programme of court closures. There is no direct link between these proposals and court closures, but if this digital process is successful, we may see a reduction in the demand for physical court structures. However, that is an incidental point and not the intent behind this legislation, which is to improve access to justice for all. On that last point, I am reminded that my noble and learned friend Lord Mackay also raised the question of small businesses being anxious about fees and related matters. Of course, if we can develop this digital process successfully, the cost of litigation should be reduced. I hope that gives some reassurance to parties such as small businesses.

The noble Lord, Lord Beecham, raised a number of issues—including housing, on which I will write to him—about the powers available to the Lord Chancellor. He referred in particular to Clause 9. The Lord Chancellor’s power there is subject to the affirmative procedure. That is expressly provided for already. There are a number of instances in which there is provision for the negative procedure, but the power in that clause requires the affirmative procedure.

The noble Lord referred to Clause 8 and asked what would be a “reasonable period”. I have to respond: how long is a piece of string? That would be addressed in the facts and circumstances of any case, but it is not something we could anticipate at this stage. The purpose of these provisions is to provide the maximum flexibility for the provision of a simple and accessible set of rules for disposing of civil claims, family claims and tribunal matters. To achieve that flexibility, we have somewhat wide-ranging provisions, but they are no greater or wider than those for the existing Civil Procedure Rules and Family Procedure Rules. They will be exercised subject to consultation or concurrence with the judiciary

[LORD KEEN OF ELIE]

and disposed of by an independent committee, with the Lord Chancellor being answerable ultimately to Parliament not only for their terms but for their effects.

Finally, on review, it is intended that we will have an interim review in about 2021 and a completed review in about 2023 or 2024. It would not be sensible to seek a review any earlier than that because we need to see how these processes will work in practice and evaluate feedback from those who engage with them.

In these circumstances, and having regard to the reminder I keep getting from my Whip about the amount of time I have, or do not have, left, I commend the Bill to the House.

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

### **Schools: Adopted Children** *Question for Short Debate*

5.22 pm

*Asked by Lord Triesman*

To ask Her Majesty's Government what plans they have for schools to improve the educational experience and attainment of adopted children, including those adopted from abroad.

**Lord Triesman (Lab):** My Lords, I am grateful to the House for the chance to raise a matter that is close to my heart. I start by declaring an interest: I have an adopted 10 year-old daughter, and there is no greater blessing in my life than this wonderful child who became part of my family when three days old. Thank goodness she did not have in her background parents who were substance abusers or who bequeathed her other disadvantages, but children who arrive with difficulties of this kind are to be equally cherished.

I shall see in this debate no grounds for ideological differences on the matters that we discuss. David Cameron made a significant difference to our social attitudes to adoption. He could not see why, sensible precautions having been taken, a young person should spend many years in care before finding a loving home and family. The practical requirement for us is to make sure that it works to the greatest extent possible.

There are real challenges. For a variety of reasons, these kids have special needs, whether or not their birth parents were substance abusers or had major social or medical problems. The challenges are easy to identify, and the research is full of them. In summary, the DfE showed conclusively in 2018 that, at key stage 2, children who left care through adoption would do better at reading, writing and maths than children who were simply looked after, but they would do significantly worse than non-looked-after children. As Andrew Brown, Cerith Waters and Katherine Shelton show in their meticulous study published in *Adoption & Fostering* in 2017—that is the relevant peer-reviewed journal—education performance for children adopted from care demands comprehensive and robust study. The legal requirement to collate and monitor academic achievement and attainment of looked-after children unfortunately does not require specific study of adopted children. It would be easy to add this dimension to the

research requirement. Will the Minister undertake to do so? It would certainly fit with the findings of the Timpson report.

The reasons for doing this are very strong: 94% of all the major research papers show adoption to be correlated with lower academic attainment and significantly elevated levels of behavioural problems. This is clear across all age groups to early adulthood and grows significantly in the teenage years. Can the Minister agree today to routine monitoring and reports? Will the data classify not just looked-after children but previously looked-after children who are now adopted? In the same vein, will Ofsted inspections focus some attention on the same children and the competencies within their schools to attend to the needs likely to be distinct among them, especially around the trauma of attachment?

Nearly four in five adopted children say of themselves that they are confused and worried at school and believe that other kids enjoy school far more. Two-thirds report being bullied or teased because of adoption. Some 70% of their parents fear lower attainment and three-fifths of those do not feel that their kids have an equal chance. These latter data come from Adoption UK, which I regard as an exceptional body. It details the challenges of abuse, neglect and trauma; the lack of widespread professional development in this area among teachers; the need for, but so often absence of, empathy; and, of course, the real paucity of resources, not adequately resolved at the moment by the pupil premium plus.

There is work in this field which is well worth celebrating, and I want to celebrate it. The leadership of Stuart Guest, head teacher of Colebourne school in Birmingham, has been of the highest order. He lectures widely and effectively to educationalists and parents and has had an impact even on Ofsted. His guidance is well worth seeking. A few schools that I know have reworked their provision. For example, in Primrose Hill Primary School the head teacher Robin Warren and the very talented SENCO Syra Sowe have recast provision among the many challenges experienced in their inner-city school, which is rightly seen as exceptional. They show that it can be done. Yet, generally, there are still problems at scale requiring urgent action.

Adopted children are 20 times more likely to be excluded than their classmates. In the first three years of primary school, they are 16 times more likely to face temporary exclusion. The Tavistock Institute demonstrates that 72% of these children have behavioural difficulties and many of their parents are struggling to cope—as are their schools and local authorities. The adoption support fund helps, but it is not really there for the schools. Parents, perhaps rightly, have the central role, but most of what they do relates directly to schools and has to be supported by them. Social and emotional trauma, capacity for executive functioning and the creation of sensory diets to regulate behaviour all need school engagement. A new balance has to be struck. Will the Minister this evening set out an agreement to provide new guidance to assist parents to engage in a professional dialogue with their child's school to ensure that there is a holistic result from the deployment of ASF?

The best results in educational attainment have been seen in schools where there is specific training in attachment and a designated lead teacher. This should hardly surprise us; it is exactly the approach that we have adopted with safeguarding and Prevent. We expect someone to lead on it. Will the Minister today commit the Government to mandatory training on attachment and set out a timetable for doing so? Can we be assured that it will cover the needs of local authorities?

Quality teaching for teachers always starts in their own teacher training. Will the Minister take steps to ensure that attachment training is part of the initial teacher training syllabus? It could be done in the annual letter to the funding council, for example, as a way of accelerating it. Again, will the training schemes involve local authorities? Local authorities often have skills as commissioning experts, but they have few as social intervention experts; they are not the same thing. It is an area in which Ofsted can improve as well. It needs a battery of questions to ensure that a new framework of relationships is present between all the actors—a viable scaffolding. Can the Minister not insist on this?

There should be a requirement for an inclusion plan that is specifically funded. The pupil premium should do this, but many head teachers will tell you, without being prompted, that it gets mixed in with the other things that are now needed to prop up a school's budget in a period in which there have been so many cuts and where budgets are under so much strain. Unlike the sports premium, it is not carefully inspected. Will the Minister ensure that inclusion plans for adopted children are funded and that funding is spent on those children, rather than simply being put into the general fund?

I advocate one more, but vital, change. Previously looked-after children adopted in the UK have rights to select, through their parents, the secondary school best able to meet their needs. It is a key judgment that parents are called on to make—and quite rightly. Kids adopted from abroad—even full UK citizens—have no such right. I know from helpful Answers to Written Questions that the Government want to correct an obvious anomaly. They plainly want to do so, and I applaud that fact. Indeed, the Schools Minister has written to all local authorities asking them to behave as though the law had already changed for this very small group of vulnerable children.

However, most local authorities, I am afraid, have not adjusted. For reasons that are all too familiar to the House, the Government have not found time for the legislation. Noble Lords may feel that it would have been a more fruitful use of a good deal of our time. Given that the change is wholly consensual, I ask today for a firm timetable. But I respectfully give notice to the House that I will seek the House's approval to introduce a Private Member's Bill to correct the inherent discrimination involved—better a government Bill, but if necessary someone else will need to do the job.

All these matters need to be championed. Sir Kevan Collins, the DfE evidence champion, has a very full schedule. The kids adopted from care need specific time and attention, and I suggest that they need their own champion. In any field of education, if a cohort

of nearly three-quarters of the children were in difficulty, with their parents struggling to cope, we would surely act and allocate a clear responsibility.

Many reforms take time, and we may comfort ourselves on occasions that delay does not always destroy the opportunity altogether. But that is not so with these kids. They get their childhood and education just the once. When it is gone, it is gone. It is a simple fact, and it should compel us now to act decisively.

5.33 pm

**The Earl of Listowel (CB):** My Lords, it is a great pleasure to follow the noble Lord, Lord Triesman, in this debate, and to thank him for calling it. In particular, I would like to say a few words about the need for empathy and the difficulties in achieving that. I was grateful to the Member in the other place, Rachael Maskell, who is leading an inquiry into adoption. We had a meeting with her yesterday, and also attending was the chief executive of Adoption UK. It was very interesting to hear what she said. Clearly, it is a very well-considered organisation that is very effective in its role.

I want to voice concern about the underestimation I see in England of the complexity of the needs of all our children and young people, and the importance of giving them the very best start in life. It is an issue about adopted children, fostered children, children under special guardianship and children who have experienced sexual abuse but are not in any of those settings. It is a question of child development: children, when they become adolescents, may have been loved to pieces by their parents, but they can still be very challenging and very distraught. As the noble Baroness, Lady Tyler, keeps reminding us, there are issues of mental health among children and adolescents, and rising levels of morbidity there.

Schools and teachers in schools are faced with rising levels of poverty. Levels of homelessness are at their highest since 2003, with more than 130,000 children living in bed-and-breakfast or hostel accommodation. They have had all the cuts to services that supported families in the past have had to contend with. Teachers and their schools face this burden, all the weight of social malaise and then, on top of this, the Government—understandably, in many ways—have set very firm and clear academic targets for schools to achieve, and if schools do not achieve them they are very severely penalised. This is the context in which we need to think about the needs of these children.

Only this week we heard that playtime in schools has reduced at a very significant rate: there has been such an emphasis on learning and digesting knowledge that children are not getting the opportunities to exercise or to socialise and make the relationships that are so important to their physical and emotional well-being. I am very concerned that many schools are finding it so difficult to find funds that they cannot pay for the continuing professional development of their teachers, which is vital to this issue. We need to make teaching attractive for our teachers; we need to care for and love our teachers if they are to care for and love our children—and I fear that very often this is not what is happening for our teachers.

[THE EARL OF LISTOWEL]

I want to emphasise that the job of bringing up children is complex and very important, and we seem not to be doing what we need to do to recognise that. As for empathy, I remind noble Lords of an early experience I had working with children in my early 20s in Crouch End, north London. I was working on a voluntary play scheme and there was one boy—10 years old, blond, a bit overweight—among the 30 or 40 children there. The staff were not particularly well-qualified to do the work and were certainly low paid, and this boy was particularly problematic. He would get into tantrums, he would disappear, we did not know where he was going, and he would spend a lot of his time in the inner tube of a wheel, just lolling around. He was challenging and we found him difficult to cope with. It was only on a coach ride to some activity we were doing towards the end of the time he was with us that he said, “I will be spending time with my new parents soon. We are going off to Butlin’s together”. It was only at that point that we learned that this child was maybe going up for his first adoption—or maybe he had been adopted before—and we could understand why he was behaving in a challenging and problematic way.

I guess the lesson from that is the need to share information, so that those caring for young people know their background, but also that we were so overstretched that we could not think about the needs of this young person. To be able to feel empathy, to walk around in the shoes of other children—of other people, not just children—one needs the time and space to do so. One needs to have the time to think about their needs. That is my small contribution, from my experience.

I welcome several of the measures that have already been alluded to, in particular the adoption support fund, which has been so important. Indeed, we heard from a mother yesterday, Michelle, that the adoption support fund enabled her to access help, which enabled her to negotiate the complex education system and eventually enabled her to access a special school for her son, who is on the autistic spectrum and has attachment issues. He is a very challenged young man, but, thanks to the adoption support fund, she managed to get the right education arrangement for her son. We heard from her that, for so many parents, the adoption support fund, introduced by the previous Government, has been extremely helpful. It is so important in preventing adoption placement breakdowns.

I ask noble Lords to imagine for a moment what it must be like for children who are taken for adoption, following the trauma and the many losses that they have experienced. Lo and behold, one day they find parents who will take them in and make them part of their own family—but then the placement breaks down. What can it feel like to such a child? We need to avoid adoption placement breakdowns at all costs. I have always been puzzled that we do not keep figures on adoption placement breakdown. We have often asked and we do not know, and it is hard to measure the effectiveness of the adoption support fund without knowing what difference it has made to adoption placement breakdowns. I am sorry not to have given notice to the Minister of that question, but perhaps he can write to me about why it is that we do not monitor the rates of adoption placement breakdown.

We have heard about the pupil premium and pupil premium plus, a very welcome innovation. We have heard about virtual school heads, which I guess will apply to this group; I hope that they have by now. About a year ago, there was new guidance on initial teacher training that made child development a statutory part of that training. That is very welcome and seems very pertinent to this issue. How well implemented has that statutory guidance been? How effectively has it been implemented? I am afraid that there are so many ways into teaching now that it might be that many teachers do not get access to that important information on child development.

I welcome what the Minister said about a case load review for teachers, looking at the burdens that fall on teachers, administratively and otherwise. Can he perhaps show the House how that is processing so that they will have the time to think about their children and exercise empathy?

May I draw the Minister’s attention to the work of Emil Jackson, who is head of child and adolescent psychotherapy at the Tavistock Clinic? He went to Westminster School, around the corner from here, and has provided services to teachers there, but he works with groups of school staff and head teachers on an ongoing basis to help them reflect on the work that they do with children. It significantly reduces sickness absence rates. This model, working with groups of teachers and school staff to support them and help them reflect on their relationships with young people, would be very helpful for all of our children, particularly those who have experienced trauma or have been adopted.

I see that my time is almost up, so I will return briefly to continual professional development. Schools are short of funds and so cannot provide the continual professional development that teachers need. In any case, there is a real issue about the coherence of what is on offer in terms of continual professional development for teachers. So I would be grateful to hear from the Minister whether he will be making a strong case in the spending review for more funding for schools, in particular to provide continual professional development, and whether he is looking at what is available for teachers in the area of continual professional development and how to improve that offer for teachers. I look forward to the Minister’s response.

5.43 pm

**Lord Russell of Liverpool (CB):** My Lords, I too thank the noble Lord, Lord Triesman, for initiating this short but timely debate. Yesterday, he and I, along with the noble Earl, Lord Listowel, attended the first day of an inquiry by the All-Party Parliamentary Group on Adoption and Fostering into the adoption support fund, which was very informative. This afternoon, I listened to the Secondary Legislation Scrutiny Committee, on which I was allowed to freeload, and heard the Parliamentary Under-Secretary of State for Children and Families, Nadhim Zahawi, discuss the current status of adoption strategy and the Government’s decision to end the national adoption register at the end of March. It was an interesting discussion; I do not think we were completely convinced by the Minister’s attempts to reply, but he did his best.

I declare my interest as a governor of Coram. We have been trying to do our best for children for quite a while—since 1739—so we have learned a thing or two along the way.

I praise the Government for their initiatives in recent years, which are a testament to just how seriously they genuinely wish to improve the lives of adopted and cared-for children. The combination of the Staying Put initiative, the pupil premium, the adoption support fund and the creation of virtual school heads are all laudable. They have also commissioned the Timpson report into school exclusion and have accepted many of its recommendations.

I shall embarrass Edward Timpson, in what I hope is the best form of being singled out. He was extraordinarily fortunate to be born into an amazing family, one of the children of the truly extraordinary Sir John Timpson and his late wife, Alex. They had three children of their own, adopted two more and fostered more than 90 children. It is therefore not hard to imagine how the environment he grew up in gave Edward profound insights into and empathy with the realities of early-life trauma and their consequences. In just under five years at the Department for Education, initially as Parliamentary Under-Secretary of State and then as Minister of State for Children and Families, he made a real difference, bringing knowledge, insight and a relentless focus on the child, and he developed a huge amount of respect and affection across the political divide and throughout the organisations connected with children and families—perhaps rather a difficult act to follow.

While I wish the current Minister of State well, I find myself becoming increasingly irritated every time I see him sharing his views publicly about our present impasse over Brexit. I would infinitely prefer him to focus 100% of his time on what is best for children and families, and I gently suggest to the Minister that he whisper into his colleague's shell-like ear that perhaps his predecessor would have behaved rather differently.

Having spoken about Edward's depth and breadth of knowledge, I would like to ask the Minister about his own experience of working with adopted and cared-for children within the schools in the Inspiration Trust. How do these experiences inform his attitude and approach towards encouraging these government initiatives to go forward?

The comprehensive briefing pack we were given for this debate, provided by our wonderful Library, included Adoption UK's 2018 report *Bridging the Gap*, which the noble Lord, Lord Triesman, mentioned. Its distillation of the issues where it perceives that there are gaps is masterly. It identified four principal areas: the understanding gap, which is the need for professional development for all educators; the empathy gap, which prioritises emotional and social literacy rather than league table results; the resources gap, which highlights the need to understand and even out the postcode lottery of uneven coverage and delivery; and the attainment gap—the need for accurate, timely data, continuously measured, analysed, understood and acted on.

Several things jumped out at me from the report. First, there is a problem. It is crystal clear that there is a link between better well-being and better academic

achievement. Listen to this primary school head teacher talking about her dilemma, saying that,

“we have an entire school system built on high levels of cortisol and stress, a focus on accountability, results and endless testing. We are told to focus on children's mental health within a system that seems determined to destroy it”.

What a *cri de coeur*.

Secondly, there is a solution. Listen to this adoptive parent. “My child moved from a school with no understanding or willingness to understand his attachment and trauma issues. It was horrific for him and horrific for us as a family. His new school is understanding, loving and kind and he is like a new boy”. It can work. It just needs people with the right attitude.

Thirdly, I have a reflection. This is the power of a redrafted school behaviour strategy. “Thinking of a child as behaving badly disposes you to think of punishment. Thinking of a child as struggling to handle something difficult encourages you to help them through their distress”.

I have three questions for the Minister, which he has heard in the past. What analysis have the Government done of how effectively the pupil premium has been used to support adopted children in education? Thankfully, the Government have accepted the Timpson review's recommendation that the DfE should publish the number and rate of exclusion of previously looked-after children who have left local authority care via adoption. What further steps are being taken to ensure improvement in the collection and scrutiny of data on adopted children's educational outcomes?

Finally, the work of Coram and other charities with adoptive parents and kinship carers has found that many can feel blamed and isolated, with a lack of support while their children struggle at school. What consideration have the Government given to peer models of support for those groups, where adopted and kinship carers support each other, which could complement the work of the virtual school heads? Will the Minister note that, from the evidence we heard yesterday afternoon about the adoption support fund, while there was much singing of its praises, it does not encourage or enable funding for groups of adoptive parents or kinship carers to work together? Will the department please look at that to see how it could make it easier? A problem or a learning shared can be so much more powerful than doing it alone.

I commend the Government for having moved the dial on adoption in a positive direction, but I plead with the Minister, given that Her Majesty's Government appear to have the unwonted luxury of rather a large amount of time on their hands, to take advantage of it and forge ahead in this area.

5.52 pm

**Lord Storey (LD):** My Lords, first, I put on record my thanks to all parents who adopt or foster children for the tremendous amount of work they do. I also commend the schools themselves. I was very much taken by the point made by the noble Lord, Lord Russell of Liverpool, about Edward Timpson: I have said the same thing in debates on many occasions. Thinking about it, during the coalition years, the Children and Families Act was started by Sarah Teather. I put on record my thanks to her for starting that ground-breaking legislation.

[LORD STOREY]

I am particularly grateful to the noble Lord, Lord Triesman, for securing this debate on the educational attainment of adopted children today, but I start by placing this group of children in a wider context. Inevitably, a child who is adopted is unable to live with either or both of their biological parents. Almost inevitably, that is the result of one or more traumatic events in a child's life. For a child or children living in England, there are a number of factors: the death or severe illness of a parent, the breakdown of a relationship, or personal issues affecting one or both parents, such as drugs or alcohol. For children adopted from abroad, in the best case, a baby may be adopted soon after birth if the family cannot look after it, or may be the result of a surrogacy arrangement. More common, I suspect, is that children have been separated from their families or orphaned by conflicts and war. In other areas, severely damaged children have been found in children's homes. Others have been orphaned through the spread of AIDS in their communities. These children are a significant subset of children mostly in the care system and either being fostered or living in—and often moving between—residential children's homes.

I have read the very detailed briefing prepared by the Library and will not repeat the facts and figures already quoted. However, it is clear that, as a group, while they achieve more than children who are looked after, adopted children do not achieve nearly as well as non-looked-after children. Given the trauma that many adopted children have suffered and the upset and dislocation that all of them have experienced, this group of children will find it more difficult to make the most of the education opportunities available to them.

From my long experience as a primary teacher in Liverpool, I know the impact on children whose family lives have been disrupted. For many looked-after children, school can offer the only stability in their lives, with frequent moves between foster homes and children's homes. By comparison, children who are adopted are in a much more stable environment, but that alone does not wipe out the trauma.

However well an adoption works—and many do through the efforts of the adoptive parents—we owe it to these children to do as much as we can to compensate for their unnatural situation. It is unfortunate that many adopted children are treated badly, not because of who they are but because of circumstances utterly out of their control.

Adoptive parents need all the support they can get so that the adoptive family can cope with the ups and downs characterising life in every family. Good relationships with the adopted child's school can do much to smooth out any problems at school, which may be the result of earlier trauma. In turn, schools can make sure that teaching, non-teaching and pastoral staff are sensitive to the needs of adopted children.

There should be a member of staff in every school who has been trained or has ready access to training in how to support adopted children, and there should be a whole-school policy to ensure that the additional needs of adopted children are understood and dealt with sympathetically. These additional needs may relate to emotional and behavioural issues in addition to lack of educational attainment.

The Children and Social Work Act 2017 requires the remit of the virtual head teacher to include the promotion of the education and attainment of adopted children. The virtual head teacher should be in close contact with the designated member of staff in each school.

I pause to reflect that there is often an issue with schools' working relationships with social services. Far too often, the social worker with that case is moved on. It is my experience that the social worker working with the family and the school is often employed only for six months, and 12 months if you are lucky. That does not bring the stability that the family, the adopted child and the school need. We need to look at why this is happening.

I have been asked to raise one specific issue—it has already been raised, but I promised. My noble friend Lady Walmsley wanted to be here today but is speaking in another debate. She has asked me to raise the issue that the noble Lord, Lord Triesman, raised about the admission of adopted children to school. While children adopted in the United Kingdom have been given priority for admission to schools, this does not apply to children adopted from abroad. To me, this seems absolutely ludicrous.

The Schools Minister, with whom my noble friend Lady Walmsley has met, indicated that to accord them equal treatment would require primary legislation, adding that there was no chance of the Government finding parliamentary time until “all the Brexit stuff is over”. Trying to determine when all the Brexit stuff will be over under the present Administration is like asking how long a piece of string is. Since the Brexit stuff began a couple of years ago—although it seems considerably longer—the Government could easily have found time to put this acknowledged injustice right. Can the Minister give a commitment at least to issue guidance to local authorities and academies requesting them to accord the same priority to children adopted from abroad?

I conclude by saying that we are all aware of the pressures on children and young people in the 21st century. They are far greater than anyone in this Chamber has experienced. Those pressures are often magnified for adopted children, many of whom will become parents themselves later in life. They need to have a positive attitude to the way in which society treats them. How we look after adopted children and looked-after children, the most vulnerable children in our society, is the litmus test of a caring and compassionate society.

6 pm

**Lord Watson of Invergowrie (Lab):** My Lords, I pay tribute to my noble friend Lord Triesman for initiating this debate and for his powerful opening speech which, as he said, was informed by his personal experience as an adoptive parent.

There are over 40,000 children in England who have left care as a result of being adopted or finding a guardian. Many of them will have suffered loss or trauma and therefore require special support. For too many, that is sadly not what they experience. Last year, Adoption UK's report entitled *Bridging the Gap*, which has been referred to by several noble Lords, explored the powerful links between well-being and attainment

in school. It revealed that adopted children struggle more than their peers at school in several ways and that there are several gaps as a result.

The first is the understanding gap. The report found that almost three-quarters of adopted children said that they did not feel that their teachers fully understand or appreciate their needs and how to support them. Teachers are already underpaid and overworked, so it is essential to ensure that they get the support and training necessary to enable them to bridge this understanding gap. It is also important to inform and educate children about this. Two-thirds of adopted children surveyed had experienced bullying or teasing because it had become known that they were adopted. Under the new regulations on teaching relationships education, pupils will learn about the variety and diversity of modern families. They also need to be taught about families where one or more of the children do not live with their birth parents. An increased understanding of adopted children among their peers is necessary to counter that type of bullying.

Related to this is the empathy gap, which was stressed by my noble friend Lord Triesman and the noble Earl, Lord Listowel. It is key to giving adopted children a chance of receiving an education that will enable them to make their way in the world. It should be a matter of great concern to the Department for Education and Ministers that the *Bridging the Gap* report found that 60% of adoptive parents do not feel that their child has an equal chance at school. This needs to change, because every child deserves an education that allows them to develop their talents to the full. Yet adopted children are much more likely to be excluded from mainstream school than their peers, on which I shall say more later.

Many of the challenges that these traumatised children face are often exacerbated by an educational environment and culture which, it seems, cannot accommodate their needs. The third gap concerns resources. Schools in England are facing real-terms funding cuts leading to a decline in teaching assistants and specialist support, the very people needed to support looked-after and previously looked-after children. Cuts typically disproportionately affect the most vulnerable, and it is no different in schools.

Finally, there is the attainment gap, which results from the early traumas experienced by many adopted children. DfE statistics on adopted children's attainment shows that they perform only half as well as the general pupil population at key stage 2 and in their GCSEs, so it should be no surprise that they are also more likely to leave school with no qualifications. The attainment gap will be meaningfully reduced only when the other three gaps of understanding, empathy and resources are addressed.

It is now 10 months since Adoption UK's report was published, and I would like to think that its recommendations will have been studied carefully by DfE officials. I hope that the Minister will be able to point to actions that the Government are taking or will take to address the gaps referred to in the report and how they can at least be narrowed, if not closed.

In June 2018, a DfE official was quoted in *Schools Week* as saying that, from September of that year, schools would be required to appoint a designated

teacher for children adopted from care to help them at school. In addition, to gain their qualified teacher status, trainee teachers would be required to show that they understand how a range of factors such as social and emotional issues—and how best to overcome these—can affect a pupil's ability to learn. Can the Minister say what monitoring of progress in these two areas has since taken place and what that monitoring shows?

This feeds into the issue of exclusions, where the figures concerning adopted children are extremely worrying. In November 2017, Adoption UK's *Schools & Exclusions Report* found, as my noble friend Lord Triesman said, that adopted children are 20 times more likely to be permanently excluded from schools. Official DfE statistics also show that looked-after and SEND children are more likely to receive exclusions than their classmates. Adopted children share many of the same issues as looked-after children and are disproportionately represented within the SEND cohort.

Despite this, official figures on adoptees being excluded are not currently collected and analysed by the DfE. Why would the Government not collect and analyse full data on attainment, special needs, exclusions, truancy and NEET status for adopted children? It is essential that the Government collect and analyse exclusion and performance statistics for adopted children, as they do for other cohorts, and I hope the Minister will be able to announce today that this will change. If he is not able to do so, I trust that he will be able to explain why. How will educational outcomes for adopted children improve without measuring them? The short answer, of course, is that they will not.

The 2017 Adoption UK report that I referred to revealed that the true extent of adopted children who have been excluded from school is being masked because schools are regularly asking adoptive parents to keep their children out of school without recording them as exclusions. Some 12% of parents said their child's school had advised them that the only way to avoid permanent exclusion was to remove their child voluntarily—generally referred to as a “managed move”. If true, that is shocking. Can the Minister say what he intends to do to address this behaviour by certain head teachers which, if not unlawful, certainly ought to be?

Another means by which adopted children can be induced by head teachers to disappear from school records is through home education—or, more accurately in many such cases, so-called home education. We welcome the recent announcement by the Secretary of State that it will become mandatory not just for all parents taking their children out of school to register that fact but for head teachers to inform local authorities when a child leaves a school register, for whatever reason. Adoption UK found that 12% of adopted children were being home educated. That is appropriate when parents opt for home education as a first choice, often as a conscious contribution to the development of the child whose life they are determined to make as rewarding as possible. But no less than eight out of 10 home-educating adopters said they would prefer their home-educated child to be in school if the right school place were available. Many of these parents have had no training in educating children and are

[LORD WATSON OF INVERGOWRIE]

doing so solely because their children have been permanently excluded or off-rolled and no quality alternative provision is available locally.

Yesterday, along with the noble Earl, Lord Listowel, and the noble Lord, Lord Russell of Liverpool, I attended one of the hearings conducted by the All-Party Group for Adoption and Permanence as part of its inquiry into the adoption support fund. I heard some very powerful evidence from both practitioners and parents and, although it is not directly related to this debate, I have to say to the Minister that the view was very clearly articulated that the adoption support fund simply must be continued beyond March 2020, when its funding is due to come to an end. Those giving evidence to the all-party group told us that it would have catastrophic effects if that were not the case.

I understand that the Minister will be unable to do other than repeat the response made by his fellow Minister Nadhim Zahawi, in a Written Answer to my colleague Rachael Maskell MP two weeks ago, that until the spending review has been concluded, the Government are unable to say anything about the future of the adoption support fund. However, the Minister can—and, I believe, should—give a commitment to noble Lords today that he will undertake to make the case in strong terms to Treasury colleagues that the adoption support fund provides essential therapeutic support for children and families and therefore must continue beyond next year.

Finally, the disparity in education provision between children adopted from local authority care in England and those adopted from overseas is stark. This was referred to by my noble friend Lord Triesman and the noble Lord, Lord Storey. Indeed, in December 2017, the Schools Minister Nick Gibb wrote to all school admissions authorities recommending that they give second priority to children who have been adopted from overseas. That represents discrimination involving vulnerable children who are legally adopted by UK citizens. I understand that Mr Gibb had a re-think and has now committed to righting this wrong with new legislation, although given the suffocating blanket of the Government's attempts to leave the EU, just when overseas adopted children and their parents will finally receive equal treatment is anyone's guess. What I do not understand is why the Schools Minister cannot simply tell admissions authorities as an interim measure to treat overseas adopted children as they treat domestic adopted children. Can the Minister provide an answer to that?

There appears to be no such change planned in respect of pupil premium plus, which sees £2,300 per year allocated to each domestically adopted child but not those adopted from overseas. Again, why the difference? Must we assume that it is simply the cost? If so, it is unacceptable for the interests of overseas adopted children to be regarded as dispensable in that way. Pupil premium plus should be paid in respect of all adopted children and should be ring-fenced to ensure that it meets the needs for which it is intended.

It is vital that adopted children, wherever they come from, are not hindered by their past and are given hope that they will be able to create a better future for their own children than they themselves experienced.

Education is the number one issue for adoptive parents and, as this debate has highlighted, there is much to be done before they will be convinced that the Government are fully on their side in bringing about an educational environment that meets their needs.

6.11 pm

**The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con):** My Lords, I am pleased to answer this Question for Short Debate and thank the noble Lord for raising the important issue of the education of adopted children, including those adopted from care from abroad. We have long recognised that children in care need extra support to succeed in schools. The impact of their pre-care and care experience can often have a lifelong negative impact on their education, health and well-being. In March 2018, 61% of children in care were there because of abuse or neglect, and they were four times as likely to have a special educational need. Children in care have a far higher prevalence of social, emotional and mental health needs than other children with SEN.

The consequences of these experiences and of other risk factors such as foetal alcohol spectrum disorder can emerge over time, particularly at transition points such as adolescence or starting school. Indeed, recent research published by Adoption UK found that 69% of adoptive parents felt that their child's learning was affected by problems with their emotional well-being at school. Adoption UK's research also highlighted significant numbers of school changes, as well as high levels of both permanent and fixed-term exclusions. This was recognised by Edward Timpson in his review of exclusions, published last week.

In relation to points about Adoption UK, the noble Lord, Lord Triesman, asked for specific research on the educational outcomes of adopted children. I would certainly be happy to meet Adoption UK to see what viability there might be for that. The noble Lord, Lord Watson, also asked about the Adoption UK report. As he will know, we gave a commitment when accepting all the recommendations of the Timpson review of exclusions to publish new, clearer and more consistent guidance by the summer of next year. We will work with sector experts led by Tom Bennett, the department's lead adviser on behaviour, and have been absolutely clear in our response that we will include guidance for the first time on the use of managed moves.

We published our latest statistics on adopted children's education outcomes last week. As in previous years, they confirm that at both key stages 2 and 4, children adopted from care are less likely to reach expected levels of attainment than non-looked-after children, although the differences are less pronounced when factoring in the high prevalence of SEN in this cohort, and they do better than both looked-after children and children in need. But we know that this is not good enough.

We have already done a great deal to address these issues and improve the educational experience. Prior to 2012, despite the recognition and steps that had been taken to improve the education of children in care, little had been done to support those very same children who had left care through adoption.

Acknowledging the ongoing vulnerability and level of need, we extended entitlements for looked-after children to previously looked-after children—those who had left care through adoption, special guardianship or a court order. Since 2012 we have: given adopted children the highest priority in school admissions; introduced the pupil premium plus for both looked-after and previously looked-after children, currently set at £2,300 per child; included them in the eligibility for free early learning for disadvantaged two year-olds; made them eligible for the early years pupil premium, currently set at £302 per child; and, since 2015, the Adoption Support Fund has provided more than 40,000 adopted children and their families with therapeutic support. This can prove key to allowing children to succeed in school.

The noble Lord, Lord Triesman, asks for guidance for parents. The DfE has funded PAC-UK, which has published guidance for schools on education of adopted children, and Adoption UK has published guidance. Both documents have been well received.

Concerns have continued about the level of support available for previously looked-after children. That is why in 2017 we introduced new statutory duties in the Children and Social Work Act to extend the roles of virtual school heads and designated teachers for looked-after children to require them to promote the education of previously looked-after children, too. The new duty came into force at the start of the school year, supported by the publication of revised statutory guidance and an additional £7 million per year of funding up to 2020 for virtual school heads. The revised guidance emphasises a whole-school approach to meeting the needs of both looked-after and previously looked-after children. It emphasises the need to work with adoptive parents to secure the best possible educational outcome for their child.

We will continue to work with the sector to understand the effectiveness of these changes. I am pleased to say that we are seeing some innovative practice, making the most of the expertise offered by virtual school heads and the new money, including forming partnerships with regional adoption agencies in both the north of England and on the south coast, and working with the voluntary sector to provide expert advice and information to adoptive families in the Home Counties.

The noble Lord, Lord Russell, asked what analysis the Government have made of how effectively the pupil premium has been used to support adopted children. We have not undertaken specific analysis on the use of the pupil premium. However, in addition to the points made in response to the question of the noble Lord, Lord Triesman, on pupil premium plus, I add that most schools are required to publish an online statement of the use and impact of the pupil premium.

Ofsted has just published its education inspection handbook for September 2019. This sets out how inspectors will gather evidence of the impact of use of the pupil premium and, in response to the question of the noble Lord, Lord Watson, about the role of managed moves and off-rolling, inspectors will consider the impact of the curriculum on previously looked-after children, including those adopted from care. So they will get more focus than is currently the case.

The noble Lord, Lord Triesman, asked how specific financial assistance does not get merged into the general pot of SEN. Our statutory guidance for designated teachers of looked-after children and previously looked-after children sets out how schools should use their pupil premium plus funding for previously looked-after children, including how they should work with adoptive parents to raise awareness of their eligibility for support and in deciding how pupil premium plus funding is used. The guidance sets a clear expectation that designated teachers should be members of the senior leadership team, who will provide challenge and advice to others and work with governors to hold schools to account.

Last week we published our response to the Timpson review of exclusions and have agreed to the recommendation for the department to collate and publish data on exclusions for adopted and other previously looked-after children. The noble Lord, Lord Russell, asked what further steps are being taken to ensure that we continue to improve the collection and scrutiny of data on adopted children's outcomes. The statistics rely on the self-declaration by adoptive parents. That is why, due to the level of coverage, they, along with education outcomes data, are marked as experimental. We respect the rights of parents to choose whether or not to declare that their child was adopted. We have worked with the sector, including through social media, to encourage parents to declare, and our guidance to designated teachers encourages registration, with teachers required to raise awareness of their entitlements.

I recognise the concerns about support in education for children adopted from care from abroad. When we initially extended support for children in care to those who had left care, our intention was to ensure that children did not face a cliff edge of support when they were adopted. We were aiming to continue the support these children would already have received when in care. That approach meant that children adopted from abroad, who had not been in the care system in this country, did not therefore benefit from these changes. While they are a small proportion of total adoptions each year, these children can face unique challenges.

I will take up the suggestion from the noble Lord, Lord Storey, about issuing further, stronger guidance to local authorities for this vulnerable group. We have given a clear commitment to amend the admissions code to extend priority admissions to children adopted from care overseas. As several noble Lords mentioned, my right honourable friend the Minister for School Standards has written to every admissions authority in the country, asking them to amend their policies to give priority ahead of that formal change.

The noble Lord, Lord Triesman, asked for a champion to be appointed for these children to work alongside the more general champion, due to the distinctive but poorly recognised issues. Our changes in the Children and Social Work Act 2017 made virtual school heads and designated teachers the champions for all previously looked-after children. This is a new responsibility. The duties have been in place for only two school terms. We are working closely with the sector to understand the impact and effectiveness but it is too early to make a judgment. However, we are committed to learning from the experiences from this recent initiative.

[LORD AGNEW OF OULTON]

Introduction of a separate champion for those adopted from care abroad would risk confusion and duplication of roles when virtual schools and designated leaders are increasingly becoming recognised as experts in the field.

The noble Lord also asked us to consider more support for local authorities in this sensitive area. We have established Social Work England and are undertaking a comprehensive programme of social work reform to address these issues, among others. I assure noble Lords that officials are considering application of pupil premium plus to this group of children. In the meantime, it should not prevent schools providing support to children adopted from care abroad by, for example, making use of the extended virtual heads, designated teachers and the revised statutory guidance.

The noble Lords, Lord Triesman and Lord Watson, and the noble Earl, Lord Listowel, all raised similar questions around initial teacher training and continuing professional training, including training on child development and the impact of trauma and attachment orders. The noble Lord, Lord Watson, referred to the empathy gap. The framework of core content for ITT, which we published in 2016, sets out the need for trainees to understand the cognitive, social, emotional, physical and mental health factors that can affect child development. ITT providers are responsible for designing courses to meet the needs of trainees and pupils. Ofsted assesses the quality of ITT and how providers use the framework. In the most recent inspection, 99% of providers were judged good or outstanding.

The early-career framework, launched by the department as part of the teacher recruitment and retention strategy, announced a specific new entitlement for every new teacher to receive enhanced training in behaviour and classroom management in the first two

years of their career. Our statutory guidance both for virtual school heads and for designated teachers places emphasis on whole-school awareness, the impact of trauma and attachment disorders and the expertise and training needed by designated teachers. However, we will consider the need for further training and support for attachment and trauma for the children in need review.

The noble Lord, Lord Russell, asked about support for adopters that could complement the work of virtual school heads. We agree that peer support can be invaluable to many adoptive families. The Adoption and Special Guardianship Leadership Board, which advises Ministers on adoption policy, is currently carrying out a review on adoption support. One of the things it is looking at is how we can encourage more local authorities to offer peer support.

The noble Lord also asked about my experience when running an academy chain. One of the things that I did was to insist that we identified all looked-after children in the trust. At the time I was there we had 26. I required a report on their progress to be made available to all our board meetings simply to raise the profile of these very vulnerable children. It was certainly my intent to go further than that but at least I ensured that they were very much the focus of the heads of individual schools.

The debate that we have had today has highlighted the importance of getting the right educational support for adopted children, including those adopted from abroad. The range of actions that I have set out today demonstrates just how seriously the Government take this issue. I very much appreciate the cross-party support that shows that this is not a political issue. We are absolutely determined that these children achieve the very best educational outcomes.

*House adjourned at 6.25 pm.*

# Grand Committee

Tuesday 14 May 2019

## Arrangement of Business Announcement

3.30 pm

**The Deputy Chairman of Committees (Lord Lexden) (Con):** My Lords, if there is a Division in the House, the Committee will adjourn for 10 minutes. Perhaps I may be allowed to say that that seems unlikely.

## Vaccinations and Health Screening Services

*Question for Short Debate*

3.31 pm

*Asked by Baroness Walmsley*

To ask Her Majesty's Government what plans they have to promote the uptake of vaccinations and health screening services.

**Baroness Walmsley (LD):** My Lords—or perhaps I should say “My Ladies”, because all contributors to this debate are women—earlier this month the Public Accounts Committee in another place published a report about adult health screening. It commenced as follows:

“Health screening is an important way of identifying potentially life-threatening illnesses at an early stage. Yet the Department of Health & Social Care ... NHS England and Public Health England ... are not doing enough to make sure that everyone who is eligible to take part in screening is doing so, and do not know if everyone who should be invited for screening has been”.

I could not put it better myself, and this is a very sorry state of affairs when we know that timely health screening can save lives by early identification of disease, and save money by avoiding conditions becoming severe.

On vaccination, the other highly successful way of avoiding disease, it is clear that the NHS has been aware of its failure to meet targets for some time because paragraph 1.11 of *The NHS Long Term Plan* promises a review of GP vaccination records. My first question to the Minister therefore is: when will this commence and can she commit the DHSC to funding whatever is necessary to help GPs reach their target?

I turn first to screening programmes, of which there are 11. Four of them were considered in detail by the committee, none of which reached their targets, and there is unacceptable variation in different parts of the country. The committee concluded that the IT system used to identify the eligible population for screening has been unfit for purpose since 2011 but has still not been replaced. That probably means that the reach is even worse, because some people who should be called for screening are not being called. So my second question to the Minister is: what is being done to replace the IT system? The committee's recommendation was that the department should find out why performance is poor in some areas and less so in others and then do something about these inequalities. Has the department

set about doing that and is it going to make use of the large amount of data in the hands of local authorities, which could help?

When I first laid this Question for debate, I was concerned about the fact that only 71.7% of women eligible for a cervical smear were attending. Many years ago I worked in this service, so I have an interest in its success. Today things should be better because the treatment for symptoms has much improved. However, recent figures show that only one of the 207 CCGs meets the target of 80% attendance and that about half of women do not receive their results within the target time, despite the fact that the job I used to do is now done by artificial intelligence. This programme saves lives. It saves children losing their mothers. It saves suffering, and its cost-effectiveness is not in doubt. Why is NHS England not holding local providers to account for this poor record, as it has the responsibility to do? Of course we all hope that the administration of the HPV vaccines to girls—and very soon to boys too—will bring about a massive fall in this disease but, in the meantime, we need to do a lot better.

Breast screening—mammograms—also saves lives. The IT system that supports the breast-screening programme gives great cause for concern, yet the NHS plans to replace it only by 2020, three years later than planned, at a cost of £14 million. The state of the system undoubtedly contributed to the shambles in May last year when the then Secretary of State announced that 450,000 eligible women had not been invited for screening. The shambles was further demonstrated by the fact that the number turned out to be closer to 122,000. This caused a great deal of anxiety to women and who knows whether it contributed to any deaths. Will the Minister encourage her department to get a move on and replace this system with all haste?

Both of these screening programmes have suffered from a fall in attendances—a 21-year low in the case of cervical screening—yet it appears that none of the national health bodies has asked women themselves why they are not attending, offering instead platitudes about women having busier lives. This just will not do. In addition, there is a serious shortage of technicians to do the breast screening. What steps are the Government taking to address that?

I turn to health screening programmes for children. The Royal College of Paediatrics and Child Health sent a very helpful briefing, which emphasised the importance of the routine screening of children for height, weight, vision and hearing, and encouraged expansion of the national child measurement programme. In the light of the health inequalities in this country and the high proportion of overweight and obese children, these programmes are vital to ensure that each child gets a healthy start in life. Can the Minister answer two questions: what is the coverage of the national child measurement programme compared to its target, and why are children not also screened for dental decay, given the large number of children who have to be admitted to hospital to have teeth removed?

Vaccinations are the best way of protecting children and adults from serious and potentially fatal diseases. The routine schedule for babies—MMR, the six-in-one vaccination and the one for meningitis—is absolutely

[BARONESS WALMSLEY]

vital to protect each individual child, as well as providing herd immunity for the whole population. Failure to reach the desired immunisation rate resulted a few years ago in some serious measles outbreaks, for example in Swansea. The uptake of both doses of MMR has now decreased for four years in a row. Also, participation in the six-in-one vaccine was nearly 2% below the WHO target of 95% and has fallen for five consecutive years. These rates are not high enough to maintain herd immunity, according to the royal college.

A recent study of vaccination uptake among children linked lower immunity coverage with higher socioeconomic deprivation. Could the Minister say what is being done to address this? The royal college recommends that every contact between a child and a health worker should be utilised opportunistically to ensure he has had the full range of vaccinations. However, this requires a robust data collection system and interoperability between different parts of the digital health records. Could the Minister say how far we are from that being available?

The royal college believes that confidence in vaccinations is not falling but that the fall in numbers is instead attributable to a complex web of access to services, cost of travel, competing pressures on families, an ineffective system of reminders for parents, and workforce and resourcing pressures. What is being done to untangle this and get the numbers going up again? Are system-led changes being considered, or are we just using targets and pressure on hard-pressed GPs?

One important adult vaccination is the flu vaccination, which is available to all adults at a modest cost but is free to children aged over two, elderly people and other vulnerable people. In 2016-17, 16,000 people died of flu, yet many people with chronic lung disease are still not getting the vaccine. Compared to an uptake of 72.6% among other people aged over 65, just 50.8% of those with chronic respiratory conditions were vaccinated in 2017-18. This is another area where there is regional variation—the figure in Wales falls to 48.6%. Uptake among children from reception to year 4 varies significantly between NHS regions: from 47.8% in London to 70.7% in Wessex. My GP recently told me that last winter, she had to provide flu medication to a larger number of people than usual. Whether this was because fewer people were vaccinated or because it was a more virulent strain than usual, she did not know, but she was worried. What is being done to improve the coverage of flu vaccinations?

I would have liked to ask about bowel cancer and prostate cancer screening, but I fear there is no time. Instead, I end by asking the Minister when we will be getting the Green Paper on prevention. Will it contain proposals for flexible initiatives to improve the uptake of health screening and vaccinations, especially among harder-to-reach communities?

3.40 pm

**Baroness Bottomley of Nettlestone (Con):** My Lords, let me be the first to pay tribute to the noble Baroness, Lady Walmsley, for introducing this important debate. I also pay tribute to her expert knowledge in this field, given all that she has said.

For some of us, what has happened with immunisation and vaccination is a mystery. I am looking at the noble Baroness, Lady Hayman, who was a Minister shortly after I was. One of the great battles that my then boss, Kenneth Clarke, had was with the GPs on introducing the new contract after 1987. It was about incentivising GPs to increase child immunisation and cervical cancer screening. There was a great hullabaloo that they were motivated only by feeling for their wallets, or whatever the expression was at the time. The fact is that there was a rapid increase in child immunisation and cervical cancer screening. I remember being summoned by the then Prime Minister, Margaret Thatcher, to a meeting of Finchley GPs in the Prime Minister's room behind the Speaker's Chair in another place. They all gave their views on the programme and whether they had been coerced into following the cervical cancer rulings, and so forth. Whatever was said, it did the job.

Nearly all of us in this Room, who are working women, know that our lives and our families' lives have been freed from all those infant diseases that held back women at home for so many years. Vaccinations are an extraordinary success story. They have an amazing ability to leave people free from disease if a sufficient number create herd immunity. Smallpox is the only infectious disease to be eradicated completely among humans through deliberate intervention; it was wiped out through a global programme. In 1988, there were 35,000 cases of polio globally but in 2018, there were only 33. I remember the wonderful work of the rotarians and their PolioPlus campaign, spreading the polio vaccine all around the world. It seemed as though this was an unstoppable course to having healthier citizens through a civilised approach.

Some 150 potentially life-saving vaccines are currently being tested, which is absolutely phenomenal. So now we have to study the extraordinary phenomenon of vaccine hesitancy, which for many of us really is a paradox. Why should people be against vaccinating their children? Some believe that vaccines are no longer necessary or that they cause autism, but Andrew Wakefield has been comprehensively discredited for his work that tried to connect autism and bowel disease to MMR. It was a really disgraceful piece of work. Some believe that doctors and scientists cannot be trusted; that vaccines contain harmful levels of toxins; or that they can overload a child's immune system. It seems as though, once again, this is an adverse effect of our wonderful, modern and interconnected world of social media. Scare stories are thrown up and it is almost impossible to rebut them.

There may also be a lack of trust in doctors and nurses. But goodness knows, their figures for inspiring confidence and being trusted, at 96% and 92%, are a lot better than those for government Ministers or politicians, which are at 22% and 19%. I still think we should hold on to the doctors and nurses to promote the programme.

The noble Baroness, Lady Walmsley, talked about the worrying fall in levels in the UK despite our comprehensive National Health Service, our focus on prevention and so forth. The World Health Organization has devised a 3Cs model in its vaccine communications working group, referring to complacency, convenience and confidence. We do have a degree of complacency.

In the UK, before vaccines were introduced, each year 3,500 people died of diphtheria, 200 of tetanus, 1,000 of pertussis, 200 of polio and 60 of haemophilus influenzae. Perhaps people have lost the fear factor that has been there for so long.

On convenience, we have a comprehensive health service. There is of course always room for improvement, but it is there for all. On confidence, the evidence is absolutely there.

I congratulate the Government on some of the recent vaccinations that have become available. The service is phenomenal. Now, we have vaccinations for children's flu, rotavirus, shingles, MenB and MenACWY. Similarly, I congratulate them on some of their screening programmes. I campaigned long and hard for screening programmes for abdominal aortic aneurysm, bowel cancer, breast cancer and so on.

What must we do to promote this issue and encourage people to live up to their responsibilities? We have the convenience and I have the conviction. I want the Minister to let us know what not only the Government but all of us can do to help to bring back urgency in taking up these wonderful opportunities.

3.45 pm

**Baroness Finlay of Llandaff (CB):** My Lords, I too congratulate the noble Baroness, Lady Walmsley, on securing this important debate.

I want us to look back in history. In 1796, Jenner took fluid from cowpox pustules and gave it to a child. He then tested whether that child had immunity by giving him fluid from smallpox pustules—an experiment I do not think would get through any ethics committee anywhere in the world today but which marked the beginning of immunology as we know it. There were anti-vaxxers then, who made his life hell and gave him a really hard time. There are still anti-vaxxers today. I am afraid that people are living with the human tragedy of their activity. Smallpox seems to have been eradicated; it was declared as such in 1980.

I want to focus on five diseases in my five minutes. What have we got now? There is polio. The vaccination against polio was introduced in the 1950s, too late for a friend of mine whose paralysis has completely crippled his life. He is still alive but with long-term complications through paralysis from polio. It is a terrible disease. Before the introduction of the vaccination, there were more than 7,500 cases of paralytic polio a year, with up to 750 deaths. Each one of the people who got polio carried with it the damage. This is not about statistics; this is about human lives.

People think of diphtheria as something of the past. It was absolutely terrible. Before the vaccine was introduced in 1942, there were more than 55,000 cases a year and 3,500 deaths. One of those cases was an aunt in our family, who described to us what having diphtheria was like. The terrible legacy of her disease was that she came home with it and gave it to her younger sister, who died. She recalls having diphtheria and watching her younger sister dying. It is incredibly contagious. Sadly, it is now breaking out in parts of the world among refugee communities, particularly Rohingya Muslims.

Why do we need herd immunity? We need it because it acts like a firebreak, and we need it above 95%.

We have sort of pretended that measles is a disease that is not still there—but it is. The latest figures show that between January and October 2018, there were 913 laboratory-confirmed cases of measles in England; that represents a steep rise compared with the 259 cases the previous year. Measles is not a trivial illness. The pneumonia leaves people with permanent lung damage that will blight the rest of their lives; they will be prone to infection if they survive it. It is a terrible thing to see children ill and dying of measles. I worked in paediatrics; I have seen it. In Ukraine, following the death of a teenager not related to vaccination but attributed to it, in combination with political unrest and health service corruption, the actual rates fell to one in six of all children.

I will go back for a moment to Jenner and TB. Jenner lost his eldest son, two sisters, Mary and Anne, and his wife to tuberculosis. Today there is the BCG—bacille Calmette-Guérin—vaccine against TB, but that is not actually as good as we need it to be. It perhaps helps against TB meningitis in children, but I have seen a child dying of TB meningitis—it is absolutely terrible. BCG is not as effective as one would hope. The problem is that rifampicin came along; everyone thought it was wonderful, and now we have drug-resistant TB.

In my last seconds I will touch on HPV. I was privileged to be working with Les Borysiewicz and Malcolm Adams in Cardiff when they were doing the early work on cervical cancer. They showed that invasive cancer instance was dropping dramatically—by 80%. We now need to lower the age of vaccinations for this age group, because we know that children are sexually active below the age of 14. We need to introduce it at 10 to 12 years. We have the tools to keep herd immunity, and we are just ignoring them.

3.51 pm

**Baroness Wyld (Con):** I learned so much from the speech of the noble Baroness, Lady Finlay. I thank the noble Baroness, Lady Walmsley, for tabling this debate.

When I put my name down for this I realised that I had a vaccination schedule pinned to my fridge. It has every vaccination that your child has to have between birth and five years of age. I cannot tell you where I got it from; I imagine I must have got it when my last daughter was born. I realised with a certain degree of guilt that is uniquely gifted to mothers—perhaps that is why this debate is all-women—that I had forgotten to book my third daughter in for her three years and four months old vaccination. While listening to the noble Baroness, Lady Finlay, I also realised how lucky I was not to know what some of these diseases are. My generation has taken that for granted. I will of course rectify the fact that we need to have this vaccination—we are still in time.

It struck me that we spend so much time and energy in public life and politics talking about anti-vaccination fake news campaigns in social media and about how to tackle them. It is right that we fight them, but do we spend enough time, as the noble Baroness said, really focusing on the nitty-gritty of ensuring that the system for take-up works as efficiently and seamlessly as possible?

[BARONESS WYLD]

I cannot base my entire speech on mother's instinct, so I was very pleased to have the briefing from the Royal College of Paediatrics and Child Health. It was most helpful, particularly in stressing the point about making every contact count. We need to think more deeply about the way we talk to pregnant women and parents at the start of their journey. By the time you go into the room to give your baby his or her first vaccinations, you are actually already quite a long way into the parenting journey and will usually have had quite a lot of interactions with midwives and health visitors. While I am not letting fathers off the hook in the slightest, we know that maternal health is vital to determinants of child health. What are the Government doing to ensure that health visitors and midwives have the training, confidence and space within those consultations to press the need for maternal immunisations, which do not get a lot of coverage, and then to start those early conversations about child vaccinations?

More broadly, so many of the messages that we aim at first-time mothers in particular—I do not aim this just at the Government but across charities and public life—focus on childbirth and breastfeeding. These are obviously very important, but it would much better to prepare parents for at least the next five years, not simply saying, “You just get to the other side of the delivery suite”. This is where the system-wide approach is crucial. What systems are in place to collect the data and remind parents along the way that vaccinations are due, and what methods are being used to support those who may just be struggling to navigate or access services? There is debate over whether we should exclude non-vaccinated children from schools, but are we missing the practicalities, including perhaps a more effective method of using the school or nursery entry check to ascertain children's vaccination status and using that as a reminder or trigger for boosters?

I would have loved to have had more time to talk about screening. We need to look at public health as a whole. I happened to be shopping earlier this week and was in the beauty department of House of Fraser. When I made my purchase, I got an NHS card reminding me to go for cervical screening, which I am up to date with. However, can we not think more creatively about ways to get to people that do not just involve opening a letter from the NHS? We need to be much better at thinking laterally about what is going on in people's lives. I thank the noble Baroness for initiating this conversation and hope that we get more opportunities to talk about this subject.

3.55 pm

**Baroness Hayman (CB):** My Lords, I add my congratulations to the noble Baroness, Lady Walmsley. It is a great pleasure to follow the noble Baroness, Lady Wyld, because I agree very much with what she said. I want to speak mainly about vaccine hesitancy and the important role of vaccines in the developing world. I do not want to bowl the Minister a googly but the Question relates to the Government and vaccines. Through DfID we have an enormously important role in the use of vaccines in the developing world, where for millions of children they are a matter of life and death.

I agree very much with the noble Baroness, Lady Wyld, that the reducing rates of vaccination in this country are not solely the result of the dangerous and destructive cod science peddled on the internet and elsewhere; they are also the result of the difficulty that some families have in accessing services and our inability to bring together in that smooth and creative way that the noble Baroness talked about the services that families need. When families and the NHS are under pressure, people will fall through the net, and we cannot simply blame them for taking bad advice. Like others, I would like to hear from the Minister exactly what the department will do to differentiate between and gain an understanding of these low rates in particular areas or localities or among certain types of families and how we will target measures to improve them.

I also agree that mandatory vaccination is not the way forward. However, it is important to look at specific instances. I have a grandchild who goes to a nursery-type play group where one child, recently admitted, has multiple food allergies. The nursery has decided to ban the other children from bringing any food into the nursery, and all children who have lunch there eat a diet that suits that individual child. This is done to protect one member of that community whose life could be in danger. Where a nursery, for example, has an immuno-compromised child as one of its members, I think it is perfectly reasonable to look very carefully at whether it is responsible to admit to that nursery children who are not vaccinated and to put that child's life at risk. I am not talking at all about universal compulsion but I think that there might be instances where it is important to take responsibility as a community for particular children who need us to do that.

Huge efforts are being made—I have already mentioned DfID's work—through the global alliance on vaccinations, the Vaccine Alliance, UNICEF and the WHO to save the lives of millions of children across the world. We have programmes that have halved deaths from measles and tetanus since 2010, in less than 10 years. We are investing in new vaccine development that is absolutely essential if we are going to deal with malaria, TB, dengue and Zika. There are parallels here, but the obstacles are different. Because of false information, polio vaccinators have been killed in Pakistan and there has been difficulty in administering the Ebola virus during the current outbreak in DRC. When there is conflict it is difficult to get to families.

Finally, I hope that the Minister and her department will take notice of the work of Professor Peter Hotez. He is not only a vaccinologist and a paediatrician; he also has an adult daughter with autism. Personal testimonies are tremendously important. He has written a book called *Vaccines Did Not Cause Rachel's Autism*. He will be in London at the Wellcome Trust and the Royal Society for Tropical Medicine next month. I hope that the department will listen and learn from what he has to say.

4.01 pm

**Baroness Barker (LD):** My Lords, I thank my noble friend Lady Walmsley for the opportunity to take part in this extremely well-informed debate.

As chair of the All-Party Parliamentary Group on Sexual and Reproductive Health, I start on a sad note. Some Peers are aware, but others are not, that the FPA—formerly the Family Planning Association—has gone into insolvency this week. This means that a charity which for many years has been the source of important information and advice for women, and men, about sexual and reproductive health, screening and all that has ceased to function. I say to the Minister that I am sure there are other professional bodies, such as the royal colleges and the Faculty of Sexual and Reproductive Healthcare, which will have to look in coming months at how the work which was done by the FPA can be covered.

As the figures we have on cervical screening—particularly from Jo’s Cervical Cancer Trust—show, it remains extremely important to have informed, accurate messaging systems to the public. Sometimes the NHS does a good job, but sometimes it is not the body to talk to people, particularly young people, in ways they understand in order to make them understand the importance of screening and prevention services in particular.

The figures for women attending cervical screening are going down. This is worrying. It is even worse in some minority communities. I want to take the opportunity to focus on my minority community. I am worried because I hear of instances of lesbians and bi-women being wrongly told that they do not need to go for screening and that they cannot get cervical cancer. This is not true. When someone is told that, it is not unreasonable that they might not go along and take part in a procedure which is not particularly pleasant. However, that has potentially fatal consequences. Having said that, there are other women who register really good treatment. When they have come out and been open about their sexuality, their doctors have been fine and open with them. This is a hopeful sign that we have moved on, but it should not be a matter of luck for a patient to be treated well. It should be system-wide. I commend some NHS staff who, in the absence of leadership from the top of the NHS or their professions, have tried to take matters into their own hands. They have their NHS rainbow badge initiative—100,000 of them are now wearing the badge—to give a direct indication to patients that if you happen to be LGBT it is safe to talk to them—not to everybody, but to them. I hope we shall see some more of that.

We are very lucky to have our National Health Service and national screening but, looking at the papers that my noble friend Lady Walmsley referred to, we do not seem to allow very much for variation. In particular, we have either a national screening programme or nothing. We do not seem to be able to concentrate some of our efforts among people who are perhaps more likely to be at risk than others. For example, I think of the work Macmillan Cancer Support has done on lung cancer screening. We do not have a national lung cancer screening programme, but Macmillan Cancer Support has been trying to identify ex-smokers to try to give them check-ups and to catch cancers early. I hope that through the reorganisation and sustainable transformation projects, the NHS might get to be much cannier about the way it uses the resources it has to begin to focus them.

I will make one final point about variation. I understand that there is a new test for bowel cancer screening called FIT—faecal immunochemical test—and that it will come in in Northern Ireland in 2020 but will not come to England. Will the Minister say why, if in Northern Ireland it has been identified as a more accurate test, it is not being rolled out here? We have a national service; we could use the resources in it in a far more targeted way to greater effect.

4.06 pm

**Baroness Thornton (Lab):** I declare an interest as a member of a CCG. I congratulate the noble Baroness, Lady Walmsley, on this important debate, which, as one would have expected, has been very well informed and wide-ranging. I, too, will focus on vaccination.

The noble Baroness, Lady Bottomley, reminded me that when I started school in 1956 as a rising five—noble Lords can work that one out—I was the eldest of four children. My mother says that she had a sick child for the whole of the following winter because I brought home measles, chickenpox and mumps. It was an absolute nightmare for her. Of course, I gave my siblings all my germs.

This week, the headline in my local freesheet is: “Lives at risk as vaccine rate drops”. It is not often you see that in your local freesheet, but that is what it says. One of our local doctors is quoted as saying that he and his colleagues are faced with the troubling task of telling parents that their children could die from preventable diseases, but still people refuse to have their children vaccinated. In our patch of London, I fear we might be heading for the statistic that means herd immunity will be compromised, which has implications for children throughout the borough, including my granddaughter.

The vaccination rate has fallen for four years in the UK and is declining across Europe. Will the Minister tell us the minimum percentage of cover for vaccinations that provides herd immunity? I think we know that. How close are we to it in the UK? How many areas are there where coverage is less than or close to the minimum for herd immunity?

I reminded myself in preparing for this debate of the response of the Minister, the noble Baroness, Lady Blackwood, to a recent Question posed by my noble friend Lord Faulkner:

“The UK has one of the most sophisticated vaccination programmes in the world and we constantly guard against threats that may reduce vaccination rates. I am pleased to say that 93% of parents trust NHS staff and advice. The Government recognise the threat posed by disinformation and the upcoming online harms White Paper will set out a new framework for tackling this”.—[*Official Report*, 1/4/19; col. 2.]

I beg to differ because the evidence points us in a different direction. If 93% of parents trusted NHS staff and advice, we would not be in a situation that could easily become a great health emergency. How can it be that 93% of parents trust the NHS when the Royal Society for Public Health says that one in five parents, including those who have had their child vaccinated, still believe that the jab is, “likely to cause unwanted side effects”?

The Royal Society for Public Health’s chief executive, Shirley Cramer, said:

“We need to counteract health misinformation online and via social media”.

[BARONESS THORNTON]

She also said,

“social media companies should take responsibility for misinformation about vaccines in the same way that they are doing for mental health”,

and that,

“four out of five adults agreed ... that social media platforms should take steps to limit fake news regarding vaccinations”,

so the public are calling for this too. What are the Government going to do? Frankly, waiting for a White Paper and the legislation that might follow does not quite answer the point.

Furthermore, the RSPH recommended more education in schools on the value and importance of vaccinations to help bust the myths surrounding vaccines. Is that happening? Is the Department of Health talking to the Department for Education about this? We have a healthy schools programme in my borough; as a member of a CCG, I will talk to schools about the fact that they need to work with us to ensure that we get vaccination rates up. We want to see whether vaccinations can be offered in different locations, such as high street pop-ups, gyms and community centres. Finally, the public health budget has been slashed in recent years. Is it sufficient to respond adequately to what might become a serious health emergency?

4.11 pm

**Baroness Barran (Con):** My Ladies—I like saying that rather than “My Lords”, so I will go for it—I echo noble Baronesses in thanking the noble Baroness, Lady Walmsley, for securing the debate and I thank noble Baronesses for their fascinating and well-informed contributions.

I want to take this opportunity to emphasise the Government’s efforts to promote the uptake of vaccines and health screenings. Keeping uptake rates as high as possible is one of our top priorities; we are constantly reviewing ways to do so. We are committed to ensuring that everyone who is eligible takes up that offer. The noble Baroness, Lady Finlay, reminded us of her friends and family members who have been personally affected by the absence of vaccination. Last night, I was talking to my noble friend Lady O’Cathain, who cannot be with us today; she remembered the introduction of the first polio vaccine when she was 10 in Dublin, but then arriving at university and seeing one of her childhood friends who had not had the vaccine suffer in the way the noble Baroness, Lady Finlay, described.

Overall, our routine vaccination programmes in England have a high uptake, with over 90% coverage for almost all childhood vaccines. In addition, more than 11 million people benefit from NHS screening programmes every year and record numbers of people receive life-saving NHS interventions. Local teams in the NHS work incredibly hard to make this happen and find out where improvements are needed. As well as to the work of the great NHS staff, I also pay tribute to the many charities that fight on behalf of those whose lives have been changed for ever by a range of diseases; for example, meningitis charities such as Meningitis Now and the Meningitis Research Foundation, and cancer charities such as Jo’s Cervical Cancer Trust, Breast Cancer Now, Breast Cancer Care and Cancer Research UK.

Although such programmes are promising and are core components of our health protection offer, there is still a lot to do, as noble Baronesses pointed out. There is still regional variation in our programmes—as seen between those in London and those in rural areas—room for improvement in providing services to underserved groups and, regrettably, a slow decline in both vaccination and screening coverage. We are continually taking action to improve uptake of these programmes. However, a number of complex factors need to be addressed. As the noble Baronesses, Lady Walmsley and Lady Hayman, pointed out, there are difficulties in accessing immunisation and screening services for some people. There can also be difficulties in accessing the right information on the benefits and safety of screening and immunisation. In certain areas, particularly London, we face population mobility and particular groups which are underserved. As has been quite fairly pointed out, the robustness of the IT that supports our screening and vaccination programmes is challenging.

Before I turn to those points, I will try to answer some of the questions that have been raised. The noble Baronesses, Lady Thornton and Lady Finlay, asked about herd immunity. There are different levels for different diseases. For measles it is 95%; the UK programme’s objective is obviously to reach 95% for most childhood vaccines. In 2018, when measured among children aged five—I appreciate that there are risks below the age of five—coverage for measles, mumps and rubella was close to this threshold at 94.9%, while coverage for the primary immunisations was above it at 95.6%. However, we are not complacent and Public Health England, together with NHS England, is working to reverse the decline that we have seen among some younger children. If I may, I will come on to talk about where we will capture the data under what we are doing to address IT.

The noble Baronesses, Lady Walmsley and Lady Hayman, talked about regional variations. We are absolutely aware that although our overall screening and immunisation rates are encouraging, there are differences in regional uptake, particularly in London. This is in part due to a transient population, which potentially results in GP databases becoming quickly out of date, and a younger population who may, understandably perhaps, feel that the risks they face are less great. We are doing a great deal to try to share information across different areas. If time permits, I will try to give a couple of examples of that.

A number of noble Baronesses talked about misinformation, including on social media—not only in this country but, as many of us heard on the news this morning, in DRC in relation to Ebola. There is a troubling rise in misinformation, as my noble friend Lady Bottomley pointed out. It is hard for us to be accurate about its impact but it is clearly negative, and clearly so across a number of countries; look at the trend in measles, not only in this country but in Europe and the United States. We are trying to counter this with our own social media campaigns and training for health professionals, which my noble friend Lady Wyld asked about. If I may, I will write to her with more details about the exact numbers for the training of health visitors and midwives.

A number of noble Baronesses asked about using our imagination, I think it was, in trying to find different ways of offering vaccination and screening. I will give one example of this in relation to cervical screening. There is now a partnership with the health and well-being app, Treatwell, which is to introduce conversations about the importance of cervical screening among 25 to 34 year-olds—one of the groups where take-up is very low.

I hear the concerns of the noble Baroness, Lady Thornton, about trust in doctors and nurses, but we have done a number of studies on this and believe that 93% of parents feel that the health professionals they work with give them accurate information. That confidence is crucial.

The noble Baroness, Lady Hayman, mentioned options around compulsory vaccination. She will be aware of the remark made recently by the Secretary of State that nothing is being ruled out. I felt she gave a helpful and interesting example.

The noble Baroness, Lady Finlay, talked about low levels of uptake of cervical screening. We share her concerns. My briefing advises that the HPV vaccination is now routinely recommended for all girls between 11 and 14 years old, so if I understood her rightly, that is a slightly lower age than she mentioned.

The noble Baroness, Lady Barker, raised a very valid point about getting information from people whom you can hear, so to speak, and it not being a matter of luck. There are charities, such as Jo's Cervical Cancer Trust, which are training community champions so that someone who looks like you or me talks to you or me about cervical screening. She also talked about FIT testing. I think there may be a misunderstanding there. That is going to be introduced in this country in the summer of 2019. I hope that that is good news.

I am looking at the time. I have not even started my speech and I am running out of time.

The noble Baroness, Lady Walmsley, and other noble Baronesses asked what is happening to improve IT. It fits into two boxes. One is incremental improvements and the other is step-change improvement. The department is working incredibly hard to make sure that the end point we get to is the right end point. I shall give an example of incremental improvement. Work is going on with GPs to look at how they are incentivised to carry out immunisations and screening, including recall processes, reminders using text messages and being a bit more agile. In terms of a step-change, the beloved red book for children that many mothers in the Room will remember is going to be replaced by a digital red book. My noble friend Lady Wyld looks unhappy about that. I have still got my red books. That will be an important improvement in infrastructure. We are also developing a new IT system for cervical screening and breast screening.

I will have to write on the other points. I apologise that I was unable to cover them. They include the important issue of underserved groups.

I thank all noble Baronesses for their contributions; it has been a pleasure to respond to their questions. Although we believe that we should be proud of our successes in this country and of the public health

benefits that our screening and immunisation programmes provide, we are absolutely not complacent and are working hard to improve these services for the future.

4.24 pm

*Sitting suspended.*

## **Grooming Gangs** *Question for Short Debate*

4.30 pm

*Asked by **Baroness Cox***

To ask Her Majesty's Government what progress has been made in the prevention of grooming gangs in Rotherham and elsewhere; and what assistance they have offered to victims and their families.

**Baroness Cox (CB):** My Lords, I am profoundly grateful to all noble Lords speaking in this debate and to many other noble Lords who have expressed their support but are unable to be here today.

This is a sensitive and complex subject, which is important to raise on behalf of so many women and girls who have endured horrific crimes and who are still waiting to receive the support, protection and compensation they so desperately need. In Rotherham, hundreds of children were sexually exploited between 1997 and 2013. Girls as young as 11 were raped by multiple attackers, trafficked to other towns and cities, and abducted and beaten. Some were doused in petrol and threatened with being set alight, while others were threatened with guns, made to watch brutally violent rapes and warned they would “be next” if they told anyone.

Repeated calls have been made for the Government to provide sufficient resources to support victims and survivors. Yet still, in October last year, Rotherham Abuse Counselling Service had 260 people on its waiting list, with an average waiting time of seven months. Additional funding is clearly needed for children and young people's services to meet the needs of victims. To quote Sarah Champion, MP for Rotherham:

“If there had been an earthquake affecting the lives of 1,400 children in Rotherham, we would have got emergency funding from the Government to help with their recovery. However, with no such money forthcoming for child abuse, we are largely leaving victims and survivors to get on with the recovery themselves”.—[*Official Report, Commons, 5/2/19; col. 304.*]

Can the Minister therefore say whether Her Majesty's Government will increase their funding to support victims of grooming gangs, many of whom endure long waiting times to access mental health services, at the very time when they say they need it most? Will they provide additional funding as a matter of urgency to facilitate multi-agency support for victims involved with legal investigations?

Child sexual exploitation occurs in many places. Some estimate that grooming gangs operate in 73 towns, from Plymouth to Liverpool, from Cambridge to Glasgow. However, there is currently no single dataset that distinguishes between “grooming gang offences” and other forms of child sexual abuse, many of which occur in families and are unreported. This means that specific statistics are difficult to ascertain.

However, we know that between April 2017 and March 2018 the police recorded over 16,000 cases of rape of children under the age of 16 in England and Wales.

[BARONESS COX]

This implies 44 child rapes per day. Ministry of Justice statistics over the same period suggest that few of these rapes resulted in a criminal conviction. In 2017, only 544 rapists were convicted. What is more, victims and their families often have to endure lengthy delays and uncertainty, both before and after court hearings. In 2017 the median time from offence to completion for cases of child rape was 2,115 days. That is close to six years. It is important to stress that these figures do not necessarily relate to grooming gang offences, but the scale of abuse and the time it takes to prosecute offenders raise serious questions about the criminal justice system's ability to meet the needs of victims.

I have had the painful privilege of being alongside and trying to help some of those who have suffered horrific abuse by grooming gangs. They have described, in heart-wrenching detail, the vulnerability of young girls to persistent, brutal and repeated rape. Noble Lords may be aware of the case of Sarah—not her real name—which has been reported as one of the worst sex grooming cases on record. She describes how she was kidnapped aged 15, imprisoned in a house, forced to learn the Koran and beaten when she made mistakes. She was held as a sex slave for 12 years and was repeatedly raped by different members of the grooming gang. She had three forced Sharia marriages, eight forced abortions and two live births. Her abusers referred to her as “white trash”. They forced her to wear Islamic dress and permitted her to speak only Urdu and Punjabi. She has not received the help she needs from social services and is frequently suicidal.

Noble Lords might also be aware of the case of Caitlin Spencer—another pseudonym—who had the courage to write of her experiences to try to help other vulnerable young girls. Her book, *Please, Let Me Go*, was recommended in the *Sunday Times* as a bestseller. The book is in your Lordships' Library.

Caitlin has described to me how, from the age of 14, she was groomed, sexually exploited and trafficked around this country by gangs of men. She said:

“I have flashbacks all the time. It started when I was so young and to be honest, I'm not even sure it's over. They have done so much damage to me—emotionally, physically, psychologically—that I think I am probably broken beyond all repair”.

Given that Caitlin still sees her abusers driving their taxis with impunity and that other victims similarly see perpetrators living freely and intimidating them, what more will the Government do to bring these perpetrators to justice?

Caitlin did not receive the help that she needed following her horrendous trauma. She had to fund her own psychotherapy, with help from friends. The same is true for many others. I gather that the Government have recently allocated up to £12 million in funding sexual violence support services, yet the estimated scale of abuse means that each victim would receive the equivalent of only £48 each year. What steps are being taken to ensure adequate support for the victims of these horrific traumas?

The majority of Caitlin's abusers were men of Pakistani origin. Likewise, in Rotherham, according to the Government's own findings, abusers came largely from

the Pakistani heritage community. Evidence collated by Sikh Youth UK suggests that cases of abuse against young Sikh females by grooming gangs have also been perpetrated by those primarily of Pakistani or Muslim heritage. If media headlines are to be believed, the same is also true for the horrors perpetrated in Telford, Rochdale, Oxfordshire and a growing list of other places.

I must emphasise that that does not mean that all abusers fit the same profile. Child sexual exploitation is not exclusive to any single culture, community, race or religion. However, when it comes to understanding the past and what can be done to prevent future cases, we must be able to have an honest debate. We cannot betray the victims and their families by shying away from the facts.

Over the course of decades, not enough was done to stop these tragedies in Rotherham and other towns. Council staff, social workers and the police allowed the mass gang rape of children to continue. It seems it was far less politically complicated to keep quiet. Many victims did not receive support because of the state's reluctance to interfere in supposed cultural practices. Agencies downplayed ethnic or religiously identified dimensions of abuse. They also applied generic labels such as “Asian” to the perpetrators, which is a source of great concern to Asians who would never indulge in or condone such horrible crimes.

In the tragic cases of child sexual abuse by Roman Catholics or Anglicans, there is no inhibition about identifying these faith traditions, yet there appears to be a degree of censorship when it comes to identifying abusers who call themselves Muslim, or who use warped interpretations of Islam to justify their abhorrent acts. This kind of political correctness is a source of profound frustration and hurt for those, such as Sarah, who have been abducted, raped and trafficked by grooming gangs. Presumably, it is fear of accusations of racism or Islamophobia that has resulted in the religious identity of these abusers being hidden. However, it is important to recognise reality, because this characteristic often affects the nature of the abuse and suffering inflicted. It is also to be hoped that Muslim leaders will take ownership of policies to prevent these atrocities perpetrated by some Muslims bringing such suffering to vulnerable girls and shame on their faith. What steps are the Government taking to ensure that agencies are not inhibited in the protection of vulnerable women and children by cultural sensitivities or fear of being labelled Islamophobic?

Many victims also report feeling let down by the police and social services. They have often been met with a lack of understanding and feel that their stories are not believed. Some are told that they “brought it on themselves” or that they “must have consented” to being raped. This is profoundly disturbing. The success of prosecutions depends on witnesses and survivors coming forward and testifying. Young girls who have already suffered so much must not be deterred from reaching out for help. Can the Minister therefore clarify the practical measures that are in place to support those who have the courage to speak up, and can she say what is being done to ensure that convictions are obtained and justice achieved?

The scale of suffering far exceeds the preventive measures and support for victims that are currently in place. Until comprehensive action is taken, politicians' promises of "never again" will continue to remain unfulfilled and vulnerable girls will continue to suffer in ways that would make our suffragettes turn in their graves.

4.39 pm

**Baroness Newlove (Con):** My Lords, I had little notice of this debate's time limit of three minutes so I will not go round the houses. I must say that the noble Baroness, Lady Cox, said everything that I believe in. I have met so many victims of this horrendous crime. It saddens me that we label everybody a different sort of victim in all this. Abuse is abuse; it does not matter how you label it.

I have worked closely with Sammy Woodhouse and Louise Haigh, the shadow Policing Minister. Unfortunately, even today, the victims we have highlighted who appeared in the press—we know the cases and the offenders—are still suffering the same abuse but, this time, by the criminal justice system and local authorities. Will my noble friend say whether we can use modern slavery legislation to be more effective in looking into perpetrators? We have lots of county lines and issues around child protection but we are going through the same issue. These victims suffer on a daily basis. There is a lot of internal fighting because they are not getting the correct support; that costs them a lot of money which they cannot afford. I have also met the parents from these terrible families. They feel ostracised because they are worried about their children, but their behaviour is not looked at; it is then labelled as bad parenting.

I visited Operation Stovewood in 2015. I was surprised at how few police officers were on the case but very appreciative of the excellent work they were trying to do. It was hit and miss but we cannot window dress an issue that needs to be thought of as a long-term process. Some of the victims who have been abused and had children by the offenders are being sent to parenting classes to understand what is going on; they cannot interact with the classes, so are labelled as hard people to talk to. The thought of that has never left me. Of course the victims will not interact with the father of the child because he has raped, abused and used them. What is the mentality in saying that better parenting is needed? The victims then self-harm because everybody is saying that it must be their fault—but they want to be good mothers to their children.

Indeed, as we speak, Sammy Woodhouse is facing a huge issue with a local authority. It has gone into a prison to see if the father of her son wants to have care proceedings, so that he can have contact with their son. He was jailed for 35 years. She had no knowledge of this. We must look in this debate at having synergy in all the court processes. We might have the criminal court process but at the end of the day, the family courts do not synergise. As I step down now as Victims' Commissioner, there is a lot of evidence that we need to look at inquiries into the family courts to see what they are doing to protect the victims of these abusers. More importantly, we must fully understand and support

both victims and families. Moving them away does not support them; it hinders them because the perpetrators and the rest of the gangs will follow them.

I would like to know whether police officers are getting the funding they need to carry out these processes to stop more victims being abused. Most importantly, I found when I met police officers that they had put in an application for a fusion centre, representing a multi-agency approach, but it was turned down. I would like the Government to look into more funding.

4.43 pm

**Lord Campbell-Savours (Lab):** My Lords, in a three-minute, much-truncated contribution, I want to deal with the money issue. I understand that Rotherham's expenditure on child social care increased by 90% between 2010 and 2016, and that, in the current year, it is having to spend a further £27 million over and above its 2015-16 budget. Where will the money come from?

In a Commons debate on 5 February, Nadhim Zahawi was forced to admit that the council would have to pay the lion's share, at a cost to other services. In 2015-16, the Government paid £750,000 to deal with local pressures. They are setting up two national reviews into funding long-term children's services and into needs and resources—what I call *manaña* money. They are establishing an assessment on demand arising out of Operation Stovewood, an NCA inquiry into exploitation by criminal gangs. Some £4 million is being allocated nationally for innovation and child exploitation services. This is simply not enough. The crisis is national, not only in Rotherham. The Government should be spending substantially more money in this area.

Sarah Champion has championed the position of people in Rotherham on this matter. In the debate on 5 February, she said:

"If MPs query what the extra money I am requesting is actually needed for, then I beg them to visit their local children's social care teams and listen to what social workers say".

In a very moving contribution on behalf of her constituents, she also said:

"I therefore beseech the Minister to recognise the value in children's care services and recognise that every child in this country deserves an opportunity to thrive, and that that takes persistent sustained and ambitious intervention from Government to achieve".

She asked:

"Will the Minister agree today to ask the Chancellor to meet this shortfall in the spending review?".—[*Official Report*, Commons, 5/2/19; cols. 306-07.]

Finally, on the question of the review, I want to refer to some council taxes which the Minister might have in mind. In Rotherham a former council house in Band C, valued at £53,000, pays £1,528 per annum in council tax. In Westminster a Band H flat in Knightsbridge, worth £120 million, pays £1,507 a year. It is a disgrace. The money is there; the money is in London and it should be transferred out to the provinces to help in the areas where there are major difficulties.

4.47 pm

**Lord Pickles (Con):** My Lords, we have had two very good briefings for this debate, one from the Library and another from Sarah Champion. I am very

[LORD PICKLES]

grateful for the points she made in her briefing, in particular with regard to the fusion centre. The Government should perhaps relook at this multi-disciplinary approach.

I have some responsibility for this, in that I took the decision to put the commissioners into Rotherham and I asked Louise Casey to do the report. I do not regret that for a moment; we all owe her a great debt. I still think it would be worthwhile re-reading what she said because we have taken too narrow a view of this. What we saw in Rotherham, and have seen in other parts of the country, is a complete breakdown of governance and of local government. Local government and national government are there to protect people, not to abandon them. The noble Baroness referred to some of the perpetrators who called the victims “white scum”. They are not the only ones. The people in charge in Rotherham regarded those girls as not worth looking at or protecting, and not worth thinking about. She is quite right to say that they also had racist views and stereotypes about people of Pakistani origin. It was because they held those racist views that they were too frightened to take issue with people of that origin.

There are four things that we need to do. I do not disagree with anything concerning compensation for the victims but we need to recognise that this is a more widespread problem. We need to root it out. We need to look at the root causes of it and, in particular, to recognise that there must be a multidisciplinary approach. We can see that social services, the health service and the police are working together but, to be frank, we need to recognise that the granting of a taxi licence or a fast food licence is just as important. When the noble Baroness, Lady Cox, asked an Oral Question, the noble Lord, Lord Blunkett, made the profound point that we might be able to control taxis in one local authority, but if the number of taxis in another local authority is growing, there needs to be a look right across. In terms of bringing this under control, the number of taxis was brought in. Next, we need to increase the esteem of those young girls and be positive about it. Finally, we need to tackle this within the family.

4.50 pm

**Viscount Falkland (CB):** My Lords, the noble Baroness, Lady Cox, is surely one of the great humanitarians in our House and perhaps in the country, and it is a great pleasure to speak in her debate. I congratulate her on her speech. I have had to take a lot out of my speech because she has covered so well the terrible violence and the terrible life offered to these poor children in Rotherham. The nightmare of bullying and threats makes one so depressed when one hears about it. The noble Baroness, Lady Cox, has a committee dealing with problems with Sharia law and marriage, which I attend when I can, and a week or so ago she introduced a young woman who had been one of the abused. She had initially been abused at about eight, I think, and had been set upon by men for sexual purposes. When she came and spoke to us, I think she was probably about 17. She spoke so well and so clearly; it was really quite moving to hear her. I am so glad that she

survived and was in a condition to speak in that way. After that, I had great difficulty sleeping at night, but I have somehow become inured to these things.

The Home Secretary at that time was Amber Rudd. She set up an inquiry to which evidence would be given. It was a very surprising episode because she appointed two very eminent women to examine the situation and come to some conclusions, but she chose badly. She chose Professor Jay, who is very eminent in her field, who was later joined by Dame Lowell Goddard, who we all read about in the newspapers. She was from New Zealand and had a very distinguished record in the law. It was odd that as soon as she was appointed to the inquiry, Dame Lowell said that she really could not go ahead with it. I appreciate what she said: she said that she had been chosen for her experience, but, as I understood it, her experience was incompatible with that of Professor Jay, so it became a rather distracting sideshow to something so serious and worrying. That is the situation in which we seem to have ended up.

As the noble Earl is quite rightly pointing at his watch, I will end by saying that there are two questions that need to be answered as early as possible. First, why did the police delay pressing charges for so long after the events? Secondly, why did the Home Secretary decide to go along the route that I have described, with its results? She should really have stopped and started again. I hope something will start again soon.

4.54 pm

**Lord Cormack (Con):** My Lords, I speak in this debate for two reasons. One is that I have an enormous regard and respect for the noble Baroness, Lady Cox. She has courage and the persistence of a terrier, and long may she retain both that courage and persistence.

My second reason for speaking is that I have three granddaughters and I cannot begin to imagine how appalled, distressed and burnt up with anger I would be if one of those children were violated. We have to remember that, when a child is violated, the man or youth who does it violates his own religion and whatever claim he might have to be a civilised being. When we look at the members of communities in this country who have brought so much to our civilisation and diversity, as the Jews did before the last war, it is deeply distressing that these people are disgracing themselves and their wider community, as well as the British community of which they have become a part. No punishment is really adequate for them.

The most appalling thing that the noble Baroness, Lady Cox, said was when she talked about the taxi drivers going around with impunity, their guilt widely accepted and known, yet nothing being done to bring those perpetrators to justice. I hope that the message that will go out to both local and national government from this brief debate and the series of brief speeches is, “You haven’t stepped sufficiently up to the mark”. If it takes seven months to bring a perpetrator to justice—the noble Baroness referred to that—and if the compensation is so insultingly derisory, we do not honour ourselves as the upholders of a civilised community and a civilised system.

No one should ever be able to shelter behind the word of religion. Be he Christian, Muslim, Sikh or anything else, the violation of a child destroys any

claim that that man might have to being an upholder of his religion. The noble Baroness has been extremely brave. Long may she continue, but may we soon see real priority being given to protecting the weak and the innocent and to punishing the evil.

4.58 pm

**Lord Pearson of Rannoch (UKIP):** My Lords, I congratulate the noble Baroness, Lady Cox, on her courage in introducing this debate and on the sensitivity in the way that she did it.

I start with the assistance the Government are giving to the victims of grooming gangs in Rotherham and elsewhere. The noble Baroness suggested that this could be as low as an average of £48 per victim, but a Written Answer to me—HL12518—on 20 December 2018 points to a much lower figure, because £4.7 million of the £12 million mentioned by the noble Baroness was a one-off payment. Therefore, the basic support seems to be running at some £7.2 million per annum, and that is for the victims of all sexual abuse, not just for the 250,000 victims of radical Muslim grooming gangs, which in itself is probably an underestimate.

I say that because, if you take the accepted figure of 1,400 victims in Rotherham alone and extend it across the country, you come to a much larger figure. Indeed, Rotherham's MP, the courageous Sarah Champion, has put the figure at 1 million. The amount spent on helping each of them now becomes derisory. In fact, the vast majority are getting no help at all from the Government. I look forward to the Minister's comments. It is still going on. I have contacts on the ground in Rotherham who say that grooming gangs are still active there. Traffic wardens turn a blind eye to Muslim taxi drivers who park on yellow lines, and so on.

Turning to what can be done to stop this colossal social scandal, I fear we must start by accepting that the perpetrators are indeed radical Muslims. They should not be confused with other, decent men of Pakistani and Asian origin. Noble and Islamophiliac Lords may not like me saying that, but the excellent Quilliam Foundation found that it is true of 83% of the criminals concerned. If anyone is in any doubt, they should read Peter McLoughlin's 2016 masterpiece *Easy Meat: Inside Britain's Grooming Gang Scandal*, which should be compulsory reading for the Government. Indeed, I brought a copy with me and will give it to the Minister at the end of this debate. I trust that her civil servants will read it too.

I also suggest that we should look for more help from within our close-knit Muslim communities, which pretty much know what is going on and should be very ashamed of what their radical menfolk are doing. I suggest we might also try to learn to talk openly about the tenets of radical Islam. I have mentioned before in your Lordships' House the tenets of abrogation, Taqiyya, Al Hijra, the lesser jihad and the pursuit of a world caliphate. However, there is another, which may lie at the root of the grooming gang scandal: namely, the radical Muslim tenet known as,

“what your right hand possesses”.

I am advised that this allows Muhammad's followers to have sex slaves among their captives and among non-Muslim, or kuffar, girls.

The trouble is that as soon as you start talking about radical Islam, you are immediately accused of Islamophobia, even if you can say what you like about any other religion. Perhaps we can return to this when the Brexit muddle is over. In the meantime, we should heed the words of the Home Secretary. If we turn a blind eye to the fact that the vast majority of grooming gang criminals are radical Muslims, we fuel the voices of extremism. That is exactly what is happening.

5.02 pm

**Lord Singh of Wimbledon (CB):** My Lords, I too thank the noble Baroness, Lady Cox, for securing this very important debate. If we want to address any issue affecting society, we need to understand the cause. For example, cholera was endemic in the mid-19th century and was effectively tackled only when it was shown to be linked to poor sanitation and contaminated drinking water. The problem of gross physical abuse of young women and children by organised grooming gangs also affects lives, and to tackle it, we need to identify responsibility and motivation.

To me, it is a matter of real concern that, instead of pinpointing responsibility, the media, government and other authorities, including the police, absurdly mask the identity of the perpetrators out of misplaced political correctness, calling them “Asians”. We do not refer to the perpetrators of the genocide against Jews as “Europeans”. Why diffuse blame for the actions of mainly Muslim grooming gangs on innocent communities?

I believe the real problem lies with negative cultural attitudes which attach themselves to religion. Negative, demeaning attitudes towards women are still all too prevalent in the subcontinent of India, particularly in that part of it that now forms Pakistan. The Sikh religion started in that part of the world and the Sikh gurus condemned the demeaning attitudes towards women, stressing their dignity and complete equality. Despite the clarity of such teachings, negative cultural attitudes still sometimes exist, even in Sikh families and, indeed, in western society. The presence of grooming gangs in the Muslim community arises from these negative cultural attitudes to women, which leads some to believe that they are part of the religion and that there is nothing wrong with the demeaning treatment of women and girls, particularly those outside the community.

Having identified the perverse culture behind grooming gangs, what work do we do to tackle the problem? More rigorous policing and application of the law can help, but it cannot eradicate deeply ingrained cultural attitudes, and well-meaning attempts to do so can easily be seen as an attack on religion. It is the Muslim community, particularly Muslim leaders, who must take the lead. It is not easy to take on centuries of negative culture wrongly attached to religion. We must help these leaders place the teachings of a great faith in the context of today's times to stamp out the scourge of sexual grooming, with its negative impact on victims and the fair name of Islam.

5.05 pm

**Lord Paddick (LD):** My Lords, time is short and I will be brutal. The greatest threats of child sexual exploitation are from within families and online. Grooming

[LORD PADDICK]

gangs exist in all communities, and just as it would be unfair to characterise the Anglican Church as a centre of child abuse, even if 18 members of the clergy were convicted of offences over a 50-year period in the diocese of Chichester alone, it would be similarly unfair to highlight any other religious or racial group as responsible for child sexual exploitation.

Victims are far more likely to be disbelieved because of their standing in society compared to that of their perpetrators than because of political correctness. At the time, no-one believed Sir Jimmy Savile OBE could do such things, for example. When CSE results from a failure in safeguarding, the temptation for responsible authorities to deny it happened at all may be strong.

I commend the NSPCC website for setting out so clearly what needs to be done. Compulsory sex and relationship education in all schools, without an opt-out, to teach children what is and is not a healthy relationship so that they realise when they are being exploited is essential. CSE within families is a major area of concern and perpetrators will not want their children to realise that they are being exploited. Education about the realities of membership of criminal gangs and county lines should also be taught. The Government must raise awareness of the signs of CSE among the public and professionals, and clearly signpost how to report it.

The Government must also take steps to reduce the susceptibility of young people to being exploited. In-work poverty—having to work 16 hours a day to make ends meet—means that parents cannot always be there for their children, who then look elsewhere for the acknowledgement, recognition and acceptance they need. Criminal gangs, terrorist groups and predatory sex offenders create the illusion of providing what these young and vulnerable people are seeking. The Government must do more to tackle inequality and to provide healthy alternatives to gangs and groomers by better funding youth services in local authorities.

In addition to the lack of support for victims that so many noble Lords have highlighted, the Government must do more to ensure that we have enough appropriately skilled and experienced detectives to identify and prosecute those responsible for what can be difficult and sensitive investigations. The whole issue of child exploitation is a national disgrace for which no one group, or community, can be held to blame.

5.08 pm

**Lord Rosser (Lab):** My Lords, I add my congratulations to the noble Baroness, Lady Cox, on securing this debate and on her campaigning skills. I support the thrust of her comments on the issue of victims and their families. Vulnerable people who have been encouraged or forced into crime as part of their exploitation should not then be treated as perpetrators of criminal acts but as victims.

A further issue is why vulnerable people who are meant to be being protected still end up being subjected to awful exploitation in the first place. This debate relates to grooming gangs, but on the overall position the Centre of Expertise on Child Sexual Abuse estimates that 15% of girls and 5% of boys experience some form of sexual abuse before the age of 16. The National Crime Agency has said that, at a conservative estimate,

around 80,000 people in the UK present some kind of sexual threat to children online. However, there seems to be a lack of reliable up-to-date information on the extent of child sexual abuse, much of which seems to occur in the home. Do the Government have any plans to obtain more reliable information on the nature and level of child sexual abuse?

The Library briefing for this debate contains a speech by the Home Secretary from last September on online child sexual exploitation, in which he said:

“I will continue to make sure that the police have all the powers and tools they need to fight child sexual abuse and to bring offenders to justice”.

“Tools” must include resources. Can the Minister therefore confirm that it is actually the Government’s view that the police currently have all the necessary resources, both human and financial, to fight child sexual abuse and bring offenders to justice, and that there are therefore no issues on that score? In that same speech the Home Secretary referred to the, “horrendous abuse perpetrated by gangs”.

He went on to say:

“I’ve instructed my officials to explore the particular contexts and characteristics of these types of gangs”.

In answers to an Oral Question last October, the Government said:

“Child sexual exploitation is not exclusive to any single culture, community, race or religion; it happens in all areas of the country and can take many forms”.

I agree. The Government went on to say that,

“we must look at the perpetrators and understand the characteristics. On 3 September, the Home Office tasked a working group to look at what characteristics are involved”.—[*Official Report*, 18/10/18; col. 562.]

I have some questions about this working group, assuming it has not reported already. Who is on it and who chairs it? What is its budget? What are its specific terms of reference? Does it cover just grooming gangs, or the perpetrators of child sexual abuse across the board? How many times has it met? Within what timescale is it due to make its findings known? Has it issued any interim findings or conclusions? Will its findings be made public?

I ask these questions since things seem to have gone very quiet since the Home Secretary announced the creation of the working group, yet one would have thought that the work it is apparently doing was crucial and urgent in addressing the horror of child sexual exploitation.

5.12 pm

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, I thank the noble Baroness, Lady Cox, for securing this important debate. It is a shame that we have only an hour to talk about it, because we really could give an awful lot more time to discussing the Government’s efforts to tackle the terrible crimes of child sexual exploitation. Cases such as Rotherham and all the others we have heard about are really shocking, with some of the most vulnerable in society being preyed upon by ruthless individuals—mostly criminals.

Vulnerability goes to the heart of what we are talking about. My right honourable friend the Home Secretary has been quite clear—the noble Lord, Lord Rosser, alluded to this—that cultural sensitivities

should not get in the way of dealing with this issue and bringing perpetrators to justice. However, we must also be quite clear—I am grateful to the noble Lord, Lord Paddick, for widening this out—that grooming gangs are not confined to any particular colour, creed or geographical location. To assume they would be not to get a grip on this issue. The noble Lord talked about how the Catholic Church and the Church of England are not clean in this regard. We have also heard about some of the colleges of music near where I live and the media figureheads who have or have not been brought to justice, as the noble Lord mentioned.

The noble Lord, Lord Singh, talked about leadership. I totally agree that no one area of society has its conscience clear on this. Whatever the organisation or the religious sector, its leadership needs to show real leadership in this regard. The noble Lord, Lord Rosser, talked about the victims being treated not as perpetrators but as victims. It is quite clear that some of those victims can come to be seen as perpetrators because of some of the things that they have to do as victims of sexual abuse, quite often as children.

I want to pay tribute to the victims and survivors, some of whose stories have been outlined today, for the incredible effort and strength that it takes to come forward to report what has happened and actually share their experience, having gone through such trauma. It is the Government's priority to ensure that all victims feel that they can come forward to report abuse and that they will get the assistance they need. Whether they are male or female, a child or an adult, the same principle must apply.

To answer a question from the noble Lord, Lord Rosser, no, we do not think that we are there yet. So much has been uncovered in a historical sense that we clearly have an awfully long way to go. That is why the cross-government *Victims Strategy*, published last September, outlined our commitment to improve support services for victims of sexual abuse. We are also working across government and with the NHS to implement the strategic direction for sexual assault and abuse services, and to deliver the vision of radically improved access to services for victims and survivors of sexual assault and abuse, supporting them to recover, heal and rebuild their lives.

My noble friend Lord Pickles talked about a multidisciplinary approach. I was a great fan of the troubled families programme when I was in the MHCLG—when he was my boss, in fact. I have always been a huge supporter of a multidisciplinary approach to get to the heart of child protection in particular and to deal with some of the things that these children have to endure. We have increased grant funding for victim support services across the country to support a service which victims and survivors can access throughout their lifetime to cope with and, as far as possible, recover from the terrible impact of abuse.

**Lord Blunkett (Lab):** The noble Lord, Lord Pickles, raised the licensing of taxis. Taxi drivers may be licensed on one side of the Pennines and operate in another, in this case in Rotherham. Do the Government have any further measures in line to strengthen the law and stop this happening?

**Baroness Williams of Trafford:** I totally recognise the point that my noble friend made. In fact, I was going to get on to it later.

**Lord Blunkett:** I apologise—I thought the Minister had moved on.

**Baroness Williams of Trafford:** No, the noble Lord, Lord Blunkett, has raised a valid point. Taxi drivers can not only operate in another local authority but cross local authority boundaries into the one where they originally perpetrated the abuse. I will take that back because I do not know what the up-to-date position is on taxi licensing. I take it as a valid point but perhaps I can go on to talk further about funding, because a number of noble Lords have raised that.

In the last three years, the Government have provided over £7.2 million in funding for rape support services, which I think were mentioned by the noble Lord, Lord Pearson of Rannoch. This supports victims and survivors of rape and sexual abuse across England and Wales. These services provide independent, specialist support to female and male victims of sexual violence, including victims of child sexual abuse. Our ambition is to support victims and survivors wherever and whoever they are. That is why, from April this year, government funding for these support services has increased by 10% to a total of £24 million over the next three years. This will ensure, for the first time, that there are government-funded rape and sexual abuse support services in all 42 of the country's police and crime commissioner areas.

**Lord Campbell-Savours:** Why should Rotherham have to pick up the lion's share of this bill when this is a national problem and it already has high council tax arrangements, while other parts of the country with very low council tax, such as here in Westminster, do not have to pay or make any contribution at all? Surely the balance is completely wrong.

**Baroness Williams of Trafford:** I remind the noble Lord and others that we are now seven minutes into my 10-minute response, so there will be a number of questions that I will not get to. Of course, the amount of council tax set is entirely a matter for local authorities. I was always proud that Trafford had the lowest council tax in the north-west. It is a matter of individual decision-making. We could have a whole discussion on council tax, but I will not go there. I will say that it is an individual matter for local areas, and that the Government will increase spending from £31 million in 2018 to £39 million in 2021 to improve services and pathways for survivors and victims of sexual violence and abuse who seek support from sexual assault referral centres, regardless of age or gender.

Recognising the devastating impact of sexual exploitation by organised groups, the Government have also awarded £1 million through the tampon tax fund to the organisation Changing Lives to provide trauma-informed support to vulnerable women who have been groomed by groups of men for sexual exploitation in locations across the north-east and Yorkshire, including Rotherham. The project will result in the production of a toolkit to enable the approach to be replicated nationally.

[BARONESS WILLIAMS OF TRAFFORD]

We also remain committed to providing specialist services to support victims of child sexual abuse. In each of the last four years we have provided £7 million of funding for non-statutory organisations that support victims, and we have invested £7 million in the pilot of a “child house” model in London, which provides a victim-centred multiagency approach to supporting child victims of sexual abuse under one roof, based on international best practice.

However, ensuring offenders do not get the opportunity to exploit our children is key. Prevention and disruption are crucial parts of our response to tackling child sexual exploitation. That is why we launched our trusted relationships fund, which supports local authority-led projects working with children and young people to build resilience to harm through fostering healthy, trusting relationships with adults, protecting them from sexual exploitation, gang exploitation and peer abuse. As part of this, over £1 million has been awarded to Rotherham for the four-year programme.

The Government have also launched the new tackling child exploitation support programme to help safeguarding partners in local areas to tackle a range of threats to children from gangs, sexual and criminal exploitation, online grooming, trafficking and modern slavery. As part of our £40 million package in the child sexual exploitation progress report, we have recently published a child exploitation disruption toolkit, which brings together existing legislative powers to help local agencies to disrupt, deter and tackle sexual and criminal exploitation of children. Since 2016-17, we have provided £23 million of special grant funding to South Yorkshire Police towards the cost of Operation Stovewood, referred to by the noble Lord, Lord Campbell-Savours.

In September 2018 my right honourable friend the Home Secretary committed to providing an extra £21 million over the next 18 months to improve how law enforcement agencies pursue the most dangerous and prolific offenders. This includes further funding of regional organised crime units to tackle online grooming of children. The 2019-20 police funding settlement provides the biggest increase in police funding since 2010, including more money for local police forces.

The noble Viscount, Lord Falkland, asked why the police delayed pressing charges in the Rotherham cases. The key principle underpinning our policing model is the operational independence of the police and the CPS from government, and that they carry out their duties free from political interference, but it is a matter for the police to review what went wrong and, where appropriate, make a referral to the Independent Office for Police Conduct to investigate misconduct.

My noble friend Lady Newlove asked about the link between modern slavery legislation and this issue. We published a child exploitation disruption toolkit that brings together legislation, including the NRM and the modern slavery legislation, that safeguarding agencies can use and explains how they can use it to protect children from sexual and criminal exploitation. The noble Lord, Lord Paddick, made a very good point about RSE: if children do not know what a healthy relationship looks like, they will not know when they are being exploited.

The final point was made by the noble Lord, Lord Rosser. He asked what the Government are doing to improve the understanding of the true scale of child sexual abuse. We recognise that there is a need to better understand the scale and nature of it. Looking at some of the mistakes of the past, scoping reports published by the centre of expertise in 2017-18 found that, due to inconsistent definitions and research methods of previous surveys, it is currently very difficult to make comparisons and track trends over time. Better data is most definitely needed. The centre of expertise is working with partners to develop a detailed proposal for a national prevalence survey on child sexual abuse.

I realise that I have gone a minute over time. I will provide the noble Lord with the answer on the group that was set up, and share it with the Committee. I once again thank the noble Baroness, Lady Cox.

5.26 pm

*Sitting suspended.*

## Attacks on Journalists

### *Question for Short Debate*

5.30 pm

*Asked by Lord Chidgey*

To ask Her Majesty’s Government what is their assessment of the effectiveness of national and international measures to curb attacks on journalists and the media generally.

**Lord Chidgey (LD):** My Lords, shortly after the London CHOGM, I was approached by the Commonwealth Journalists Association—the CJA. It briefed me on its work on Commonwealth principles on freedom of expression and the role of the media in good governance. It was concerned that, despite its efforts to gain a commitment to enshrine Commonwealth media principles in the final CHOGM communique, no consensus could be found among the Commonwealth Heads of State. With more than 100 journalists killed in eight Commonwealth countries between 2006 and 2015, mostly with impunity, there was a strong call for the UK, as chair-in-office, to build that consensus to ensure that the principles relating to the role of the media in good governance are considered at the Rwanda CHOGM in 2020, in accordance with the Commonwealth fundamental values. The promotion of accountable Governments, as well as independent media, can be successful only if political participants show leadership in safeguarding those democratic standards. The CJA set of principles drew on existing Commonwealth declarations, international commitments and soundings with experts from many countries. What progress has been made since CHOGM in achieving a consensus among Commonwealth Heads of State on freedom of expression?

To understand the extent of press and media persecution, just refer to the reports of Reporters Without Borders. Its World Press Freedom Index evaluates the state of journalism in 180 countries and territories every year. For 2019, the index shows how hatred of journalists has degenerated into violence, contributing

to an increase in fear. An intense climate of fear has been triggered, which is prejudicial to a safe reporting environment. The hostility towards journalists expressed by political leaders incites increasingly serious and frequent acts of violence. Norway is ranked first in the index for the third year running. The UK has improved slightly from last year's 40th position, while the USA has slipped from 45th to 48th. Many authoritarian regimes have fallen in the index. Only 24% of the 180 countries are classified as "good", compared to 26% last year. Threats, insults and attacks are now part of the occupational hazards for journalists in many countries. What measures are the Government taking to accelerate the rather mediocre position of the UK and to lift the country into the top echelons of European nations?

*Punish the Crime not the Truth: Highlights from the 2018 UNESCO Director-General's Report on the Safety of Journalists and the Dangers of Impunity* makes grim reading. Some 94% of all killings were of local journalists covering local stories. Nearly one quarter of killed journalists were freelancers, widely considered to be more vulnerable, frequently working alone without media staff back-up. In 2016-17, a journalist was killed every four days; the total reached 182. Impunity for these crimes remained a huge challenge. Of the 1,010 killings recorded by UNESCO in the past 12 years, only 115 were followed by a judicial procedure, leaving 89% unresolved. The overall effect is to impede progress towards "public access to information" and "fundamental freedoms", an agreed target in SDG 16.10. UNESCO stresses that increasing the safety of journalists worldwide and combatting impunity for crimes committed against them requires a concerted effort of all stakeholders. What measures are the Government proposing for that aim in their freedom for the media campaign?

In 1993, 3 May was established as World Press Freedom Day, in response to a call by African journalists who in 1991 had produced the Windhoek declaration on media pluralism and independence. This year, the day took place under the theme "Media for Democracy: Journalism and Elections in Times of Disinformation," aimed at highlighting the current challenges faced by the media in elections. What were the outcomes of those deliberations and what actions were agreed to tackle these issues collectively?

In November 2018, the Foreign Secretary, writing in the *Evening Standard*, said that defending a free media must be a central element of British foreign policy and outlined the links between a free media, good governance and defeating corruption. He wrote:

"Hard evidence shows a striking overlap between the countries with the least corruption and the countries with the freest media".

The Foreign Affairs Committee in the other place is undertaking an examination of the Foreign and Commonwealth Office and global media freedom following the Foreign Secretary's statement. Written evidence from the BBC and the National Union of Journalists is now in circulation. The NUJ has produced a comprehensive 83-point statement, concluding with a request that the previous Foreign Secretary's £1 million scheme to boost press freedom be published—assuming that it has been launched and is still operating. Will this be done?

The BBC World Service produced a comprehensive written submission to the committee with an overview of particular concerns for their Persian journalists and their families. The BBC points out that it remains the most trusted global news provider, with its news services reaching more people than ever, some 347 million. I can confirm from my experience in years gone by that whenever you are in a country where there is a problem, with riots or whatever, it is the BBC news service you turn to first. Will the Government work closely with the BBC in its quest to preserve, maintain and expand free media globally? The Foreign Secretary stated that his aim was to bring together the countries which believe in the cause of defending a free media in order to mobilise a consensus behind the protection of journalists, with Britain as the chain that links the nations who share our values, by alerting public opinion and imposing a diplomatic price as an incentive. Does the Minister agree? Does the Foreign Secretary propose to start with Commonwealth countries who share the Commonwealth values of freedom of speech and expression but have yet to sign up to them post-CHOGM? Would that work?

The Foreign Secretary also cited work undertaken by the Government and British embassies to support media freedom worldwide. He announced £8.5 million funding for essential work in Eastern Europe and Central Asia to lead the struggle against propaganda and the misuse of the internet. Can the Minister be more specific about what this work entails? There has been much comment in recent weeks about the engagement of contractors from Asian countries, China in particular, in work of this nature, which is, I imagine, not something we wish to encourage.

In Addis Ababa on 3 May—World Press Freedom Day—the Foreign Secretary announced a new Chevening fellowship programme for 60 media professionals across Africa. It will focus on promoting and protecting media freedom and improving the safety of journalists. As an extension of the much-admired Chevening scholarship programme, this has to be all to the good, provided that the scholarship programme is not diluted to fund these fellowships, as has happened with ventures of a similar nature in the past. Can the Minister give an assurance that the fellowships will be funded with new money and not by syphoning funds from existing budgets of the Chevening scholarship programme?

Finally, we should welcome the initiative of appointing Amal Clooney as the United Kingdom's first special envoy on media freedom and chair of a new panel of legal experts in April. The timing attracted some cynicism, as it came within hours of Wikileaks warning about the potential expulsion and likely arrest of Julian Assange, but that is no matter. It so happens that I had the opportunity to talk with officials, and latterly Mrs Clooney, at some length in February. I was clear that the Clooney Foundation for Justice, and TrialWatch can provide a new initiative in cases where courts are being used as tools of oppression against government critics and minorities. While it was clear that this would not be a campaigning programme, there was interest in liaising with parliamentarians engaged with these wider issues, for example, by jointly contributing to media freedom events organised by the

[LORD CHIDGEY]

All-Party Parliamentary Groups on the Commonwealth and on Africa. Will the Minister agree to meet me at a later date to explore the potential scope of this initiative?

5.40 pm

**Lord Alton of Liverpool (CB):** My Lords, we are all indebted to the noble Lord, Lord Chidgey, for the way in which he has introduced today's debate with his customary expertise and skill.

Central to any debate looking at press freedom and the harassment of journalists is Article 19 of the Universal Declaration of Human Rights:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

These last three words "regardless of frontiers" remind us that this is a transnational obligation which all states are duty-bound to uphold. This obligation is given even sharper definition in the internet age, as journalists face ever more danger—intimidation, imprisonment, violent attacks and even murder—in reprisal for their work. Only yesterday, in the *Times* there was a report on the death of an Afghan journalist, Mena Mangal, who was shot dead in Kabul. Fifteen other reporters and media workers were killed in Afghanistan last year.

Jeremy Hunt, the Foreign Secretary, is to be commended for marking World Press Freedom Day, launching a global campaign to protect journalists doing their job, and promoting the benefits of a free media and especially for hosting in July the world's first ministerial summit on media freedom.

The urgent need for this initiative was underlined at the Legatum Institute's Courage in Journalism award which I recently attended. It was given posthumously in recognition of amazing bravery. Poignantly, the ceremony was being held a few days after Lyra McKee's funeral in Northern Ireland. One of the judges, the award-winning journalist, Christina Lamb, recalled the death of her colleague, Marie Colvin, killed in Homs. Reflecting on her own 32 years as a journalist, she said that the job had become much more dangerous. The judges highlighted 70 deaths during the past year. Christina Lamb said:

"From Afghanistan to Mexico, from Palestine to Somalia, and from Brazil to India, journalists on assignment were shot in the back, blown up by car bombs or died in suicide attacks".

In 2018, according to the Foreign Office, 99 journalists were killed, 348 detained and 60 taken hostage by non-state groups. Although there are conflicting figures, all agree that 2018 was the deadliest year ever for journalists.

All of us here are too well aware of the lethal dangers in countries such as North Korea and Pakistan. I declare an interest as co-chair of two relevant All-Party Parliamentary Groups. However, this is an issue in Europe as well. In October 2017, Daphne Caruana Galizia, Malta's best-known investigative journalist, was killed when a car bomb exploded after she had reported on government corruption, nepotism, money laundering and organised crime.

The 2019 Legatum award was given in memory of a brave young man, Ján Kuciak from Slovakia. He was just 27 when he was murdered, along with his fiancée, following an investigation in which he linked the Italian mafia to the City of London and Slovakian senior government advisors. His reporting led to the fall of the Slovakian Government and rallied many in the nation to get behind press freedom.

Reporters Without Borders, reflecting on its index of 180 countries, says that the line separating physical from verbal violence is dissolving. By way of example, its index states that, in the Philippines—ranked 133rd—President Rodrigo Duterte, "constantly insults reporters", outrageously warning that they are "not exempted from assassination".

Even in democratic societies, the use of intemperate vituperative insults and dog whistles creates a climate of rancid hatred, and politicians need to think more carefully about their use of language.

When the Minister replies, I would like him to comment on these examples from Afghanistan, Malta, Slovakia and the Philippines, and the situations in Papua, Iran and China. Last week, here at Westminster, representatives of West Papua meeting the noble Lord, Lord Collins, me and others described,

"appalling restrictions on foreign journalists from visiting Papua and surveillance and controls on Indonesian journalists".

On 3 February last year, three BBC workers were deported from West Papua after commenting on the humanitarian health crisis in Asmat, during which around 100 children died. My noble and right reverend friend Lord Harries, who chaired the meeting last week, will no doubt say more about this in due course. The BBC also faces restrictions in Iran—we heard about them from the noble Lord, Lord Chidgey—which has been systematically targeting BBC Persian journalists, based mainly in London.

What of China, let alone North Korea, which boasts of its complete information blockade? Reporters Without Borders says that under the leadership of Xi Jinping, China exported,

"its tightly controlled news and information model in Asia", enabling other countries near the bottom of its index, including Vietnam, Turkmenistan and Azerbaijan, to continue their suppression of criticism and dissent. RWF says that its index has never previously had to classify so many countries as very bad. That is reinforced by Freedom House, which says that only 13% of the world's population lives in a country with a genuinely free press, while 45% of the population lives in a media environment that is not free and that global press freedom has declined to its lowest point in 13 years.

All that illustrates why the Government's initiative, like this debate, is to be welcomed, why we must be more energetic in upholding Article 19, and why we must safeguard a freedom that is a cornerstone of open, free and democratic societies.

5.46 pm

**Baroness Bottomley of Nettlestone (Con):** My Lords, I also pay tribute to the noble Lord, Lord Chidgey, for bringing this important debate forward today.

To build on the comments made by the noble Lord, Lord Alton, free media is essentially a key human right, which, as he said, is outlined in the Universal

Declaration of Human Rights and in our own Human Rights Act. It is a core component of democracy that performs a series of functions: scrutiny and oversight of government, business and organisations; informing the public; enabling the public to form their own political views; and keeping the spotlight on important issues.

However, far from media freedom developing, we live in alarming times, when there is more and more pressure on journalists, as noble Lords have made all too clear. Half of the top 10 most inventive countries are also in the top 10 for media freedom. Media freedom results in creativity, business opportunities and innovation. This is a time when we, protected by the BBC—a great safeguard and beacon around the world—are seeing journalists increasingly under threat.

There was great relief when we heard that the two Reuters journalists, Wa Lone and Kyaw Soe Oo, were released after 500 days in custody after reporting on the Rohingya crisis. However, as has been said, the number of journalists in prison because of their work has increased steadily since 2000. At least 251 journalists are currently in jail in countries that include China, Egypt and Turkey. However, more alarmingly, as has been said, 95 journalists lost their lives last year in targeted killings. The noble Lord, Lord Alton, mentioned Marie Colvin but there are many others: last year, Ján Kuciak, who the noble Lord mentioned, was killed in February; nine journalists were killed in Kabul in April; five journalists were killed in June in Annapolis, Maryland; and four journalists were killed in December in Mogadishu.

Perhaps the most grotesque of all was the murder of Jamal Khashoggi last year. Most of those killed are local journalists—only 7% are foreign. But this particularly distinguished man, US-educated and working for the *Washington Post*, was dismembered in the most macabre way in the Saudi Arabian consulate in Turkey. What is so striking is that President Erdoğan, rightly, was outspoken and determined in condemning the violent murder of a journalist in Istanbul.

However, there is a deep irony when one considers Turkey's track record in this area. Over the last few years Turkey has consistently been the worst and largest jailer of journalists. The Istanbul-based NGO P24, co-founded by the distinguished Andy Finkel, believes that 146 journalists and media workers are currently detained. Recently Turkey has gone beyond its crackdown on journalists to begin targeting NGOs, civil society organisations and charities involved in highlighting the existing threat to free expression. Ten senior employees of human rights groups were arrested during a workshop in the summer of 2017, including the director of Amnesty International Turkey. It is the first time that Amnesty International has had both a director and chair in the same country behind bars at the same time. The Open Society Foundations were forced to cease operations last year. Osman Kavala, a Turkish businessman, philanthropist and pillar of society, has been languishing in pre-trial detention for 18 months, while 1,419 locally incorporated civil society organisations closed in the autocratic consolidation in the aftermath of the failed coup.

Our relationship with Turkey is important. I accept that the Foreign Secretary and Ministers have a close relationship. Turkey is a member of NATO and an important trading partner. However, we cannot overlook the appalling treatment of journalists. Turkey is perhaps an extreme example. It is not only that we see incarceration; journalists are also under pressure. They abandon political stories, withhold information and tone down coverage in response to threats of violence or coercion. Countries refuse entry to journalists or deny them permits. There are all manner of ways in which intimidation and threats take place.

Like others, I therefore greatly welcome the leadership that the Foreign Secretary, Jeremy Hunt, has given on this subject with a really forceful commitment to supporting press freedom around the world, a central element of British foreign policy. He spoke, as has been said, at the UNESCO World Press Freedom Day in Addis Ababa. Mention has been made of the important Chevening Africa Media Freedom Fellowship scholarships and of the appointment of Amal Clooney, a hugely effective and very impressive woman with competence and skill but also the ability to garner attention and throw a spotlight on to this desperate situation.

UNESCO has suggested that supporting freedom of the press follows six key priorities: public awareness; standards creation and policy development; monitoring and reporting; capacity building within member states to prevent attacks and prosecute perpetrators; academic research; and strengthening coalitions. In my view, the example being set by our Foreign Secretary, anticipating the Global Conference for Media Freedom in July this year, gives us a splendid platform on which to act. It is ironic that at a time when many in this Parliament regret the toxic effects of social media, there are many countries where it is social media, alongside the BBC, that provide the opportunity for true and accurate evidence.

5.53 pm

**Baroness Coussins (CB):** My Lords, my particular concern is the protection, or lack of it, for interpreters and translators working alongside many journalists in conflict zones. I declare my interest as a vice-president of the Chartered Institute of Linguists.

The role of interpreters in conflict situations is vital but poorly understood and rarely acknowledged. They are unsung heroes. I am quite sure that journalists would be happy to confirm how important interpreters can be for them, just as members of the Armed Forces have been fulsome in their praise for the interpreters working with them in Iraq, Afghanistan and elsewhere. However, it is not sufficient to classify interpreters as “media workers” or “media professionals”, as they have been under various UN resolutions on the safety of journalists. On the contrary, subsuming professional civilian interpreters within the media generally has added to their invisibility and lack of status. Neither can they rely on the Geneva conventions for their protection, whether during or after a conflict, because they are simply not ordinary civilians any more than journalists are.

When foreign correspondents leave a conflict zone, the local interpreters are left to fend for themselves. Although we have some statistics on the appalling

[BARONESS COUSSINS]

level of violence towards journalists, the vulnerability of interpreters, on whom many journalists would be the first to admit they depend, is undocumented. Interpreters are often the victims of distrust, discrimination and threats from all sides. Indeed, there is even a syndrome known as the translator-traitor mentality—in other words, the assumption that the local civilian translator or interpreter is not doing a neutral, professional job but must be working for the other side, whoever that happens to be.

I pay tribute to the work of Red T, an international NGO based in New York that monitors incidents involving the translator-traitor mentality. In 2012, it produced the first ever conflict zone field guide for linguists and users of their services. Some of the guidance is about very small details but ones that can make all the difference as to whether an interpreter is wrongly perceived. For example, users, including journalists, are asked to be aware of how they position themselves physically, making sure that eye contact is between the two parties and not with the interpreter, which might give rise to suspicions about impartiality.

Red T has also called for a UN resolution conferring special legal status on interpreters in conflict zones, similar to Resolutions 1738 and 2222 about journalists and the media and their safety. The Minister has been kind enough to discuss this issue with me before and to facilitate contact between Red T and our ambassador at the UN. I am very grateful for his interest and concern, but I ask him now whether he will undertake to raise the profile of this issue and give it greater momentum by adding the support of Her Majesty's Government to that of other countries—so far, Sweden, Spain and Belarus—in calling for a Security Council resolution along the lines I have mentioned. I believe that the UK is currently the penholder at the UN for the protection of civilians, so, in my opinion, it would be an excellent example of leadership to take this issue forward.

I do not wish for one minute to deny or undermine in any way the vulnerability of journalists we have heard about, and I fully support the call for stronger measures to increase their safety and protection. However, I urge the Government—and, indeed, the media as it reports and comments on this whole issue—also to acknowledge the vulnerable position of local interpreters and to make common cause with them. As George Packer of the *New Yorker* magazine said about foreign correspondents and interpreters:

“Both are considered spies, but one is only an infidel, while the other is something worse—an apostate, a traitor”.

I would like to give three examples to illustrate that. In 2006, the journalist Jill Carroll was abducted in Baghdad, together with her Iraqi interpreter, Allan Enwiyah. Carroll was released physically unharmed after nearly three months, while the interpreter was found dead with two bullets in his head. In the same year, Italian journalist Daniele Mastrogiacomo and his interpreter were captured in Afghanistan. Mastrogiacomo was rescued in a deal that swapped him for imprisoned Taliban. The interpreter was beheaded. In 2015, Mohammed Ismael Rasool, an Iraqi interpreter, was kidnapped along with two British journalists who

were working on a story about clashes between Kurdish youth and the Turkish security forces. The journalists were released after six days, but the interpreter spent over four months in prison and was freed on bail only because media and human rights organisations campaigned forcefully for his freedom and his life.

I hope that the Minister will reassure me that he is willing to inject a greater sense of urgency into the call for a Security Council resolution. I would also be grateful if he would agree to meet Red T the next time he is in New York on ministerial business at the UN. Finally, I thank the noble Lord, Lord Chidgey, for tabling this debate and for giving me the opportunity to raise these important issues.

5.59 pm

**Lord Harries of Pentregarth (CB):** My Lords, for me, the best place to begin thinking about this subject is at a small altar in St Bride's, Fleet Street. On the altar are the photos of journalists who have been killed in the course of their work, with candles burning beside them. It is sobering and moving to stand there for a few moments. Sadly, in recent years there has been a record number of journalists killed, with 2018 the deadliest year yet: 99 lost in that way. In addition, of course, is the increasing number who have been imprisoned: 348 in 2018. What adds to the shocking nature of this is the way that so many states restrain, detain and sometimes kill journalists as a matter of course—of which the murder of Jamal Khashoggi at the Saudi embassy by agents of the Saudi Government was only the most brazen.

Attacks on journalists come in three different forms and need to be thought about in different ways. First, there are the deaths of journalists reporting in war zones or situations of conflict, such as the recent sad death of Lyra McKee. Then there are the attacks on journalists as a result of their investigation of organised crime. Thirdly, there are attacks on journalists by the state itself.

In relation to the first kind of deaths, steps have been taken by international journalists' organisations to encourage states to offer special support to reporters working in areas of conflict or at times of special tension. In South Africa, for example, there are stronger penalties for attacks on journalists at election time, setting a very good example of something that could be put into effect.

In relation to the second kind of attack—on journalists investigating criminal activity—I wonder whether it would be possible to enlist greater state help in the protection of such journalists. However harsh a regime may be when it itself is attacked, few actually welcome organised crime, which can also be a threat to the Government themselves. I am of course aware that in some countries, Governments, or at least some people in those Governments, are indeed linked to organised crime. Also, it is of the essence of much journalistic work that it has to go on under cover and in secrecy, so it may be counterproductive to look for state protection in any form. That having been said, any Government who refused to sign a covenant offering support and a measure of protection to journalists investigating organised crime would hardly enhance their reputation.

Thirdly, there is the most serious and difficult form of attack: that organised by Governments themselves. Here, the only protection available at the moment is unrelenting exposure of what is happening, and ceaseless campaigning. A Government may feel that they can ignore bad international publicity about the way in which they imprison journalists, but none welcome having such a reputation, especially if they are linked in the public mind with states that they themselves condemn. As the noble Baroness, Lady Bottomley, pointed out, there is particular irony in the criticism of Saudi Arabia by Turkey, because Turkey detains more reporters than any other country in the world: 68 at the moment.

India prides itself on being the largest democracy in the world, yet, partly as a result of increasing Hindu nationalism, it is increasingly difficult for journalists to report what is happening. Six or possibly seven were killed in 2018, with a number of attacks on journalists in the lead-up to the recent elections. Attacks on women journalists were particularly marked. This is true worldwide. The International Federation of Journalists' survey of women journalists revealed that 48% had experienced gender-based violence in their work and 44% had suffered online abuse.

In a globalised world, we know that we have to have some kind of relationship with the most unsavoury Governments, and trading relationships with many of them, but we look to Her Majesty's Government to take every opportunity to raise issues of press freedom with them and, when reporters are detained, to press for their release. In some countries, we continue to have influence and leverage. Take Egypt, for example, where President al-Sisi rules with the support of the army and the general support of the international community as seeming to offer greater stability than the Muslim Brotherhood. On the basis of that support, we need to remind the President that Egypt is now 161st out of 180 in world rankings of press freedom, with 25 journalists in jail.

Some countries do not appear to have many journalists detained because there is no freedom to report at all, of which the most notorious is West Papua, where the press, like NGOs, are not allowed in—and, if they get in, they are quickly deported. Even the then UN High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, was barred from visiting West Papua. All foreign media were explicitly banned from reporting the conduct of the recent elections there.

When President Joko Widodo visited Parliament in 2016, I was able to talk to him about the lack of media access to West Papua. I pointed out that, although he had assured the world that access would be given, it was in fact being blocked. He said that he would try to address this, but nothing has happened. Now that he is about to be re-elected—I think that the results officially come out next week—it is time for Her Majesty's Government to press him very seriously on this to allow proper, unfettered access. He needs to see that his standing in the international community depends on movement on this issue.

Just outside the rebuilt Broadcasting House is a fine statue of George Orwell, with some of his words carved beside it:

"If liberty means anything at all, it means the right to tell people what they do not want to hear".

In a world of increasing untruth, where lying or gross misrepresentation are taken for granted, the fearlessness of those willing to support the truth is more needed than ever. We salute those who risk their freedom and put their lives on the line to do this.

6.05 pm

**Lord Hannay of Chiswick (CB):** My Lords, I will speak very briefly in the gap. I refer in particular to a case raised by my noble and right reverend friend Lord Harries. In doing so, I declare an interest. I visited the Indonesian provinces of Papua and West Papua for seven successive years as an adviser to BP on the development of its large gas reserves there.

I will say this about the Indonesian ban on international journalists going to the provinces of Papua and West Papua: it is totally counterproductive. It does not stop terrible stories—sometimes accurate, sometimes less than accurate—about human rights abuses in those two provinces. It merely ensures that they are more luridly reported. There was no benefit to Indonesia from this ban that I could see from the times I went there. I therefore echo the appeal by my noble and right reverend friend that, if and when the President is re-elected for a second term, the Government should seek to persuade him to lift the ban on journalists going there.

The second case I will mention was mentioned by my noble friend Lord Alton: the harassment by the Iranian Government of the families of Persian TV journalists here. They are subjected to all kinds of harassment. It is extremely unpleasant. One of the journalists here was prevented from visiting her father on his death bed. It is intolerable. We are, quite rightly, taking the view that the nuclear agreement with Iran must be defended and sustained. I am not suggesting that one should be traded against the other, but the Iranian Government should be reminded that we are taking quite a lot of flak from our closest ally on this matter, and they are doing nothing but harass BBC journalists.

6.07 pm

**Baroness Smith of Newnham (LD):** My Lords, it is standard in debates such as this to congratulate the noble Lord or noble Baroness who brought the debate. Naturally, I will do that this evening. I am most grateful to my noble friend Lord Chidzey for doing so, but it is also a particularly timely debate because, as the noble Lord, Lord Alton, pointed out, we heard only yesterday of the death of another Afghan journalist, Mina Mangal.

Press freedom and freedom of the media affects all of us. It is not just an international issue; it comes closer to home. In preparation for this debate I did a little bit of research, as other Peers will have done, but rather than reading the Library briefing I looked elsewhere to see what other issues we might want to think about. I remembered that Laura Kuenssberg, a BBC journalist here, at one point two years ago had a protection officer going to a party conference. In the 21st century, there is surely something wrong when a journalist in this country feels that they need protection. As the noble Lord, Lord Alton, and the noble Baroness, Lady Bottomley, made clear,

[BARONESS SMITH OF NEWNHAM]

freedom of expression is a human right and should be completely uncontested for the media in this country.

However, this debate is clearly about wider issues of media freedom. The most egregious cases are not in the United Kingdom but in parts of the Commonwealth and other parts of Europe. My noble friend Lord Chidgey started with a discussion of the Commonwealth. It may not surprise noble Lords that I will mention a European country, a country that has aspired to membership of the European Union in the past: Turkey.

The noble Baroness, Lady Bottomley, pointed out that Turkey is one of our allies in NATO, but it has also aspired to be a member of the European Union. For it to do this, it is vital to accept democracy, human rights, rule of law and freedom of expression. If a country wants to be part of the western community of nations, imprisoning journalists for no good reason is clearly not a way to do that. We all need to stand up and call out repression of the media. In addition to what we are doing in the Commonwealth, what are the Government doing with our NATO partners?

One of the countries with the greatest problems is Iran, particularly regarding the BBC Persian Service. Many of us have had the briefing from the BBC. What representations are the Government making to the Iranian Government? I know that the previous and current Foreign Secretaries have been involved, but can the Minister give us any reassurance that Iranians and British Iranians are being adequately assured about their safety?

It is vital that journalists are free to do their jobs and do not fear for their lives. As the noble Baroness, Lady Coussins, so eloquently pointed out, it is not just about the journalists. The lives of the people who enable the journalists to do their jobs—the interpreters, whose role we so often ignore—are potentially in greater danger. What are the Government doing to ensure that interpreters are being supported?

Furthermore, it is important for us to remember to think about the issues of imprisoning journalists and curtailing freedom of speech. Governments with whom we have relationships are doing these things, be it Turkey or Saudi Arabia. We should not simply turn a blind eye to these issues. The most egregious attacks on freedom are only the most difficult cases. It is important not simply to ensure that journalists do not fear for their lives and being put in prison; they should also feel assured that they can speak the truth and speak truth to power. That is the key role of any journalist. It is essential that we have freedom of the press in all parts of the world. If the leader of what used to be known as the western world, the President of the United States, calls out the media and claims that there are “fake news” issues, it damages freedom. It also undermines the democratic process: if we cannot trust journalists, who do we trust to speak truth to power?

It is essential that the press be free in all parts of the world, and that leaders lead not by calling out the media but by responding to appropriate questioning from it. Might the Government raise that issue with Donald Trump?

6.14 pm

**Lord Collins of Highbury (Lab):** My Lords, I too thank the noble Lord, Lord Chidgey, for this extremely timely debate. Many of us read the briefing and the IFJ report, *In the Shadow of Violence: Journalists and Media Staff Killed in 2018*. The numbers are horrendous and up from the previous year; 95 journalists were killed in 2018. However, as the noble Baroness, Lady Bottomley, said, we should not forget those who have been imprisoned, particularly in China, Egypt, Turkey, Iran, Saudi Arabia, Vietnam and Syria—the countries with the highest numbers of imprisoned journalists.

Reporters Without Borders pointed out that only 9% of the world’s population currently live in countries where journalists enjoy a favourable environment and are able to practise their profession freely and independently. Does the Minister agree with its call for the creation of a UN special rapporteur with responsibility for monitoring the protection of journalists and press freedom? Of course, the recent murder of Lyra McKee in Derry was the first recorded killing of a journalist in the UK since Martin O’Hagan was shot dead outside his home in Northern Ireland in 2001. That killing reminds us that attacks on journalists are not restricted to state actors. Earlier this year, the NUJ reported on,

“an alarming spate of recent incidents of intimidation, threats and violence carried out by far-right protesters systematically targeting the media, especially photojournalists”.

It has asked the Metropolitan Police and the National Police Chiefs’ Council to engage with the union and its members to discuss how policing can be improved to better protect journalists. Have the Government taken any steps to facilitate such engagement?

Like other noble Lords, I very much welcome the Foreign Secretary’s plans for the Global Conference for Media Freedom, set for London in July. To achieve maximum impact, the Government should adopt an inclusive approach, engaging with a range of stakeholders, including industry representatives and the TUC. I was concerned to read in the briefing that, apart from one informal meeting, the NUJ has not been asked to participate in further work on shaping the conference; nor has it been invited to attend the FCO advisory groups. I hope the Minister agrees that engaging with the NUJ and the IFJ should be central to this work and not marginalised.

Jeremy Hunt’s special envoy on media freedom, Amal Clooney, will chair a high-level panel of legal experts on this issue. Will the Minister suggest that she also meets the NUJ and the International Federation of Journalists? I note that the panel may also propose mechanisms that raise the cost of non-compliance with media freedom, including advising on sanctions targeting regimes that abuse journalists, the creation of a special body that investigates crimes against reporters and restrictions on trials against reporters. Amal Clooney singled out India and Brazil as two large democratic countries where journalists have been targeted; like noble Lords, she also pointed to the brutal murder of the *Washington Post* columnist Jamal Khashoggi in Istanbul. It is over six months since his murder but we should not forget why he was killed—simply for writing

articles criticising the war in Yemen and the rule of Crown Prince bin Salman. Can the Minister tell us what conclusions the Government have reached on who ordered his murder?

Of course, crimes against journalists often go unpunished. The noble Lord, Lord Alton, referred to the assassination in Malta in 2017 of the investigative journalist Daphne Caruana Galizia, which remains unsolved, with the Maltese authorities still resisting calls for a public inquiry.

There is also another issue. We talk about press freedom, but of course journalists are not now working simply for the press; they increasingly use social media to spread information. It is important that repressive Governments are not able to cut off access to social media to quell what they see as unhelpful reporting. What steps are the Government taking to promote online freedom globally? What reassurance can the Minister give those concerned about the impact on press freedom of the Government's White Paper proposals to tackle online harm? What has been properly reflected in this debate is that whatever we say for other countries, we must do ourselves. It is important that we in this country protect all aspects of press freedom.

Finally, I too want to associate myself strongly with the comments of the noble and right reverend Lord, Lord Harries, and the noble Lord, Lord Alton, on West Papua. As the Minister knows, I raised the reports from West Papua about the use of white phosphorus, which is potentially a war crime. The issue in West Papua is that there is no access to investigate or discover what is happening. No independent journalist has been able to report, as the noble and right reverend Lord, Lord Harries, has told us in the debate. I know that the Minister promised to write to me about those allegations in West Papua, but I hope he will also be able to reassure us today that he will strongly argue, when the new President has been elected, for proper access for the media to that province.

6.21 pm

**The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con):** My Lords, I join other noble Lords in thanking the noble Lord, Lord Chidgey, for tabling this debate. I recognise and acknowledge his outstanding commitment to international affairs over many years. He keeps me on my toes regarding all aspects of the Commonwealth, and today is no exception. By his doing that, I have come to value his input and insights on issues across the board, particularly those relating to human rights. Today's debate is no different.

It is poignant that we are meeting just a day after the death of Mina Mangal, as several noble Lords have pointed out, including the noble Lord, Lord Alton, my noble friend Lady Bottomley, the noble and right reverend Lord, Lord Harries, and the noble Baroness, Lady Smith. Those who knew Mina will pay tribute to her incredible work in Afghanistan. I am troubled by the challenges presented by the rekindling of the strength of the Taliban. What hope does that hold for brave and courageous journalists such as Mina? We pay tribute to her work and to her courage, but she has become yet another statistic as a journalist who has been killed simply for doing her job. As the

noble Lord, Lord Collins, among others, pointed out, this is not just the situation abroad, as indeed Lyra McKee's murder showed. It is not just about state actors; rather, it is a challenge we face at home as well.

We all recognise the vital contribution that a free media can make to a healthy democracy and society as a whole through seeking out and exposing the truth to inform the public and hold the powerful to account. As we heard from the noble Lord, Lord Chidgey, in introducing the debate, last year alone some 99 journalists were killed across the world, while 348 were imprisoned and 60 taken hostage—and those are just the reported figures. Restrictive laws are being used in more and more countries to stifle freedom of expression and to prevent the functioning of an independent media. I pay tribute to all noble Lords who are speaking in this debate for their work to ensure that we remain focused on this important human right.

The international framework around media freedom and the protection of journalists is well established at the United Nations. Clear provisions on the freedom of opinion and freedom of expression are contained in several human rights treaties and in multiple resolutions from both the UN Security Council and the UN General Assembly. Alongside that framework is the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. It offers states a blueprint for how to create a safe and free environment for journalists and media workers, including interpreters, by putting in place legislation and safeguarding mechanisms. Clearly, though, having frameworks is not enough; actions need to happen, and therefore I share the frustration expressed by many noble Lords that so much more still needs to be done to provide legal protection, safety and security to journalists around the world.

The noble Lord, Lord Chidgey, rightly raised the issue of the UK itself and undoubtedly, our current status in the rankings is not something that we accept. He asked what progress was being made. We are committed to improving our ranking in the index. For example, we are committed to repealing Section 40 of the Crime and Courts Act at the earliest opportunity. We are also consulting with civil society on the online harms White Paper, which was a point raised by the noble Lord, Lord Collins. That is why, as noble Lords acknowledged, my right honourable friend the Foreign Secretary, together with his Canadian counterpart, launched the global campaign to defend media freedom to protect journalists doing their jobs, to raise the costs to those who would silence them, and to promote the benefits of a free media.

The centrepiece of our campaign will be the world's first ministerial summit on media freedom, as the noble Lord, Lord Chidgey, mentioned, which will be held in London on 10 and 11 July. The noble Lord may be interested to know that a key focus of the summit will be strengthening the legal protection of journalists. Therefore, we were delighted that the international human rights lawyer, Amal Clooney, agreed to serve as the Foreign Secretary's special envoy. I was at a meeting recently at the UN where I was able to speak directly with Amal, and we look forward to welcoming her in London and continuing our work with her. I know that many noble Lords welcome her appointment.

[LORD AHMAD OF WIMBLEDON]

We are also continuing to take action in other ways to defend media freedom and protect journalists. Last December, as chair of the Human Dimension Committee of the Organization for Security and Co-operation in Europe, the UK steered through the OSCE's first ever media freedom commitment and its first specific human rights decision since 2014—the Ministerial Council Decision on the Safety of Journalists. Importantly, this politically binding commitment recognises the link between the safety of journalists and security within and between states. The UK is an active member of the OSCE's Group of Friends on Safety of Journalists, which we helped to establish.

We also give support to the Council of Europe's excellent online Platform to Promote the Protection of Journalism and the Safety of Journalists and use our influence at the UN Human Rights Council to support media freedom. Indeed, I announced our campaign to defend media freedom there in February and spoke at a panel focused on impunity organised by ARTICLE 19.

The noble Lord, Lord Chidgey, asked about the Commonwealth and the work that has been done since CHOGM last year. We are actively supporting efforts by the Commonwealth Journalists Association and the CPAUK, among others, to build consensus on the 12 Commonwealth Principles on freedom of expression and the role of the media in good governance. We very much hope these principles can be adopted at the Heads of Government Meeting in Kigali next year.

The noble and right reverend Lord, Lord Harries, raised the issue of specific action in countries. For example he asked about organised crime. In Mexico, our embassy is working closely with the federal protection mechanism to develop plans to prevent violence against journalists. We already support local protection mechanisms in Mexico, where the main challenge remains organised crime. In addition to action in multilateral forums, as I just said in the example given on Mexico, we work through our network of embassies and high commissions. Indeed, two weeks ago, our posts across the globe held events to mark World Press Freedom Day, including in Ethiopia where my right honourable friend the Foreign Secretary celebrated the positive example that the country has shown in embracing media freedom.

The noble Lord, Lord Chidgey, asked about Chevening scholarships and the new scholarships that the Foreign Secretary has announced. I assure him that they are new, in addition to the existing ones we offer. In eastern Europe and the Baltic states, our Conflict, Stability and Security Fund has devoted more than £20 million over the past 12 months to supporting media development and countering disinformation. In Iraq over the last 12 months, the British embassy partnered with a local NGO to deliver 15 media workshops, and other work is being done across the Middle East, including in Syria.

The noble Lords, Lord Alton and Lord Hannay, and the noble Baroness, Lady Smith, raised the issue of the BBC in Iran, as did my noble friend Lady Bottomley. I assure noble Lords that the Foreign Secretary specifically raised concerns about the harassment of BBC Persian staff and the families in Iran with his Iranian counterpart during his visit to Tehran on

19 November last year. Officials at the embassy in Tehran continue to raise these issues. I note with deep interest the comments of the noble Lord, Lord Hannay, about the current situation we confront in Iran. I assure him that we are making our commitment to support the JCPOA very clear to Iranian counterparts.

Other countries were mentioned, including Malta, as was the murder of the journalist Daphne Caruana Galizia. I assure the noble Lords, Lord Alton and Lord Collins, that we continue to raise her case regularly with the Maltese Government, including at ministerial level, and our high commissioner continues to raise this issue regularly.

The noble Lord, Lord Alton, also mentioned Slovakia and Ján Kuciak. The UK has offered National Crime Agency assistance in this regard. The offer was appreciated but, regrettably, it was not taken up. We will seek other opportunities to press Slovakia to address corruption and promote media freedom.

My noble friend Lady Bottomley and the noble Lord, Lord Collins, raised Saudi Arabia and Jamal Khashoggi. I assure noble Lords that we continue to raise this case. The Foreign Secretary raised in on 12 November in key meetings, including with King Salman and the Crown Prince. It was again raised by the Foreign Secretary in a visit in March and again with Minister of State Al Jaber when he visited London. Turkey is an ally, but we continue to raise issues of journalistic freedoms. I have done so directly. We are working very closely with civil society groups. We have seen some success with our work on human rights defenders through Amnesty International. I assure my noble friend Lady Bottomley and the noble Baroness, Lady Smith, that it is because of that engagement that we continue to raise these issues, at times publicly and at times privately. As we have seen, it produces results.

I pay tribute to the strong advocacy by the noble Baroness, Lady Coussins, on interpreters. She asked about me meeting Red T at the United Nations. I would be delighted to do so. I will also see how we can include and involve it in the summer conference here in London. I assure the noble Baroness that we plan to consider the protection of journalists and interpreters at a side event during the UN's annual protection of civilians week this year. I will work with the noble Baroness to see how we can work further on her proposal.

The noble and right reverend Lord, Lord Harries, rightly raised the issue of women journalists. In opening, I talked about the sad fact that we are meeting the day after the murder of a woman journalist. We need to ensure that special conditions and security are offered to journalists. We hope this will be part of our focus in the July conference.

The noble Lords, Lord Hannay and Lord Collins, raised the issue of West Papua. The response to a particular question by the noble Lord is in progress and I will follow up on it. Egypt was also mentioned. I wrote to the Egyptian Assistant Minister for Human Rights on 28 April expressing our concerns about media freedom in Egypt. While we welcome the opening up of certain spaces, particularly in religious freedom, that does not mean that we will not raise broader human rights issues.

The noble Baroness, Lady Smith, spoke about the United States. We have a strong, open relationship with the United States through which we have discussions on all matters. I will certainly take note of her suggestion.

Noble Lords will recognise that media freedom is one of the key human rights priorities for Her Majesty's Government. I am pleased that we have been able to invite all Foreign Ministers, with the exception of those of one or two countries. Whether they will come or not, I do not know, but it is an open conference where we hope to have an open and candid discussion of this important human rights priority, including the issue of women journalists. It is in all our interests that all journalists are free to go about their work without fearing for their safety, because what is at stake is not only their lives but the freedoms and protections that they provide. There should be no impunity for those who attack journalists. That is why this Government are taking action to raise awareness of the issue and to strengthen legal protections through our Defend Media Freedom campaign. I look forward to working with friends, allies and civil society. I specifically take note of the suggestion made by the noble Lord, Lord Collins, on the NUJ. We will seek to involve it directly in the conference. I will welcome the continued inputs of all noble Lords who have spoken in the debate today as we plan for the July conference and beyond.

I once again thank the noble Lord, Lord Chidgey, for obtaining this important debate.

## Wild Salmon

### *Question for Short Debate*

6.35 pm

*Asked by The Earl of Shrewsbury*

To ask Her Majesty's Government, in the light of the North Atlantic Salmon Conservation Organisation international year of the salmon, what assessment they have made of wild salmon stocks in the United Kingdom, in particular in Scotland.

**The Earl of Shrewsbury (Con):** My Lords, I had an interesting letter the other day about the International Year of the Salmon. It said, very politely, "Dear Lord Shrewsbury, do you remember the days of wild salmon in abundance"—oh my God, yes I do—"watching those magnificent fish making their epic journeys upstream to their spawning grounds?" If only. There was a wonderful picture on the front of the largest salmon I had ever seen.

I am most grateful for the opportunity to discuss the problems facing the wild Atlantic salmon, the wonderful king of fish. The problems revolve mainly around fish in the United Kingdom, especially in this, the International Year of the Salmon. I declare an interest as an avid angler—an extremely unsuccessful one—and a member of Salmon & Trout Conservation.

I tabled this debate for two reasons. First, like many keen anglers, I am increasingly concerned about the demise of both salmon and sea trout in United Kingdom, especially Scottish, waters during the past decades. Secondly, I hoped that the subject would attract some excellent speakers of considerable knowledge to highlight

a most serious situation. I am delighted to see the speakers' list and am extremely grateful. I intend to be brief and wish to concentrate on a few suggestions and thoughts. I intend simply to open up a wider discussion, for in this room we have a number of experts, be they anglers, landowners, riparian owners or knowledgeable enthusiasts and conservationists, and time restrictions are tight.

There can be little doubt that the Atlantic salmon is under increasing and unprecedented threat. The figures produced by the Scottish Government, the Environment Agency and Salmon & Trout Conservation make for dismal reading. In terms of rivers being described as "at risk", the 2014 Environment Agency assessment of salmon stocks showed a decline to the lowest levels on record. Thirty-eight of England's 42 principal salmon rivers were classed as either "at risk" or "probably at risk". This is not restricted to England; it is a situation mirrored throughout the United Kingdom.

Many of the problems facing the salmon are acknowledged as being caused by man's actions: global warming, which is thought to affect feeding at sea; poor water quality through pollutants and the run-off from agricultural land; the proliferation of protected predators; the overfishing of sand eels; and burgeoning numbers of seals and sea lice from fish farms.

**Lord Steel of Aikwood (LD):** Does the noble Earl realise that, although much of the salmon farming in this country is owned by the Norwegians, they have started in Norway to breed salmon in tanks on land, thus avoiding the problems of pollution and escaping? That does not seem to be happening in this country.

**The Earl of Shrewsbury:** I am most grateful for that interjection. I did know that.

All these matters and more can, and must, be addressed with great urgency if we are to stem the decline of this great fish. Taking water quality, for instance, one only has to look at the successes achieved on the Rivers Tyne, Mersey and Don to see that it is possible to restore water quality and physical river habitats. In Scotland, the Deveron, Bogie & Isla Rivers Charitable Trust has done remarkable work in bank restitution and other physical reparation works. Where the Deveron has her source in the Cabrach hills, much damage was inflicted many years ago by tax break-funded afforestation. I have been fishing that river for well over 40 years. In the old days, the Deveron was celebrated as one of the best salmon and sea trout rivers in Scotland, where Mrs Tiny Morison caught her record-shattering 61lb salmon in October 1924 at the Wood of Shaws, Mountblairry; I have tried like mad and never had a touch in that particular pool. When I first fished the Deveron, the water rose slowly and fell slowly, designed perfectly by nature. These days, she rises fast and falls away fast, leaving a horrible, black, acidic, peaty water, often lasting for days, which the locals reckon sickens the fish. Since protection came in, the population of mergansers, goosanders and cormorants has ballooned. The damage these birds do to salmon parr is immeasurable.

I have a friend, Robert Shields, who owns a place called Avochie half way up the Deveron. I quote from his email to me this morning: "We stopped our hatchery,

[THE EARL OF SHREWSBURY]

funded by anglers, because it was made clear that there would be no funding from central government if we continued. It is a sad fact that since our fishing lives have been taken over by scientists, there has been a relentless decline in returning salmon. Our tracking results point to smolt survival being dire. Smolts are being devoured by goosanders, mergansers and cormorants, and little or no control is taking place, as getting a licence is made so very difficult”.

Progress is being made with radio tagging. In 2016, the trust acoustically tagged 50 smolts and 40% survived to sea. 2017 saw 40 smolts tagged; 42% survived to sea. In 2018, 100 smolts were tagged and, with very low water conditions, only 9% reached the sea. This year they have just finished tagging 100 smolts as part of the Atlantic Salmon Trust’s Missing Salmon Project, which will track them all the way out to sea, but tagging is incredibly expensive and cannot be achieved by donations alone. In addition, surely it is time to take effective action to control the seal population to sensible, sustainable levels. Does my noble friend have any information on this that he can share with me?

This speech is simply a précis: this is such a wide-ranging subject of such importance that I am sure it would warrant a two-and-a-half-hour debate in the main Chamber. Today simply does not give enough time to cover it properly. In conclusion, I applaud the Environment Agency’s five-point approach for action to conserve and enhance the United Kingdom’s salmon population. Successive Governments have made all sorts of flowery, encouraging remarks over many years but have done absolutely nothing. In my view, the only way forward is a partnership between all interested parties, including landowners, farmers, water utilities, Defra and the Environment Agency, supported financially by the Government. With the dreaded B-word in the background—I hate to mention it—maybe if we eventually leave Europe and Mr Gove decides at that stage that he will rejig the subsidy situation for agriculture, there might just be some cash left to put into the environment and to save salmon. Now is the time to act, and without delay. Failure to do so will commit this great national treasure, *salmo salar*, to the history books. I beg to move.

6.43 pm

**Viscount Astor (Con):** My Lords, I thank my noble friend for introducing this timely debate. There are a multitude of possible reasons for the decline in Atlantic salmon. We have heard that fish farms may be a factor, with pollution and crossbreeding. We know that the rise of the seal population is not helpful, neither is the rise of the goosander population, and of course climate change may have an effect, as rivers have become warmer. However, it is clear that the most important factor is probably netting of salmon out at sea, far away from the British Isles. We need a co-ordinated policy from the Government to look at this issue and deal with those who oppose remedial action. It is surely wrong that we should allow people to oppose licences for the culling of cormorants, particularly those of non-native species, or, for example, a licence to cull seals when they swim up a river—far away from their natural habitat.

The angling community has played its part: nets have been bought out at quite large expense. The question we have to ask is where the fish that were netted have gone, because they have not come up the river. They have actually disappeared. If we take that into account, the decline in Atlantic salmon is even direr. Something must be done. As I said, the angling and fishing communities have carried out work to allow more spawning and have opened up rivers for fish parties. A great deal has been done but, unfortunately, it does not seem to be having an effect. I have studied the Environment Agency’s laudable five-point plan but, again, I am afraid that it is not producing clear results. It may be that it will take a longer time, but we have to go further.

The Environment Agency seems to have a mixed view on hatcheries in managed rivers and I would like to ask the Minister about this. The Environment Agency manages its Kielder hatchery, which has been responsible for a large increase of salmon on the Tyne, but I understand it wishes to close other hatcheries—for example, one in Yorkshire on the River Ure. What is the Government’s policy? Some claim that hatcheries are a last resort and should not be used until then, but perhaps we are in the position of last resort now. We need to use hatcheries, which allow us to tag more fish and to learn more about the life of the Atlantic salmon. They are not the whole answer but they must be part of it. We need to understand what the Government’s and Environment Agency’s policies are on this.

My family has a small spate river on the west coast of Scotland, which we have in the past successfully restocked. I cannot prove it—I have no idea why—but it seems to work. It certainly does not do any harm. There are those who claim that when you restock there is not enough food for the fish. Given the decline of fish in our rivers, even with a little restocking there would be plenty of food for them to feed off. With careful restocking, you can also use the genetic fish in the rivers. This is important. I am sure that others will talk about the economic value of salmon to tourism and to jobs in their areas, but we need a more co-ordinated policy from the Government. It should be an international policy because it affects Ireland, Norway, Iceland, America and Canada. To go forward, we must work together with those countries to come up with a solution.

6.46 pm

**Lord Lee of Trafford (LD):** My Lords, I congratulate the noble Earl on securing this debate. Three minutes would hardly give one an opportunity of landing a decent salmon, let alone making a serious contribution to this debate. I have had the privilege and pleasure of fishing for salmon in Scotland for over 50 years, initially with Hardy’s on its Junction Pool on the Tweed, then for a number of years in Arthur Oglesby’s courses on the Spey and, over the past 20 years, taking a beat on the wonderful Hendersyde beat of the Tweed, just below Kelso.

I wish briefly to talk about the economic and environmental consequences of a reduction in the adult salmon population. The reduction in the population of salmon means a greater number of unlet fishing days, fewer anglers, reduced income for the riparian

and heritable owners and reduced spend, obviously, in local hotels, tackle shops and clothing shops. It potentially puts at risk the staffing levels of gillies and others employed by the owners. More particularly, taking the longer-term view, it could have a possible deleterious effect on the stewardship of the rivers because during the course of the year the riparian and heritable owners and their staff—the ghillies—maintain the paths along the river, the banks, the weirs and the croys to the benefit of not only the angling community but the local community and the wider visitor population.

It may be that the effects of the Environment Agency barring netting off the Northumberland coast will be of some help. Those nets take something like 5,000 salmon each year. I wish the Tweed commissioners every success in the noble work they are doing to try to rebuild the salmon stocks and population of the Tweed.

6.49 pm

**The Earl of Caithness (Con):** My Lords, I declare my interests as in the register. I served on the Caithness District Salmon Fishery Board under the excellent chairmanship of my noble kinsman, who will follow me in speaking in this debate.

Salmon stocks are at risk all across the north-east Atlantic, whether it be in Portugal, Spain, France, the UK or Ireland. Part of the problem is that it is international, through climate change, acidification of the oceans and far too much overfishing at sea. So what can we do at home? Fishing is a devolved matter in Scotland but it is worth noting that the catastrophic decline in salmon catches on the west coast of Scotland coincided with the rise of aquaculture. Scotland is the largest producer of farmed salmon in the EU and it is big business there, but it has consistently got away with rule-breaking, which threatens the environment and wild migratory salmon. Marine Harvest reported that, between 2012 and 2017, sites breaching the national sea-lice trigger level increased from 15% to a horrific 69%. Grieg Seafood admitted to constantly breaking the trigger levels from November 2016 to August 2017. The two Scottish parliamentary committees involved in last year's inquiry into salmon farming were clear that effective regulation of salmon farms was imperative. It is time for the Scottish Government to fully enforce their regulations, particularly in the International Year of the Salmon.

I turn to England. Today, as we speak, Salmon & Trout Conservation is launching the river fly census. I refer that to my noble friend the Minister because it will be dreadful reading for him and the Environment Agency. It identifies that there is a huge insect species loss and that four out of five rivers in England and Wales are failing ecological health standards. It identifies that more than 300,000 regulated chemicals are currently in use but that only 45 are checked in our rivers. It tells us that atrazine, which is banned in the UK, is still found in water samples. Following the point made by my noble friend Lord Shrewsbury, it tells us about the difficulty that sedimentation is causing to all our wildlife. It also tells us that 45% of rivers exceed phosphorus standards; the Environment Agency does not monitor phosphorus in riverbed sediments. That is horrific reading for any Government. For salmon to survive,

they need help from us humans. The Environment Agency is doing its best to make the Government not the greenest but perhaps the dirtiest on salmon fishing.

6.52 pm

**Viscount Thurso (LD):** My Lords, it is a great pleasure to follow the noble Earl, Lord Caithness—the chief of my clan—and more importantly to congratulate the noble Earl, Lord Shrewsbury, on securing this debate in the year of the salmon. I declare a number of interests. The first is as chair of the Caithness District Salmon Fishery Board and owner of the River Thurso. The second is that I am chairman of VisitScotland and therefore responsible for the economic side of tourism.

I will make two points on, first, the economic importance and, secondly, the environmental importance. This morning I got in touch with the VisitScotland office and said, “Give me the figures we’ve got”. I can do no better than read out the bullet points they gave me. Fishing tourism delivers in excess of £130 million per year in spend and forms a really important source of income for the Scottish tourist industry. There are 233,000 visits by domestic anglers from the UK, representing 1.5 million bed-nights. Some 41% of all anglers take a fishing break at least once a year, and £500 is the average sum spent by an angler trying to catch a Scottish salmon—that might be going up. More than £24 billion is spent on fishing and sports fishing by fishermen in Europe. The average Scottish angler spends £110 per day during each of his 17 annual days on fishing trips, and Scotland received the highest rating as an angling destination by participants in the TNS activities panel research. One other vital point is that the majority of that spend is made in rural areas, where the jobs and the value of the jobs are of particular importance. I congratulate the Scottish Government on allowing VisitScotland to support salmon anglers, and on the regulations that have been passed over the last three years preventing fish being taken from rivers that are not graded 1 on the grading system.

The main point I wish to make regards the importance of the juvenile biomass in the river. In 2012, Thurso got a £30,000 grant from the Crown Estate. As a result, we have electrofished, using a three-part system under a noted scientist, every year since then. We have added in to the sites of our own choosing last year the sites chosen by Marine Science Scotland. Each of those years' results are published on our website, and are available to see.

In the very small amount of time available, I will only say this: for every year the juvenile biomass of combined fry and parr have been recorded at the maximum that the environment was capable of looking after. Therefore, for us, there is no point in hatcheries because there are no more territories or food left. We are at 100% capacity at the juvenile stage. However, we have observed a great many other movements and differences that added to our knowledge. For me, the key point is to understand that we are producing juveniles to go out to sea, but we do not know how much of the harvest is now failing to come back. That is the critical point. Climate change, interception at sea and man-made degradation of the riverine habitat are the three great things that we have to face.

6.56 pm

**Lord Pearson of Rannoch (UKIP):** My Lords, I have listened to the debate so far, upon which I congratulate the noble Earl of Shrewsbury. However, I have not heard mentioned what I feel may be another cause of the salmon's decline in Scotland.

Before the clearances some 200 years ago, the highland economy depended largely on cattle, with very few sheep and deer but an abundance of fish and other wildlife by today's standards. Sheep replaced the cattle and did very well on the rich ground they left behind. Deer started to increase because the men were no longer there to kill them. Most of the highland catchment areas were gradually taken over by sheep and deer, which prefer the short, nutritious grasses, while cattle eat the longer grass, particularly purple moor-grass—*molinia caerulea*—which otherwise grows tall and shuts out the light, forming an unhealthy mat when it dies back each autumn. It lives naturally in wettish ground but gradually colonises drier ground, which should carry heather, berries and many other plants, if it is allowed to. It grows quickly and establishes itself in a couple of years after large-scale muirburn, smothering much of what was there before. Cattle then turn it into rich manure—much richer than the droppings of sheep and deer—letting in the light for the benefit of other plants and breaking up the unhealthy *molinia* mat with their hooves. Earthworms and other insects do well under cowpats, even on acid soil such as ours, whereas they can hardly live under the meagre droppings of sheep and deer.

Some years ago, we ran an experiment, putting cattle back into the catchment area of an old spawning stream. The *molinia* reduced from 52% cover in 1993 to 13% cover by 2005. The effect on the water quality was less obvious, but there were signs of improvement by the time the experiment ceased in 2009. We are now planning to start another, much longer one, perhaps for 25 years, looking particularly for any increase in the food available for alevins when they finish their yolk.

I should add that our experiments take place in the head waters of the Tay, on Rannoch Moor, which consists of deep peat sitting on granite. Only 60 years ago there were still quite a few salmon; they are now almost extinct. I suppose that spawning streams that run off richer mineral-based rock may not have been so affected by the absence of cattle in their catchment areas, but by the other factors that noble Lords are mentioning. We gave a major conference on our first experiment in 2008. I would be happy to send the Minister the resulting brochure, in case anyone in his department is interested in looking into whether this could be yet another factor in the decline of such a noble fish.

6.59 pm

**Lord Vaux of Harrowden (CB):** My Lords, I also congratulate the noble Earl, Lord Shrewsbury, on securing this important debate. I declare my interests as a director of the Galloway Fisheries Trust, chairman of the Fleet District Salmon Fisheries Board, an owner of a stretch of the Water of Fleet and, perhaps most importantly, a keen fisherman. I will raise an issue that has been particularly devastating for many of the

smaller rivers of Galloway and south-west Scotland. It does not seem to be widely known about, although the noble Earl touched on it in his excellent opening speech. I am referring to the impact of large-scale conifer reforestation on river catchment areas.

While planting trees is generally a good thing, commercial conifer reforestation can lead to serious acidification, erosion and saltation of river systems in certain circumstances—there is not time to go into the complexities in this debate. As the noble Lord, Lord Grantchester, will know, most of the rivers of Galloway have been very seriously affected following the widespread deforestation of the area in the 1960s and 1970s. Salmon and sea trout catches declined dramatically. In fact, there are parts of the river systems where the water is so acidic that fish life is now extinct. Salmon are particularly vulnerable, but other endangered species such as eels and lampreys have also been seriously reduced or, in places, wiped out. We have heard about the other factors such as predation, overfishing at sea, fish farming and so on, but if the river ecology itself does not allow fish to spawn successfully all other remedial actions will fail.

The Galloway rivers have been studied intensively for some years. Action is being taken and is helping to improve the situation, but there is a very long way to go and problems remain, particularly around the requirement to replant after felling, which means that the underlying peatland never has a chance to recover. New planting rules are greatly improved, including the restrictions that have come in on planting trees on peatland, but they remain far from perfect.

The situation in Galloway is obviously a devolved matter for the Scottish Government, but there are very important lessons to be learned for the rest of the UK. I greatly welcome the Government's plans to plant billions of trees in the coming years, but it would be a tragedy if, in planting those trees, we inadvertently destroy our fragile river ecologies. This is as relevant to the rest of the UK as to Scotland. Will the Minister confirm that the Government will consider the lessons from the Galloway rivers and ensure that they are taken into account when planning the large-scale tree planting that they rightly aspire to?

7.02 pm

**Lord Beith (LD):** My Lords, the tight timelimit precludes me commenting on some of the very important points raised in this valuable debate. I have no interests to declare, but I have to declare that for more than 40 years I represented a constituency in which salmon played a major role in the economy and still has a significant place, with the Tweed, the Aln, the Coquet and the Till and every kind of fishery to represent—river and estuary, net and coble, fixed engines, drift nets at sea and, of course, rod and line, in the form of both highly priced let beats and long-established local fishing clubs whose members enjoy their sport at moderate cost.

All shared concern about the future health of the wild salmon population and had done for many years. Unfortunately, that concern often took the form of all those who fished for salmon believing that all other categories of people fishing for salmon should not be

doing so. As a result, there was a tendency to assume that removing one fishery or another would solve the problems that have been so well described today.

Falling numbers in both the Scottish fisheries and most of the English rivers suggest otherwise. On the Tweed, all but one of the 20 or more netting stations have closed. This year comes the complete closure of the north-east drift net fishery, with no licences being issued from this year on. None of this alters the basic facts about salmon stocks, about which our knowledge is still very incomplete. That is why the research that the noble Earl mentioned—on smolts, for example—is extremely valuable. The Tweed Foundation is tracking smolts as they move downriver in the Tweed. It has recorded that they travel mostly at night and can cover 40 kilometres in two nights.

Research is also trying to establish the extent of cormorant and goosander predation of salmon. You can see predation by seals in plain sight in the estuaries and, increasingly, upriver. It is surprising how far the seals will go. We need more attention on habitat issues: sand and gravel extraction, water levels, water temperature—for which we do not really have any control—and water quality. Very noticeably, the Tyne became the best salmon river in England through a combination of improved water quality and the hatchery that was described earlier.

However, we know too little about what determines the total numbers, survival rates and return rates of salmon over the large areas of sea they traverse. We have concerns about disease and the impact of escaped farm salmon. We also have to note that catch figures are not a completely reliable guide to stock figures, and counting systems have presented many problems over the years. We still have some uncertainty in our knowledge of the precise levels of stocks.

Salmon fishing has been part of the lifeblood of north Northumberland. Part of it has been an ancient craft practised in traditional ways by netsmen. The world has now changed, and we are increasingly reliant on the very significant contribution that rod angling makes to the economy of the area. My noble friend Lord Lee described some of that, and it is valuable. We all still wonder at the beauty, ingenuity, magnificent migration skills and endurance of the salmon. We need to do everything we can to help, rather than hinder, its presence in our rivers.

7.06 pm

**Baroness Jones of Whitchurch (Lab):** My Lords, I am grateful to the noble Earl, Lord Shrewsbury, for tabling the debate and to all noble Lords who have, in their own ways, spoken passionately about the challenges faced in conserving our wild salmon stocks for the benefit of ourselves and future generations. They are indeed magnificent creatures, as anyone who has stood in the shallows of a Scottish river and watched them leaping as they travel upstream can attest. It is one of the most dramatic cycles of nature, from the rivers where they spawn to the oceans where they feed, then back again. Yet over the decades we have waged a war of attrition against them by draining and damming rivers, building on riverbanks, overfishing streams and allowing millions of genetically inferior farmed fish to escape and mix with the wild population.

This has had a disastrous impact, given the concentration of disease and sea lice infestation predominant in farmed fish.

Although it was news to me until this debate was tabled, I am not surprised that it was felt necessary to have an International Year of the Salmon. The evidence of declining wild salmon stocks is clear, as the noble Earl and other noble Lords have described. As many noble Lords have said, we will need more robust action than the previous proposals put together on a multi-agency basis following the UK salmon summit of November 2015.

This is a bigger crisis than the decline of a single species, magnificent though it may be. The UN report published this month spelled out the huge drop in biodiversity that is undermining the very existence of life on earth. Rather belatedly, we are understanding our interdependence on the other species we have neglected or destroyed. This is true in the marine environment as much as on land. Chronic overfishing by commercial fleets on a global scale is permanently depleting fish stocks. In the UK, fish farmers demand a ready supply of fishmeal to feed to their captive stocks and we still allow dredging of the seabed to supply the nation's expanding appetite for scallops.

Add to this the impact of climate change—with warming waters, drying up rivers and rising sea levels changing the natural habitats in which salmon thrive—and it becomes clear that action on a global scale is necessary. I hope that the Minister can demonstrate that the Government understand the true nature of this challenge, are ready and willing to act, and have the means and determination to reverse this trend. I look forward to his response.

7.09 pm

**Viscount Younger of Leckie (Con):** My Lords, I am pleased to respond to this Question for Short Debate. I thank my noble friend Lord Shrewsbury for initiating it. I am also conscious of the knowledge and experience of many Peers who have spoken this afternoon on this subject. Perhaps they can be described as a forum piscarium.

I start by acknowledging the importance of the north Atlantic salmon and why we need an international year of the salmon. North Atlantic salmon are a protected and iconic species. As the noble Baroness, Lady Jones, said, their epic migration is one of nature's greatest stories. Each spring, juvenile salmon swim thousands of kilometres from their home rivers to feed in cold north Atlantic waters. Once mature, the salmon return—or are supposed to return—to the same rivers to spawn. However, the Government are concerned about the widespread decline in salmon stocks that is currently seen not just in UK rivers but throughout much of the north Atlantic.

The marked decline in the abundance of Atlantic salmon has occurred over the past 20 to 30 years. In the 1970s and 1980s, it was estimated that around 1.3 million adult salmon were returning to rivers in the UK each year. This has fallen to fewer than 500,000 today. I do not know whether many noble Peers saw "Countryfile" last Sunday. I just happened to switch it on. It was an initiation as it is a new subject for me. It was interesting to see how they measured the smolts to

[VISCOUNT YOUNGER OF LECKIE]

be sure that they were the right size for tagging. The smolts were then anaesthetised, tagged and released. It was a fascinating programme and process.

As has been mentioned, a key cause of the decline has been a large increase in the mortality of salmon during the marine phase of their life cycle. I must be frank that the precise reasons for this are unclear, although they are considered to be multifarious. As my noble friend Lord Shrewsbury said, they are likely to be man-made. However, broad-scale changes in ocean conditions and plankton communities have been documented, along with related impacts on fish communities. The underlying cause is most likely to be climate change.

While countries are looking to take whatever action they can to minimise factors that might impact on salmon during the marine phase of their life cycle, we have more control over the pressures on salmon when they are in freshwater and coastal environments. Extensive measures have been introduced throughout the UK in recent years to reduce salmon exploitation to more sustainable levels and to ensure that as many returning salmon as possible survive to spawn. Water quality improvements have enabled salmon to recolonise some rivers that were previously impacted by pollution. I am particularly mindful of the success in the River Tyne. These successes demonstrate that, through careful management and partnership working, salmon stocks can recover even in the context of poor sea survival. Set against this backdrop, the International Year of the Salmon aims to bring people together globally to share and develop knowledge more effectively, raise awareness, particularly among underrepresented groups, and take action to protect all salmon species.

I now turn to the pertinent question raised by my noble friend Lord Shrewsbury. Fisheries policy within the UK is devolved and, as such, national Governments produce annual salmon stock assessments in their respective areas. These assessments reflect the state of stocks within our rivers and estuaries. Scotland has the largest wild salmon resource in the UK and carries out annual assessments on 173 rivers or small groups of rivers. In contrast, 64 principal salmon rivers are assessed each year in England and Wales and 16 in Northern Ireland. Despite the devolved nature of fisheries policy, the UK and Scottish Governments are looking to address the depletion of stocks—indeed, our respective officials are due to meet again tomorrow to discuss this very issue.

Another important forum for UK-Scottish government co-operation is the North Atlantic Salmon Conservation Organization—NASCO—with which Peers will be familiar. In assessing salmon stocks in line with international guidance from NASCO and the International Council for the Exploration of the Sea—ICES—each jurisdiction has established so-called conservation limits. These define levels, measured in terms of spawning fish required, below which stocks should not be allowed to fall.

Compliance with conservation limits requires an assessment of the number of salmon returning to each river. Ideally, such information is derived from fish counters or traps, but where these do not exist—noble Lords will note that counters and traps are very costly

to install and run—assessment is based on reported catches and population modelling. These assessments provide local managers with the information that they need to manage individual river stocks. However, as the noble Lord, Lord Beith, and others said, verification of the numbers is far from perfect, as I think we would all acknowledge.

The collated data is also utilised by ICES in providing scientific advice to NASCO to enable it to meet its responsibilities in managing the high seas fisheries. Unfortunately, recent annual salmon stock assessments provide ongoing cause for concern, as has been mentioned today. For 2017—the last year for which we have compliance assessments for all UK countries—only around half of those assessed met their conservation limits. More recently, as my noble friend Lord Shrewsbury said, the hot, dry summer of 2018 provided unfavourable conditions for returning salmon, and only 14 rivers—22%—met their conservation limit in England and Wales, the joint lowest figure on record. Other stock status indicators, such as information from fish counters and juvenile surveys, also indicate declining trends in many UK rivers. In summary, therefore, stocks in all parts of the UK are currently considered to be in a depleted state.

I shall now detail what the UK Government are doing to address the fall in stock levels, and I hope it is a better picture than the one painted by my noble friend Lord Caithness. Perhaps I may answer one question that he raised about sedimentation and chemicals in rivers, and the Environment Agency, in his words, not monitoring phosphorous levels. The Environment Agency undertakes rigorous testing of chemicals within the aquatic environments, including monitoring activity within its five-point plan, which was mentioned this afternoon. Details of the specific monitoring of phosphorous and other chemicals can be provided in writing following this debate, and I would be delighted to send a letter on that to all Peers who took part.

Internationally, the UK Government's commitment to salmon conservation is evidenced through their membership of NASCO. Parties to NASCO currently include the United States, Canada, Norway, the Russian Federation, interestingly, the European Union and Denmark in respect of the Faroe Islands and Greenland. Measures agreed by NASCO have resulted in great reductions in fishing effort for salmon in the North Atlantic and the adoption of international best practice.

Domestically, I have already touched on the need to address pressures on salmon in their freshwater phase. Improving the environment, as set out in the UK's 25-year environment plan, is key to improving salmon stocks. These environmental improvements will build on the work that has already been done to significantly reduce salmon exploitation.

Regulations introduced in England in December 2018 closed the north-east drift net fishery, a mixed-stock fishery that annually took more than 9,000 salmon, and it means that all coastal mixed-stock fisheries have now closed—a point that the noble Lord, Lord Lee, raised. I think that our figures are slightly greater than his but we can talk about that later. The regulations also cover a number of smaller net fisheries and were introduced in tandem with increased catch and release

by anglers. Regulations introduced by the Scottish Government for the 2019 fishing season require that mandatory catch and release will apply to 94 rivers and river systems across Scotland. In addition, the regulations continue the prohibition on coastal netting of salmon, introduced in 2016.

I should like to move on to talk about predation—an important subject that was brought up by my noble friend Lord Shrewsbury—and what we are doing to address it, specifically in relation to seals and cormorants. As he will be aware, seals in England and Wales are protected under the Conservation of Seals Act 1970. Additional measures apply in Scotland and Northern Ireland. The 1970 Act prohibits taking seals during a closed season, except under a licence issued by the Marine Management Organisation. Fishermen may shoot seals during the annual closed season only if serious damage is being caused to catches or gear. During the remainder of the year, seals may be shot provided that an appropriate licensed firearm is used.

In response to growing concerns, trials with acoustic deterrent devices—so-called ADDs—have been conducted on several occasions in Scotland to try to prevent seals swimming up salmon rivers. Another approach has been to sweep seals back to the sea using a boat fitted with an ADD, and this has proved successful in some trials. In addition, a robust and portable seal trap has been built and tested under field conditions, so work in this respect is ongoing.

My noble friend Lord Shrewsbury also talked about damage by birds and what government funding there might be for this. Licences are available from Natural England to shoot cormorants and goosanders. In England, approximately 2,600 licences were issued last year out of a total of 3,000 available. Special licences can be—and are—issued during the salmon smolt run. No licences were issued in England to shoot mergansers due to their very small population and lack of significant impact. I have received advice on this particular point but I want to double-check that information for myself. I will then write to noble Lords.

My noble friend Lord Astor raised the question of government policy on the closing of hatcheries. He will know that this is a devolved issue for Scotland but the Government's policy in England is not to issue permits except in exceptional circumstances. Nothing is

allowed in Wales. Hatchery on the River Tyne has not been a principal factor in the recovery of the Tyne stocks; an improvement in water quality was the key reason for that. Hatcheries reduce genetic fitness in wild populations.

My noble friend Lord Shrewsbury and the noble Lord, Lord Vaux, in particular made an interesting point relating to afforestation; I thank both noble Lords for highlighting its impact. I know that the noble Lord, Lord Vaux, cares deeply about this matter, particularly in relation to Galloway, and has raised it with my noble friend Lord Gardiner. As he will know, forestry is known to influence the degree of acidification in soils and nearby water courses. Reductions in emissions of acidifying atmospheric pollutants have brought about improvements in water quality, but acidification has caused the loss or reduction of Atlantic salmon populations.

I realise that my time is running rather short. I will finish by thanking my noble friend Lord Shrewsbury for securing this important debate. Make no mistake, salmon stocks are in perilous danger. However, the Government believe that we have sound assessment and management procedures in place for UK stocks, although there is clearly more work to be done. The Government remain fully committed to salmon conservation, both nationally and internationally, and intend to remain an active member of NASCO, particularly after we exit the EU. As was said, we must all continue to work together nationally and internationally to tackle this great problem.

**The Earl of Caithness:** We have plenty of time left. As a recent convert to “Countryfile”, would my noble friend note that one of its producers is very keen on preventing any form of pest control? Would he encourage the Environment Agency not to listen to this producer?

**Viscount Younger of Leckie:** I thank my noble friend. I was not aware of that. I will go back and find out about it. I will take note but I will not promise necessarily to follow up on it. Salmon are a resilient species. They survived the Industrial Revolution and now we need to help them bounce back from their current decline.

*Committee adjourned at 7.23 pm.*





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