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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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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 18 June 2019

2.30 pm

*Prayers—read by the Lord Bishop of Southwark.*

## Folic Acid Question

2.36 pm

*Asked by Lord Rooker*

To ask Her Majesty's Government, further to the responses by Baroness Manzoor on 9 January (HL Deb, col 2212) and Baroness Vere of Norbiton on 19 March (HL Deb, col 1357), when they will commence the consultation on the mandatory fortification of flour with folic acid to help prevent foetal abnormalities, as announced on 22 October 2018.

**Baroness Barran (Con):** My Lords, I am pleased to confirm that, as announced by the Parliamentary Under-Secretary of State for Health on 13 June 2019, the UK-wide consultation is now live and will run for 12 weeks. I thank the noble Lord, Lord Rooker, for his continued support on this important issue.

**Lord Rooker (Lab):** My Lords, in the current circumstances Ministers are to be congratulated on keeping to the commitment on the consultation. I will raise two brief points, neither of which is covered in the consultation or the impact assessment. First, during that consultation, will Ministers consider having discussions with some of the 80 other Governments around the world who do fortification? The diets may be different but some of the successes have been quite spectacular. Secondly, will Ministers point up one of the benefits of reducing neural tube defect pregnancies via fortification, which is the massive reduction in terminations? Since advice was first given in 2007, at 80% terminations for pregnancies, there have been 10,000 terminations and 2,400 live births of babies with a lifelong disability. These figures could be halved with fortification, so it is worth talking them up.

**Baroness Barran:** The noble Lord makes two very practical and helpful suggestions, for which I thank him. We have already taken into consideration the experiences of other countries which have existing folic acid fortification policies in place and, yes, we will consider extending those discussions internationally—bearing in mind, as he mentioned, that diets and behaviours differ significantly between regions. We clearly want to get this right, so why would we not talk to other countries? Increasing folic acid intake is likely to have a significant benefit by reducing the number of terminations, miscarriages and neonatal deaths as a result of neural tube defects, with all the trauma associated with that. He mentioned an 80% reduction; the numbers that I have been given suggest a 70% reduction but we can agree that it is a very major one. We have seen in the US a reduction of around 25%, but in Chile it has been closer to 50%. I thank him for his suggestions.

**Baroness O'Cathain (Con):** My Lords, I cannot be alone in having followed and admired the efforts of the noble Lord, Lord Rooker, on this situation over what seems like many years. Can my noble friend the Minister explain why we are delaying with the consultation? It just seems so patently obvious that this is the right way to go. Why can we not at the same time tell the manufacturers to get on with it and include folic acid at once, so that the lives of hundreds of babies can be saved and likewise the heartache of new parents?

**Baroness Barran:** I understand my noble friend's impatience but, while the proposal to include folic acid in flour may appear simple and straightforward, the practical considerations are more complicated. We are obliged to consult on proposed changes of this nature to make sure that we understand the views of all stakeholders and the public before we can take an informed decision on the best way forward. I appreciate her frustrations at the delay, but I hope that she will agree that 12 weeks is a price worth paying for getting it right.

**Baroness Jolly (LD):** My Lords, I too am delighted that the consultation has finally been announced, and that many royal colleges have come straight out and welcomed the move. I join others in applauding the tireless work of the noble Lord, Lord Rooker, in this instance. What will the Minister's department do to inform the public that the consultation will take place, and what efforts will it make to reach hard-to-reach women and women's groups—Mumsnet and the WI are two that come to mind quickly?

**Baroness Barran:** The noble Baroness makes a helpful point. The consultation is available on GOV.UK, which I appreciate is not the most obvious place, but I say this in case noble Lords are interested in having a look at it. More seriously, the department is working closely with a number of charities and will have a big focus on social media in order to reach all the groups to which she referred. More broadly, as for industry stakeholders, the department is working with the Food and Drink Federation and the National Association of British and Irish Flour Millers.

**Baroness Bull (CB):** My Lords, notwithstanding the many positive impacts of fortification, concerns have been raised that increased levels of blood folate from fortification might impact the efficacy of anti-folate medication such as methotrexate, which works in chemotherapy by blocking the action of folic acid. In 2006 the SACN said that there was insufficient human data to say conclusively whether this is the case, and the 2017 SACN update makes no mention of anti-folates. Can the Minister reassure the House that there is now sufficient evidence to rule out conclusively any adverse impact of mandatory fortification on patients who are on methotrexate?

**Baroness Barran:** I may need to write to the noble Baroness about the specific medication. More broadly, she is right that the Scientific Advisory Committee on Nutrition has looked at these issues. Also, Food Standards Scotland has updated the guidance. They support the

[BARONESS BARRAN]

mandatory inclusion of folic acid as long as it is combined with a reduction in the level of supplements such as those that exist in breakfast cereals. In the consultation the data is set out about the percentage of people whose intake might be above a tolerable threshold, and it is extremely low—between 0.5% and 1%.

**Lord McColl of Dulwich (Con):** We must be sure that the right dose of folic acid is applied. The Americans did not put enough folate in; their dose was probably half what it should have been. Will the Minister ensure that the right dose is applied here?

**Baroness Barran:** Yes.

### Justice: Private Sector Question

2.44 pm

Asked by **Lord Wallace of Saltaire**

To ask Her Majesty's Government what plans they have to review the principles of government outsourcing to the private sector, particularly in regard to justice matters.

**The Advocate-General for Scotland (Lord Keen of Elie) (Con):** My Lords, the Ministry of Justice has supported the Cabinet Office-led review into outsourcing. In February 2019, the Government published three new documents: guidance on financial distress, a revised supplier code of conduct and *The Outsourcing Playbook*. The playbook applies to all outsourcing decisions, but with a focus on complex outsourcing.

**Lord Wallace of Saltaire (LD):** I am sure the Minister will agree that the underlying drive for privatisation of public services was public choice economics, which said that the concept of public interest and public service was not a strong motivating factor and that the profit motive was the only one. Behavioural economics has now accepted that there are other psychological motivations, including, in the words of economists themselves, “inequity aversion”, “fairness” and even “altruism”. Therefore, is it not correct that, in dealing with probation or rehabilitation in prisons—two obvious areas where outsourcing has got into trouble—factors other than the profit motive need to be given a great deal more importance, and that this undermines some of the principles of outsourcing?

**Lord Keen of Elie:** The noble Lord makes a perfectly valid point. The Government are extending the requirement of the social value Act in central government to ensure that all major procurements explicitly evaluate social value, where appropriate.

**Lord Mackenzie of Framwellgate (Non-Aff):** My Lords, does the noble and learned Lord agree that, in state activity that involves the detention of citizens, such as prisons, policing and some mental institutions, public service should trump private profit?

**Lord Keen of Elie:** My Lords, it is not simply a case of seeking to have profit trumped by public service. There are areas where it is entirely appropriate to involve the third sector in the provision of some of these services and those related to them. Examples include the work provided by the third sector in prison education and offender well-being programmes.

**Baroness Howe of Idlicote (CB):** My Lords, recent research by the *Guardian* shows that private prisons are disproportionately more violent than public ones, with almost 50% more assaults. Official figures show that private prisons are also more likely to be overcrowded. The third piece in this puzzle is staffing; understaffing, combined with overcrowding, often leads to more violence. Regrettably, the Government apparently will not reveal staffing levels in private prisons. Why? Does the Minister agree that we need an independent inquiry into why private prisons are more violent?

**Lord Keen of Elie:** My Lords, violence in the prison system is extremely regrettable and the Government have been working very hard to address the issues that underpin it, in publicly or privately funded prisons. We continue to monitor some of the worst performing prisons in this context, to ensure that we can achieve improvements in that area as quickly as possible.

**Lord Watts (Lab):** My Lords, is it not the case that the Civil Service and Ministers do not have the ability to let contracts in the public sector? What will the Government do to address this problem, which is causing billions of pounds of taxpayers' money to be wasted?

**Lord Keen of Elie:** The noble Lord raises a pertinent point. One of the objectives of the recent publications is to ensure that there is sufficient expertise to review and consider such contracts. Examples are: the need for pilots when the Government are outsourcing a service for the first time; the production of assessments of should-be costs; the need to produce resolution planning information lest a private contractor fail; the need to publish key performance indicators so that we have an objective means of determining the delivery of these services; and the requirement for the Civil Service and the Government to understand financial distress guidance when entering into these contracts. These are all being addressed in the light of the recent work done in the Cabinet Office.

**Lord Marks of Henley-on-Thames (LD):** My Lords, can the noble and learned Lord assure us that in future contracts, in view of the failures there have been, far more attention will be given to specifying requirements for service providers in terms of the numbers and professional qualifications of the personnel involved in delivering those services?

**Lord Keen of Elie:** My Lords, of course we will carefully review the ability of any proposed private contractor to deliver the services they are being contracted to provide. I shall not go into the minute detail of that examination but, as I say, it will include the need, first of all, to identify key performance indicators and ensure that they are adhered to.

**Baroness Smith of Basildon (Lab):** My Lords, when talking about privatisation, it is not just about the Prison Service; we also have to look at the probation service. The Question mentions “the principles of government”. Surely, a pragmatic, sensible approach is better than the expensive ideological approach taken by Chris Grayling to the probation service. May I ask the Government to look at what works rather than at what is in the Government’s best interest, which has clearly been dangerous to offenders and victims alike?

**Lord Keen of Elie:** We are concerned to secure the best interests of all those affected by the provision of services, whether public or private. Probation service delivery is driven not by ideology but by a recognition that often in these areas a mixed-economy approach works best, not just financially but more broadly in terms of the quality of delivery.

## Safety of Chemicals, Medicines and Vaccines *Question*

2.51 pm

*Asked by The Countess of Mar*

To ask Her Majesty’s Government what is their definition of “safe” in relation to chemicals, medicines and vaccines.

**Baroness Barran (Con):** No effective medicine or vaccine is entirely risk free. A medicine or vaccine will get a licence only if its benefits outweigh its risk of side-effects, taking into consideration the seriousness of the medical condition being treated or vaccinated against. Chemical safety is assessed using established approaches to toxicology and risk assessment. Every substance can be toxic, depending on dose, exposure route and frequency of exposure.

**The Countess of Mar (CB):** My Lords, does the noble Baroness agree that these products have to have a licence because they bear risks? Would it not be better, while recognising that it is in the interests of the health of the whole community that people are vaccinated, or that they take certain drugs or use certain chemicals, to acknowledge those risks and at the same time acknowledge that some people will be damaged? It is a question of “good for all the people all the time”, or “good for some of the people some of the time”, and it is not going to cover everybody. We need to protect people who may be damaged, particularly with vaccines when parents are altruistic enough to have their children vaccinated and they then become damaged.

**Baroness Barran:** I agree with the noble Countess that vaccines and medicines do bear a risk. The Government acknowledge that risk, both in the way they are regulated and the clinical advice that goes with them, and in the follow-up that we do after a product is launched. I absolutely echo and recognise the concerns that she raised about the concerns of some parents and their children. We continue to take every report of a suspected side-effect extremely seriously.

**Lord Winston (Lab):** My Lords, the use of the word “chemicals” seems a little curious. Is it not a fact that every Member of the Front Bench opposite is basically just a bunch of chemicals—and they may be regarded as being safe or unsafe? It seems to me that this is not a very sensible way of looking at things that are used for medicinal purposes.

**Baroness Barran:** I obviously cannot comment on the safety or otherwise of my colleagues on the Front Bench. We are of course “a bunch of chemicals”, as the noble Lord so elegantly put it. The serious point is that we have to find a proportionate way of regulating substances in everyday life which, when used sensibly and in line with regulation, do not present a risk to the vast majority of people.

**Lord Patel (CB):** My Lords, I am tempted to say that some of us are a less useful bunch of chemicals. Apart from that, the language you use, particularly in relation to vaccine safety, is very important. It is not true to say that vaccines cause damage; it is true to say that vaccines, on the whole, are very safe preventative medication.

**Baroness Barran:** I apologise to the House if I gave any impression other than that.

**A noble Lord:** You did.

**Baroness Barran:** That is why I am apologising to the House. Vaccines are overwhelmingly safe, but there is a tiny percentage of people who may suffer adverse effects and it is only right that we take that seriously.

**Baroness Walmsley (LD):** My Lords, what is the system of recording adverse events related to vaccines or medicines? Given the multiplicity of databases in the NHS, how robust is that system and when was it last reviewed?

**Baroness Barran:** The typical system is the yellow card system, which allows us to identify safety issues with vaccines. There are limitations to it: it is widely understood that there is a degree of underreporting, and we are trying to address that through innovation—particularly through the use of apps, which will make it more accessible for us all.

**Lord O’Shaughnessy (Con):** My Lords, the public can be reassured that the vast majority of medicines, vaccines and medical devices are safe, yet it is a tragic fact that on occasion they cause harm—for example, in the cases we discussed in this House of sodium valproate, transvaginal mesh and others. It was for that reason that the Government set up an independent review on safety chaired by my noble friend Lady Cumberlege. I believe it is due to report by the end of the year. It had the tremendous support of our current Prime Minister. Will my noble friend give her reassurance that she will make sure that a future Prime Minister will be just as supportive of the changes it suggests?

**Baroness Barran:** My noble friend overestimates my powers of persuasion, but I will certainly undertake to do my best. I am grateful to him for raising the Cumberlege review, which we look forward to very much. Although the review is about specific products, it has a much wider application in its focus on identifying problems quickly, listening to patients, acting on concerns and making sure that those people get help.

**Baroness Wheeler (Lab):** My Lords, on unsafe medicines, in the event of a no-deal Brexit and without other arrangements in place the UK will not be able to participate in the shared regulatory framework within the European Medicines Agency. Can the Minister update the House on how the discussions are going to ensure close co-operation and alignment with the EMA? What preparations are being made for an entirely separate, stand-alone regulatory system for the UK if we do leave?

**Baroness Barran:** As the noble Baroness knows very well, our medicines are currently regulated as part of the European Medicines Agency. As many of my colleagues on the Front Bench have often said, we are aiming for an orderly and smooth withdrawal from the European Union. Noble Lords will know that it is very clear in the political declaration that we are exploring further co-operation between the EU and the UK after exit. In the event of no deal, we believe that we have put in place the processes and procedures and have the highest regulatory expertise in this area to ensure continued safety for our citizens.

**Lord Young of Norwood Green (Lab):** My Lords, the challenge we face is that although MMR is probably the safest, most tested vaccine ever, in the light of the disgraceful linking of that vaccine with autism by Wakefield, which has been substantially discredited, in parts of this country vaccination falls below herd immunity. I am glad that the Minister apologised, because the challenge is to reassure people that the best thing they can do for their children and the community as a whole is to ensure that their children are vaccinated with MMR.

**Baroness Barran:** The noble Lord is quite right, and he will be aware that the department, clinicians and health professionals all around the country are working every day, if not day and night, to make that happen. There has been a slight decline in the level of uptake, but he is right to point out that in certain regions there is cause for concern, and we are absolutely focused on addressing that.

## **Gulf of Oman and Strait of Hormuz: Merchant Shipping**

*Question*

3 pm

*Asked by Lord West of Spithead*

To ask Her Majesty's Government what action they are taking to protect United Kingdom and other merchant shipping in the Gulf of Oman and Strait of Hormuz.

**The Minister of State, Ministry of Defence (Earl Howe) (Con):** My Lords, the UK works closely with the shipping industry through the maritime trade organisation and other regional partners to share information on the risks in the maritime environment. At this time, we are working through diplomatic channels to de-escalate tensions in the region that threaten the free flow of shipping and the wider international community.

**Lord West of Spithead (Lab):** I thank the noble Earl for his semi non-Answer. There is no doubt that protecting and defending one's people and ships always risks escalation, but that does not mean that one should not defend and protect one's people and ships. Is he absolutely sure that we have enough assets in place and that we are approaching this in the right way so that we do not have a recurrence of the disgraceful surrender of royal naval personnel in the northern Gulf in 2007 to a swarm of Republican Guard vessels, because the Iranians have form on breaking rules at sea and then lying about exactly what happened? We should be working with the Americans and other allies to look at taking convoys of ships through. Six have been damaged so far. When the next couple of incidents happen, if we have not done anything, we will be culpable.

**Earl Howe:** I entirely accept the noble Lord's point about ensuring proper and adequate force protection for our people and assets in the region. As he knows, the UK has a permanent presence in the Gulf in support of international maritime security operations. We conduct routine deployments to the region. Royal Navy vessels, including the frigate HMS "Montrose", four mine countermeasure vessels and the RFA "Cardigan Bay", are currently deployed to the Gulf region to assist international efforts to protect trade and shipping. But we are in no doubt that in seeking to de-escalate the situation, as I described, those assets need to be properly defended.

**Lord Howell of Guildford (Con):** Is my noble friend aware that 95% of the oil going through the Strait of Hormuz goes to Asian markets and eastwards, rather than to the West? Should we not be consulting closely with the Chinese and Japanese, who are the big consumers most affected by problems in the strait, before planning any further action?

**Earl Howe:** My noble friend is entirely right. As he may know, the UK is a member of the Combined Maritime Forces, which was created back in 2001 to help counter the threat from international terrorism. It has 33 member states from across the globe, with active support from the Gulf Cooperation Council. We routinely contribute personnel and assets to the CMF to conduct maritime security operations throughout the region.

**Baroness Smith of Newnham (LD):** My Lords, the noble Lord, Lord West of Spithead, mentioned the danger of escalation. Saudi Crown Prince Mohammed bin Salman has said:

"We do not want a war in the region ... But we won't hesitate to deal with any threat to our people, our sovereignty, our territorial integrity and our vital interests",

US Secretary of State Pompeo has said that the US, “is considering a full range of options”.

In the light of those comments, what are Her Majesty’s Government doing to de-escalate the situation in the Gulf, and are we working with our European partners to talk to Iran?

**Earl Howe:** Yes, my Lords. Our aim, as the noble Baroness says, is to de-escalate the situation and reduce tensions, and we are acting with our E3 partners, France and Germany, to that end. However, it would be foolish to claim that the dangers have now disappeared: they are still very real and we are alive to the possibility of further incidents.

**Lord Lamont of Lerwick (Con):** My Lords, I draw the House’s attention to my entry in the register of interests. I support part of what the noble Lord, Lord West, said. This is an extremely dangerous situation and I condemn what Iran has apparently done. Will my noble friend the Minister bear in mind that the country with the greatest stake in keeping the Strait of Hormuz free and the Gulf of Oman navigable is Iran itself? Although this does not justify it, it is therefore not surprising that, when America has decided that Iran should not be allowed to sell a single barrel of oil on the international market, Iran is less interested in keeping the Strait of Hormuz free. Will my noble friend therefore concentrate on a political, rather than a military, solution to this issue?

**Earl Howe:** My noble friend is entirely right in everything he has said. That is exactly why my right honourable friend the Foreign Secretary said in the other place that our efforts would be focused on a diplomatic solution. We are working actively to that end.

**Lord Tunncliffe (Lab):** My Lords, building on the theme of accidental escalation, following reports that the UK is sending additional marines to the Strait of Hormuz, can the Minister give us an overview of the rules of engagement for British forces in the area? If he is minded not to do so, can he at least assure us that specific rules of engagement have been issued and inform us which member of the Government approved them?

**Earl Howe:** I should correct the noble Lord on one point. Contrary to some media reports, we have not deployed any additional forces to the region as a result of the latest attacks. I completely understand why the noble Lord asked about rules of engagement, but I hope that he does not expect me to set out what those rules are. However, I can assure him that appropriate force protection measures are in place and are subject to regular review as the situation evolves.

**Lord Foulkes of Cumnock (Lab Co-op):** Can the Minister confirm that the Secret Intelligence Service, MI6, has been very helpful in this area and that we should be proud of all its work, whatever the *Daily Telegraph* may say about a potential Tory leadership candidate?

**Earl Howe:** The noble Lord will understand that I cannot comment on security matters, but I can tell him that investigations into the incident in the Strait of Hormuz are ongoing. Further information should be forthcoming in due course.

## Non-Domestic Rating (Public Lavatories) Bill [HL]

*First Reading*

3.07 pm

*A Bill to confer relief from non-domestic rates for hereditaments in England and Wales that consist wholly or mainly of public lavatories; and for connected purposes.*

**The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, as a matter of convenience for the House, I beg to move that the Bill be read a first time.

**The Lord Speaker (Lord Fowler):** My Lords, the Question is that this important Bill be now read a first time.

*The Bill was introduced by Lord Bourne of Aberystwyth, read a first time and ordered to be printed.*

## Syria: Idlib Attacks

*Statement*

3.08 pm

**The Minister of State, Department for International Development (Baroness Sugg) (Con):** My Lords, with the leave of the House I shall now repeat in the form of a Statement the Answer to an Urgent Question given in another place by my right honourable friend Andrew Murrison. The Statement is as follows:

“We are extremely concerned by the current escalation of violence in north-west Syria and appalled by the senseless attacks on civilians and civilian infrastructure, including hospitals and schools. The UN has confirmed that, since the end of April, at least 25 health facilities, including at least two major hospitals, and 37 schools have been damaged due to airstrikes and shelling in north-west Syria. These attacks are a clear breach of international law. We call in the strongest possible terms on the regime and Russia to cease these attacks and help end the suffering for those in Idlib.

The current escalation in violence is causing immense suffering to a civilian population that is already highly vulnerable. Even prior to this current escalation of violence, nearly 2 million people in the region have already been forced to leave their homes at least once, and nearly 3 million people are in need of humanitarian assistance.

I would like to take the opportunity to highlight the support we are providing to assist those in such dire need across north-west Syria. Last year alone, the UK provided over £80 million in humanitarian assistance in the region, including supporting the provision of food, shelter and other essential items for those caught up in the conflict. We are continuing that support this year too.

In response to the recent situation, DfID’s partners are scaling up their humanitarian response to meet the growing needs on the ground, including supporting health facilities. A further escalation of violence, triggering waves of displacement, would be likely to overwhelm an already stretched humanitarian response. So, once again, I call on all parties to cease violence in Idlib, to

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respect previously agreed ceasefires, and to bring an end to the needless and deplorable attacks on civilians, hospitals and schools in the region”.

3.10 pm

**Lord Collins of Highbury (Lab):** My Lords, I thank the noble Baroness for repeating the response to the Urgent Question in the other place. I agree that the NGOs and DfID’s partners are doing a terrific job under incredibly difficult circumstances. However, as she has said, there is clear evidence of breaches of international humanitarian law. What are the Government doing to ensure that this does not continue with impunity? What are we doing to support efforts not only in the peace talks, which are really important, but to ensure that proper evidence is gathered so that we can hold the people responsible fully to account?

**Baroness Sugg:** I join with the noble Lord in paying tribute to the people who are working on the ground in such a difficult situation, and he is quite right to say that it is important that we find out who is responsible and hold them to account. At the moment, we do not have clear evidence, but at least some of the attacks have obviously been organised by people with access to sophisticated weapons, including a modern air force, and we are investing in the investigation into that through organisations such as the International Impartial and Independent Mechanism in order to gather that evidence and hold these people to account.

**Baroness Northover (LD):** My Lords, I would also like to thank the noble Baroness for repeating the Answer and to pay tribute to DfID and those working in the area. Can she tell us why the UN seems to be refusing to name those who have bombed the hospitals? Can she also say what plans there are to cope with people who may indeed be displaced once more and who now have absolutely nowhere to go, especially as the Turkish border is closed?

**Baroness Sugg:** As I have said, we are still gathering evidence in order to understand exactly who is dropping these bombs. As OCHA recently said in its update to the UN, the people who have dropped the bombs are the ones who know. It is very important that we support the independent investigation, and we will continue to do so. On the terrible humanitarian crisis which is ongoing for people who have already been displaced at least once, we are at the forefront of the response and we are providing life-saving support to the millions of Syrians who are suffering even more now that the hospitals and medical centres where they are going for help have been targeted. I would also say that the level of targeting of hospitals and schools is off the scale. While we cannot say at the moment that we understand that these facilities are being deliberately targeted, that is absolutely what we are investigating.

**Lord Hylton (CB):** My Lords, I welcome what the noble Baroness has just said about upholding ceasefires. First, will Her Majesty’s Government be rather more active than they have been in the past to ensure that all parties adhere to their written agreements? Secondly, is the noble Baroness aware that members of al-Nusra,

which is the leading militant group in Idlib province, has frequently used hospitals and schools as cover for their operations? Is this not disgraceful, and should it not be far more widely known?

**Baroness Sugg:** My Lords, I agree with the noble Lord about ensuring that we use our position on the international stage to its greatest effect. We continue to do that at the UN Security Council by advocating for the protection of all civilians, aid workers and indeed journalists in Syria. We were instrumental in convening two emergency UN sessions on Idlib held on 10 and 17 May, and another one is taking place today where we hope to see further action. We must continue to press all sides to return to the ceasefire agreement which was made in September 2018 in Sochi. I also agree with the noble Lord that if people are using hospitals and schools in this way, that is entirely unacceptable. However, we should also remember the complete unacceptability of bombing these civilian infrastructures which provide such protection to people in Syria.

**Baroness Berridge (Con):** My Lords, most sadly it has become apparent that a small number of British children are in this region, having been taken out there by their parents. The scant information we have is that we think they are in the north-eastern part of Syria. Can my noble friend please assure us that DfID is doing its best to locate these British children so that they can be kept out of harm’s way while we try to solve what is perhaps a legal lacuna as to what is in their best interests and whether to bring them home?

**Baroness Sugg:** My noble friend raises an important point. Sadly, due to the conditions in Syria, getting accurate information about what has happened to British children there is extremely difficult. We continue to attempt to build and improve on the information we have. We have no people on the ground ourselves, but we are working closely with our international partners to try to improve that information and to understand how many British children are in Syria.

**Baroness Hussein-Ece (LD):** My Lords, there are 1 million children in Idlib province currently under threat of being bombed. I saw a terrible video this morning of two little boys screaming to the White Helmets, “Please help my little brother”, who was buried. The film showed a little boy of about four being dug out from under the rubble. I do not know his religion or faith; I do not care. The point is that this aerial bombardment can be done only by Assad forces and Russian forces—al-Nusra and others do not have aeroplanes—so we know who is doing it. Human Rights Watch has commented. Why are we not coming out and condemning this? Why is the United Nations not condemning Assad’s regime and the Russians for what they are doing? Also, do the Government have concerns now about the risk of escalation given the report yesterday, I think it was, of a Turkish military post just over the border being hit? What is the comment on that?

**Baroness Sugg:** My Lords, I spoke earlier about the importance of using our position at the UN to make progress on this. As I said, there is a meeting today,

and we very much hope to see some progress on that. It is important that we work closely with our international partners on this, move as one and gather the evidence. The important thing is to ensure we see a de-escalation in the violence there, but we need to be realistic about what leverage we actually have.

On Turkey and the reports that the noble Baroness mentions, we are of course closely monitoring the situation in north-east Syria. We are concerned about the humanitarian impact of any possible Turkish military action on both the civilian population and, indeed, humanitarian actors. We have made our concerns clear to Turkey on that and remain in close contact with our partners to ensure we have contingency planning in place to protect locally based humanitarian aid workers and civilians and to ensure that all their needs are met if we see any military action.

**Baroness Uddin (Non-Afl):** My Lords, I add my gratitude to all the NGOs working in these very difficult circumstances—especially Islamic Relief, an organisation that has been there right from the outset of the emerging conflicts. It is doing amazingly outstanding work.

Is the Minister aware that the civilian casualties extend to the huge number of women incarcerated in Syrian prisons? To the best of my knowledge, there were 13,000; there are now at least 8,000. An organisation called Conscience Movement has looked into this and reports that a massive number of women have been raped, tortured and widowed—many of their partners have been killed—so what are our Government doing to ensure that some international representation is made to bring attention to this terrific, ongoing impact on particularly vulnerable women?

**Baroness Sugg:** I join the noble Baroness in praising the work of Islamic Relief. We were delighted recently to aid-match the funding for its Ramadan appeal. It does incredible work, both in Syria and around the world.

I had not seen the figures on women in prisons. Of course, violence against women and girls is abhorrent wherever we see it. One of the important things is to ensure that, when we face humanitarian crises, our response takes that into account from the outset. I recently attended a conference in Oslo to ensure that humanitarian aid properly takes into account how we can help women from the very outset of a crisis.

**Lord Empey (UUP):** My Lords, is it not entirely incredible that after years of this type of attack, where the pattern is exactly the same in each province of Syria, and considering that within a matter of hours of the bombing of the ships in the Gulf intelligence services were telling us who was responsible, how can we possibly not know, specifically and precisely, whether it is the Russians or the Syrians who are bombing—29 medical facilities in Idlib alone? I ask my noble friend to take that back to her right honourable colleague in the other place for clarification because it is just incredible.

**Baroness Sugg:** I entirely agree with the noble Lord. It is of course important that we have an independent investigation and that is what we are investing in. It is

also important that we, as part of the international community, act together on this. As I said, there is an additional meeting of the UN Security Council today to discuss this point and I very much hope to see progress on understanding exactly who is responsible for this action and on holding them to account.

## British Citizens' Rights

### Statement

3.20 pm

**The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con):** My Lords, with the leave of the House, I will now repeat a Statement made in the other place earlier today by my honourable friend, the Parliamentary Under-Secretary of State for Exiting the European Union.

“Mr Speaker, may I start by paying tribute to my honourable friend, the Member for South Leicestershire? It is testament to his passionate defence of the rights of EU citizens and UK nationals that the amendment he brought before this House passed unanimously—a rare feat, and I congratulate him on the work that he has done on this.

Additionally, I thank him for organising our recent meeting with representatives from British in Europe and the 3million to discuss their proposal to seek a joint UK-EU commitment to adopt Part 2 of the withdrawal agreement in any scenario. The Secretary of State was very grateful for the opportunity to hear their views and the views of my honourable friend on this matter. As he will be aware, we have written to the EU's chief negotiator, Michel Barnier, to report their views, and in particular to make clear their views and those of the House, that in a no-deal scenario adopting the citizens' rights agreement is far superior to 28 unilateral solutions. I have also had representations from the devolved nations of the UK indicating their support for this approach. Mike Russell, the Scottish Government's lead Minister on EU exit, wrote to the Secretary of State recently to set out the Scottish Government's support for adopting the citizens' rights agreement.

This Government have been steadfast in our commitment to protect the rights of EU citizens—they are our friends, our colleagues and our neighbours, and we want them to stay. We are already implementing our no-deal offer to EU citizens in the UK, and the EU settlement scheme opened successfully on 30 March. Over 750,000 EU citizens have now applied. The Secretary of State wrote to the EU to seek its views on adopting the citizens' rights part of the withdrawal agreement in any scenario and Michel Barnier responded on 25 March.

Last night, the Secretary of State issued a response to Michel Barnier, reporting recent conversations with my honourable friend for South Leicestershire, the 3million and British in Europe and asked that officials continue to work together to explore how we best protect the rights of citizens in all scenarios.

In the response the Secretary of State reaffirmed that adopting the citizens' rights part of the agreement as the UK-EU solution will offer the greatest protection for UK nationals in the EU and EU citizens in the UK. This is due to the importance of rights, such as the agreed social security co-ordination provisions, which cover areas such as reciprocal healthcare and

[LORD CALLANAN]

the accumulation of pension contributions. These require a reciprocal arrangement in order to provide the best level of operation. The Secretary of State wrote to my honourable friend this morning enclosing a copy of this letter and it has been deposited in the House Library this morning and published on GOV.UK.

Finally, I would like to reaffirm that citizens' rights have been a priority throughout the negotiations and it is an area that both the Government and this House take extremely seriously. As such, the best way to guarantee those rights, both for UK nationals in the EU and EU citizens in the UK, is for this House to approve a deal".

My Lords, that concludes the Statement.

3.24 pm

**Baroness Hayter of Kentish Town (Lab):** My Lords, we welcome the Minister repeating that Statement, but I find it extraordinary that it took until last night for the Government to reply to Michel Barnier's letter of 25 March. It is a real shame that they failed to implement this House's view that we should have moved first, not last, on citizens' rights. Now the Government have taken us to the brink of the very worst outcome for citizens, a no-deal exit that would leave UK nationals in the EU with no automatic right to live, own property, work, educate their children, use their driving licence or be covered by health and social insurance. Will the Minister undertake to ensure that there is no chance that we will leave the EU until and unless 1 million British people—by far the biggest national group affected by Brexit—have their legal and economic status protected wherever they live in the EU 27?

**Lord Callanan:** My Lords, on timing, as Members of the House know, European elections were held between 23 and 26 May, and government activity needed to respect the *puddah* period imposed in respect of them. We are working hard to engage with other EU member states about how citizens' rights will be protected in all scenarios. There were additional aspects that we wanted to include in the withdrawal agreement, which the EU would not allow, such as reciprocal voting rights, so we are pursuing that bilaterally with other EU member states. We have concluded three such agreements to date.

**Baroness Ludford (LD):** My Lords, I too thank the Minister for repeating the Answer. He said that in a no-deal scenario, adopting citizens' rights is far superior to 28 unilateral solutions. In reality, a no-deal scenario is in itself unacceptable as it will bring chaos and uncertainty, and it is outrageous that most of the Tory leadership candidates are championing it in what Rory Stewart rightly calls a "competition of machismo". The choice should be between a withdrawal agreement and what is actually superior, which is to remain. A lot of the stress and hardship for EU citizens here and British citizens in the 27 is due to the Tory party's obsession with keeping no deal on the table.

It is not too late for the Government to do what they should have done three years ago, as many noble Lords opposite recognised, and issue an unconditional

guarantee of the rights of EU citizens here. Will they now, even at this late stage, do that and stop making bargaining chips of people's lives? Regarding British citizens in the 27, will they at least commit to paying for their healthcare until reciprocal healthcare arrangements are reached? To refuse to do so would be a shocking stab in the back for our fellow countrymen.

**Lord Callanan:** We are committed to respecting the rights of EU citizens. The noble Baroness will know that it was one of our priorities in the negotiations. It was the first issue to be concluded. If the EU matched our level of ambition in many areas, there would have been no more problems. We are continuing to pursue this issue. We have already issued, effectively, a unilateral guarantee. We will guarantee citizens' rights in a no-deal scenario. The rights we have offered EU citizens are, in most cases, far superior to the rights that have been offered by other EU member states to UK citizens.

**Lord Cormack (Con):** My Lords, it is three years since some of us urged the Government to take the moral high ground on this one. While I entirely approve of all that my noble friend has said in expressing his sentiments, Parliament is treading water at the moment. Nothing is happening. This House rose at something like 5.30 pm yesterday, and it is expected to rise at 6.30 pm today. We have ample time to get a Bill through both Houses that will guarantee these rights unilaterally and put our European friends and colleagues on their back legs, if you like, so they can respond. Let us do the right thing, and let us do it now. I put it to my noble friend that we will lose nothing, but we will gain very much.

**Lord Callanan:** I thank my noble friend for his support, but we have already started to implement, effectively, our no-deal guarantee. We have already opened the settled status scheme for applications and, as I mentioned in the Statement, something like 750,000 EU citizens have already applied through it and applications are continuing to be processed as we go. We have guaranteed rights to citizens of EU member states in the event of no deal. We are conducting a series of exercises to get out, in co-ordination with national embassies, to explain to EU citizens what those rights are and how we will protect them. I think we have a good record on this.

**Lord Boyce (CB):** My Lords, will the Minister say what efforts have been made, if any, to communicate with UK citizens in Europe, or are they expected to track GOV.UK? He mentions how EU citizens in the UK are being communicated with regarding their applications. What is going on as far as UK citizens in Europe are concerned?

**Lord Callanan:** The noble and gallant Lord raises a good point. We have met with the representative groups; most Ministers, myself included, try to schedule meetings with citizens' groups when we go to EU member states, and our national embassies are of course in constant contact with the representatives of those citizens.

**Lord Bridges of Headley (Con):** My Lords, I am broadening the subject out somewhat: here we are with several months to go before we may leave the

EU without a deal; it strikes me as quite extraordinary that this House is having to ask such basic questions about this topic. There is also a range of other issues about the preparedness of the Government and business for no deal to which we do not have clear and simple answers. Is it not high time the Government published a full and comprehensive analysis of this country's preparedness for no deal, so that we can have this debate while in full possession of the facts?

**Lord Callanan:** I agree with my noble friend. We have published a whole series of technical notices—over 100—about how businesses can prepare for no deal. Government preparations are continuing and, as I have said many times at this Dispatch Box, although no deal is not something that we want or desire, we recognise that it is a possible outcome.

**Lord Dykes (CB):** My Lords, will the Government explain carefully why the views of millions of British citizens in other EU countries have less weight and value than those of 140,000 mostly rather elderly members of the Conservative Party who are trying to keep us in the Brexit mould?

**Lord Callanan:** The noble Lord is confusing two issues: the leadership election in the Conservative Party is a different event from the rights guaranteed for citizens. We are communicating, as I said, with UK citizens abroad—over 1 million of them—and we are endeavouring to ensure that other EU member states provide them with the same guarantees that we have provided to the 3 million EU citizens in the UK.

**Baroness Smith of Newnham (LD):** My Lords, the Minister suggested that there has been a lot of preparation for no deal, yet in answer to questions a few weeks ago the noble Baroness, Lady Vere, suggested that no-deal arrangements for the ferries and other issues ahead of 29 March had been put in place for that date, and that those arrangements were no longer in place. How much of the work done for a no-deal scenario ahead of March is still in place, and how much will need to be replicated ahead of 31 October?

**Lord Callanan:** A lot of the preparation that was done is still in place. Some immediate urgent actions were put in place in preparation for a possible leaving date in March; these of course were no longer required so the individual communications hubs were stood down, but we remain in full readiness for the next potential leaving date which is 31 October.

**Lord Foulkes of Cumnock (Lab Co-op):** My Lords, I think the Minister misunderstood the question from the noble Lord, Lord Bridges. He did not ask about the warnings and notices to go out to individual organisations but for a comprehensive account of all the preparations, in every area, undertaken by the Government in the event of no deal. What is to prevent the Government producing such a comprehensive account and us debating it?

**Lord Callanan:** I answered my noble friend in full. We have produced these technical notices to businesses and have engaged in extensive discussions, in this House and in the other place, including appearing before Select Committees—many of our officials have

appeared in front of committees as well—to update Parliament as far as we are able on the preparations that we are undertaking.

**Lord Hamilton of Epsom (Con):** My Lords, going back to the fate of the million or so British citizens living in the EU, are we not undermining our negotiating position by unilaterally giving guarantees to EU citizens living in this country? Do we not lose our leverage?

**Lord Callanan:** No, I do not agree with my noble friend on this. I thought it was right and proper that we provided the guarantees to EU citizens. As I said, I think we have taken the right approach. The rights that we have offered to over 3 million EU citizens in this country are considerably greater than those offered by EU member states to the UK citizens in their countries.

## Census (Return Particulars and Removal of Penalties) Bill [HL]

### Report

3.34 pm

### Clause 1: Amendment of the Census Act 1920

#### Amendment 1

#### Moved by Lord Judge

1: Clause 1, page 1, line 8, at end insert—

( ) The front page of the Census Form must state, “Completing the census is compulsory and you are liable to be fined if you fail to do so. There are three questions marked “This question is voluntary” and you do not commit any offence if you do not answer any of these questions.”

( ) Within the Census Form each of the questions relating to religion, sexual orientation and gender identity must be headed “VOLUNTARY: This question is voluntary”.

**Lord Judge (CB):** My Lords, I see many people are leaving. This is not riveting stuff so I do not recommend that your Lordships all stay.

In Committee in June I moved an amendment to the Bill that is rather difficult to follow unless you have the original 1920 Act before you, and I shall not bother the House with it. In summary, it required that there be an express provision in the Bill that if you elected not to answer questions to do with sexual orientation or gender, you would suffer no penalty. My amendment wanted to make it express that that would be no offence. We had a very interesting argument, to which I listened. I was told that the Commons had rejected such an amendment when it was considering the same provision in relation to religion in 2000, and that it would certainly complicate proceedings if the problem were dealt with in one way in relation to religion but differently in relation to sexual orientation and so on. I understood. Actually, there should have been a Bill covering the whole proceedings.

Then I was told that it might put us in England and Wales out of step with Scotland, then I understood that it worked perfectly well and then I was told that I was wrong as a matter of law. I did not agree that I was wrong as a matter of law, but the Minister had rather a powerful weapon up his sleeve: he asked me in

[LORD JUDGE]

a conversation after the Committee had concluded its discussions whether I would have a word with the noble and learned Lord, Lord Mackay. Everyone in this House knows that the noble and learned Lord is the oracle. When the noble Lord, Lord Young, suggested I speak to him, I thought, “Well, that’s the oracle”. What the noble Lord did not know, and there is no reason he should, is that the noble and learned Lord is also the Lord Chancellor who appointed me as a judge, so this was a real double whammy.

So of course I spoke to the noble and learned Lord, Lord Mackay. We had a conversation and we did not agree. I saw the force of what he was saying and he understood the point I was making, but our discussion revealed that we are doing a bit of a Don Quixote and tilting at windmills. Who will read the Census (Return Particulars and Removal of Penalties) Bill? No one. The form will simply arrive in your letterbox. What seemed to me—and, if I may say so, to him and, when we spoke to the Minister, to the Minister—to matter was that the form should be clear and unequivocal so that the individual citizen reading it should understand what it meant.

That is the purpose of this amendment: to forget, if I may say so, about esoteric points of law and concentrate on the practicalities. The amendment I have now tabled would deal with the front page of the census form so that it stated in terms that you would not commit any offence if you did not answer any of the questions. Within the census form itself, there would be a headline saying “Voluntary” and an explanation that the question was voluntary. I respectfully suggest that this would be a practical way of dealing with a rather refined legal problem, and I beg to move.

**Baroness Hayter of Kentish Town (Lab):** My Lords, I want to speak at this point because I want to leave another question with the Minister and give him time to respond.

I thank the noble and learned Lord, Lord Judge, for his amendment and his explanation. I remain puzzled by the Government’s view on this, because I have now had the chance to consider their letter of 31 May. It seems to say to the noble and learned Lord, Lord Judge, “Yes, you’re probably right, but as we didn’t do it properly in 2000, it might prejudice that, so we should remain consistently with a less-than-perfect form of words”.

There are two aspects to this, as I think the noble and learned Lord, Lord Judge, said. One is the legal aspect and whether it is absolutely clear in law that “no penalty” means “not criminal”; I will leave the two noble and learned Lords to adjudicate on that. The other aspect, which was just touched on, is whether it will be clear enough to all respondents that, unlike the rest of the form, they do not need to answer these questions. We non-lawyers want absolute clarity on this second point, to ensure that no one should feel compelled to answer these questions, nor to expect to have to answer on behalf of those for whom they are completing the form. They should not even be nudged to ask someone for the answer to these questions. We would want to see some real guarantees on that not to support these amendments.

I turn now to another matter regarding voluntary and compulsory questions: military service. I take this opportunity to thank the Minister for his letter of 10 June, a copy of which he has placed in the Library, in response to my concern that, for whatever reason, somebody may not want to disclose their history of service in the Armed Forces to other members of the household. I am probably not alone in wondering about this. Indeed, only 88% of veterans and their families thought this question was “publicly acceptable”, which is interesting. One-fifth had doubts about whether it was publicly acceptable, which I think is significant. In Northern Ireland, the question was found only “generally acceptable” and the Minister’s letter says that, “some veterans may be unwilling to disclose this information”.

The Northern Ireland Statistics and Research Agency thought:

“This could be mitigated by providing assurances about privacy and through additional guidance”,

although it said it would look carefully at the 2019 census rehearsal before making a final recommendation for the 2021 census.

Obviously, members of households can request their own individual census form if there is information they do not want to disclose to the person completing the census on behalf of the household. However, by opting out of the household, one might be looked at slightly askance and it could raise questions as to why one is doing that. This is as true for the gender and sexual orientation questions as for the military service one I have in mind. I do not wish to pursue this separate issue now, but I ask the Minister, who I hope will be able to reassure us that, in all the guidance and testing, the sensitivities about military service, as well as those related to the areas that are the subject of this Bill, will be borne in mind.

**Lord Mackay of Clashfern (Con):** My Lords, it is plain in the fundamental Act that you can be punished by a fine only if you fail to answer a question which you are required to answer, or if you give false information in answering such a question. Therefore, if the question is not compulsory, there can be no penalty.

I do not want to discuss further the fine detail of the legal side of this. I leave it on the basis that the noble and learned Lord, Lord Judge, and I agree that what the people getting the form need to know is that the questions addressed by the Bill are voluntary. We want people to understand that, and know that there can therefore be no penalty, or anything else in the way of harm, if they do not answer them. That is the principal point and a matter the Government can undertake in the light of the Office for National Statistics having a point in this—it has to be satisfied with the poll.

3.45 pm

The other thing is that the statute does not come into effect as a new census until there is an Order in Council, which last time was signed by no less a person than our distinguished friend the Leader of the Opposition when she was a Minister. We are very sad that she had to be absent recently due to acute personal problems, but we are delighted that she is back again and in time to pay a most distinguished tribute to our

late friend Lady Hollis of Heigham. That is simply to emphasise the point that an Order in Council is required and, at that time, the census form is available in draft. Therefore, we shall have a chance to make sure the draft is in accordance with what the noble and learned Lord, Lord Judge, just said, with which I entirely agree.

We have had a lot of forms over the years and some are clearer than others. For example, I had some difficulty with the driver's licence form over whether I had changed my name, which is an interesting question. Forms are not all equally plain. We are determined that the census form should be plain on this point: when a question is optional, it really is optional. That should be made very plain to the people who get the form.

To come to the second point the noble Baroness raised, one has to remember that, in all of this, there is no question of prosecution without the authority of the prosecuting authorities. Therefore, there is room for discretion in any particular case. I can see that sensitivities in the area the noble Baroness referred to might well be a considerable reason for difficulty. Therefore, the answer to that, so far as I am aware of any possible answer, is that if there was a real problem of that kind relating to a particular case, I would not expect the authorities to take any action in pursuance of punishment or anything of that sort.

**Baroness O'Neill of Bengarve (CB):** My Lords, my noble and learned friend's amendment goes a long way to protect the public from some of the ambiguities of these questions. If the question is optional and one does not need to answer it, one does not have to resolve the ambiguities, which are considerable on both halves. That is to say, it is not clear to me that every member of the public will understand what is covered by the term "sexual orientation". I ask myself: is chastity a sexual orientation? Is paedophilia? I could name some nastier things, but that will do.

Equally, the term "gender identity" is not entirely clear for members of the public: do we mean what someone is or what they think they are? Public discussions of notions of identity have shifted a lot in the past 30 years. It seems unfortunate to put into a census form a highly disputed sociological term of art without clarifying what is meant by it. I therefore think it is a splendid thing to make both questions voluntary. I hope many people, such as myself, will be a bit hesitant about answering them.

**Baroness Barker (LD):** My Lords, I beg to differ with the noble and learned Lord, Lord Judge: I think these are riveting matters. This debate has shown exactly why that is so, because they are not easy. I am very glad that he has in effect gone back to what some of us said right at the beginning of Second Reading: that the importance is not what is in the Bill but what is on the form that results from this piece of legislation. That is what we have been driving at, not only in the debates in your Lordships' House, but also in the discussions we have had with civil servants from different parts of government and with people within the community, over a number of very interesting and informative sessions.

I say to the noble and learned Lord, Lord Mackay, regarding his problems with the DVLA, welcome to the world of some of the minority groups in this country, who are faced with forms that they wish to answer truthfully but find doing so extremely difficult. It is always a joy to listen to the noble Baroness, Lady O'Neill. I wish she could have been present for some of the discussions that we had with the community groups, the ONS and the civil servants, who are in the middle of extensive testing, not just of the understanding of people who are in these groups and who are familiar with these terms, but with people who are not.

This is something which by its nature evolves over time, and the language within it changes over time; I guess that every 10 years there is something new. We should not be critical of that, but simply do our job in Parliament, which is to oversee those changes and make them as good as we possibly can. I have said this before and think it is worth saying again: the taking of a census is an important moment in our civic life. I know there are those who wish to dispense with it, who make an argument that we can get much of the information in other ways. I understand that to an extent, but nevertheless this is one time when the Government engage with all citizens and ask them questions about themselves. I understand that it is flawed—I suspect that it always will be—but the noble and learned Lord, Lord Judge, has got us to the point we said we wanted to be at, where we will get the most data in the easiest and most efficient way from the greatest number of people. If we send the Bill to the Commons in this state, we will have done a good job.

**Lord Brown of Eaton-under-Heywood (CB):** My Lords, I came here this afternoon intending to support my noble and learned friend Lord Judge. However, something said by the noble and learned Lord, Lord Mackay of Clashfern—who also had the sagacity to promote me—has given me a slight worry. I was going to support my noble and learned friend Lord Judge on the basis that clarity is all important, but I now wonder whether his amendments are sufficiently clear.

It is made plain you do not have to answer the question, but what if you answer it untruthfully? I confess that I have not sufficiently explored the overall legislative context in which this happens, but the noble and learned Lord, Lord Mackay, says that it is made plain elsewhere that not only do you not have to answer a question but also, if it is one of those questions that you do not have to answer, whatever answer you give, however misleading or absurd, will not expose you to prosecution. However, the formulation in Amendment 1, and equally in Amendment 2, begs rather than answers the question: if you choose to answer, must it be a truthful answer? That itself could give rise to a difficulty which may not exist absent these amendments.

**Lord Young of Cookham (Con):** My Lords, I thank the noble and learned Lord, Lord Judge, for tabling his amendments, and thank all those who have taken part in this debate. I agree with the noble Baroness, Lady Barker, that the census is an important civic event; we should all discharge our responsibilities and complete it. I will try and deal with the various issues that have been raised during the debate.

[LORD YOUNG OF COOKHAM]

We had a useful and informed debate on this in Committee, when the noble and learned Lord did not press his amendments which sought to clarify whether removing the penalty also removed the offence. He did that after an offer to have further discussions before Report to see if there was a way through. I am very grateful to him, and to my noble and learned friend Lord Mackay of Clashfern, who I saw having a discussion outside the Bishops' Bar last week; I realised that if I joined it I would not understand a word that was exchanged, but I noticed that a cloud of white smoke emerged. They subsequently agreed to come to a meeting with Ministers and officials last week, where I hope we found a way through which satisfied all concerned. I hope that this afternoon we can validate this great meeting of minds.

In Committee, the noble and learned Lord, Lord Judge, raised an important issue on ensuring that there is no ambiguity as to the voluntary nature of certain census questions in the minds of those who will answer them. By removing the penalty attached to a failure to answer, the clear parliamentary intention is to remove the criminal offence. I agree with him that from the point of view of the respondent—the most important person—this must be clear. So far as the guidance on the front of the form is concerned, we have no issue with his proposal. I can confirm that the Office for National Statistics is committed to the inclusion of wording on the front page of the census for England and Wales, as proposed in the amendment. This will make it clear that the census is compulsory, that some questions are voluntary and that not answering these voluntary questions is not an offence. I hope this commitment will meet the shared objective of the noble and learned Lord and others, and of the Government, on ensuring clarity for the public.

I also confirm that the voluntary questions in the form will be clearly marked as “voluntary”, as the amendments would require. This has been the case for the voluntary question on religion since its introduction in the 2001 census for England and Wales, and it has been effective. In each of the last two censuses, 4 million people in England and Wales—over 7% of the population—have chosen not to answer the religion question. This suggests that the public clearly understand this question to be voluntary.

To best fulfil the intent of the noble and learned Lord's amendments, the wording on the form should be tested with the public to ensure that the messaging is as clear as possible, ahead of finalising the census questions. Stating the precise wording in the Bill would mean that it could not be amended in the light of that testing. The ONS is committed to carrying out this testing, following which the census forms for England and Wales will be put before Parliament and the Welsh Assembly, respectively, in census regulations. While the regulations are not amendable the ONS will engage with interested parties, including noble Lords, as it finalises the form and guidance.

The census is a devolved matter. Decisions on the questions, questionnaire and guidance to be issued in the 2021 censuses in Scotland and Northern Ireland are for the relevant authorities in those Administrations,

through a similar secondary legislation process. I hope your Lordships agree that it would be inappropriate to make a decision for Northern Ireland, although we will of course make that Administration aware of the changes we propose for England and Wales through the ONS.

The secondary legislation for the 2021 census in England and Wales will begin to be brought forward later this year. As my noble and learned friend Lord Mackay said, an Order in Council will set out the detail of the questions to be asked in the England and Wales census. That order is in part subject to the unusual amendable affirmative procedure before both Houses. It will be laid in the autumn and the regulations, to which I have already referred, will follow in 2020.

I will try to deal with some of the questions raised during the debate. The noble and learned Lord, Lord Brown, asked about the questions being voluntary and whether the penalty for a false response should be removed. The answer is no: Parliament rejected an amendment to this effect in 2000 and it was right to do so. Not wishing to provide a response and wilfully providing a false response are different issues. Removing the penalty for providing a false response would pose a risk to the quality of census data in a way that allowing people not to provide an answer does not.

The noble Baroness, Lady Hayter, asked about military service—as she said, I wrote to her on it. The Armed Forces question is there to help public services serve those who have served their country and is underpinned by the Armed Forces covenant. No one in the household will know whether an individual fills in their own return; it will overwrite the household return. She was concerned about a lodger who might not wish to disclose their previous service to their landlord or landlady. The landlord would fill in the form for the household, but the lodger could apply for their own census form and fill it in without the knowledge of the householder. That would override the household return. No alternative data source fully meets the data that we need.

I think that I have answered all the questions that were asked. I recognise the concerns expressed by the noble Baroness, Lady O'Neill, and remind all noble Lords that we are happy to do a drop-in session to explore these points in more detail. Finally, I repeat my gratitude to the noble and learned Lord for his help in this matter and express the hope that, as a result of the commitments that I have given, he will not press his amendments.

**Lord Judge:** My Lords, I am grateful to everyone who has spoken today. I shall not put down an amendment to an amendment but, when we come to look at this matter again, we could add “or if you give any false answer” after “if you fail to do so”. That should not be a problem. There is time for reflection on these matters. The Order in Council has to be drafted; we can all have an opportunity to look again. In the meantime, I am grateful to the Minister for the assurances that he has given. In those circumstances, I beg leave to withdraw the amendment.

*Amendment 1 withdrawn.*

**Clause 2: Amendment of the Census Act (Northern Ireland) 1969**

*Amendment 2 not moved.*

**Children's Homes etc. Inspection Fees, Childcare Fees, Adoption and Children Act Register (Amendment) Regulations 2019**

*Motion to Regret*

4.02 pm

*Moved by Lord Russell of Liverpool*

That this House regrets that the Children's Homes etc. Inspection Fees, Childcare Fees, Adoption and Children Act Register (Amendment) Regulations 2019, in revoking the duty on adoption agencies to provide information to the Secretary of State about children approved for adoption and approved prospective adopters who have not been matched, and in allowing the adoption register for England to lapse from 31 March, have failed (1) to put forward satisfactory evidence to justify these decisions, (2) to offer a timetable for and clarity about a replacement for the register, and (3) to explain how Her Majesty's Government intend to mitigate the risk of reduced provision for children who may be harder to place (SI 2019/835).

*Relevant documents: 49th and 50th Reports from the Secondary Legislation Scrutiny Committee*

**Lord Russell of Liverpool (CB):** My Lords, I declare my interest as a governor of Coram, which has been looking after the interests of children since it was established as the Foundling Hospital in 1739. I also place on the record the fact that Coram ran the Adoption Register for England on behalf of the Department for Education for the last three years of its existence. I am also an officer of the All-Party Parliamentary Group on Adoption and Fostering.

I wish to make it crystal clear, however, that I am not speaking on behalf of Coram; I am expressing my own personal concerns. Above all, I am speaking on behalf of a small group of children, a group often described as the hardest to place, who have been waiting to be matched with adoptive parents for 90 days or more—often a great deal longer than 90 days. These are often children with special needs, children with disabilities and sibling groups.

I also wish to make it crystal clear that I do not put forward this regret Motion to try to castigate and embarrass the Government. On the contrary, as I said on the record in this Chamber on 14 May, in the debate on adoption initiated by the noble Lord, Lord Triesman, Governments of all political hues must be congratulated on a succession of initiatives which have significantly improved the standards of operation across the adoption sector and the chances of giving children new lives with loving families. It is fortunate that the Minister was at the Dispatch Box during that debate.

Under the Adoption Agencies Regulations 2005, adoption agencies were given a duty to register this category of children unmatched after 90 days. During the last year of its operation, over 80% of the children referred to the register were in this category and it

succeeded in making 275 matches. Despite it being a statutory requirement for this group of children to be registered, it is an open secret and accepted fact of life within the sector that not all of them have been. We simply do not know, and have never known, exactly how many children there are in this category.

Exactly five weeks ago today, it was brought to my attention that the Minister for Children and Families would be giving evidence to the Secondary Legislation Scrutiny Committee about his decision to stop the operation of the national register. I went to listen to the proceedings and was interested and encouraged by the obvious concerns felt by members of the committee. I was equally interested, if occasionally slightly baffled, by some of the explanations given by the Minister. The chairman of the committee, the noble Lord, Lord Trefgarne, spotted me lurking in the back of the committee room and kindly asked me if I had any questions for the Minister. I asked specifically about the potential impact of the loss of the register on the group of harder-to-place children, and was left at the end of the session with a nagging concern that the Department for Education seemed broadly satisfied and relatively unworried that there might be any negative impact, without having undertaken any really detailed analysis. This is not helped by the fact that we do not know, and have never known, exactly how large this group of children is, who and where they are and how long they have been waiting to be matched.

The Minister stated that he felt confident that, in particular, the excellent database and matching service provided by the market leader—a social enterprise called Link Maker, created by adopters five years ago—was already taking care of the needs of this group of harder-to-place children. Link Maker uses up-to-date technology which is particularly user-friendly for social workers and potential adopters. It is far fleetier of foot and more focused on customer experience than the somewhat clunky and technically less well-resourced national register. As of today, every English local adoption agency is happy to pay an annual fee of £5,000 to access Link Maker, which also provides the online platform for the Scottish and Welsh adoption registers. I have spoken at length with the chief executive of Link Maker, Mr Andy Leary-May, whom I thank for his help. He shares my concern, and that of Coram, about some children falling through the net. He wrote to me as follows: “The evidence suggests that, where a child's agency has the resource and the will to proactively seek matches for harder-to-place children, the right tools are in place. However, we know that not all children in this cohort were referred to the register and it is fair to assume that not all are added to Link Maker. There is no mechanism currently in place to enable scrutiny of this, yet such a mechanism is perfectly feasible”. I will return to this theme later.

During his evidence, the Minister said that he agrees with the observations and recommendations of the report into foster care conducted by Sir Martin Narey and Mark Owers together with the House of Commons Education Select Committee. He said:

“The work we do for the most vulnerable children in our care is far too siloed; fostering sits in one place and adoption somewhere else. We need to bring together our thinking and that is what the future will look like”.

[LORD RUSSELL OF LIVERPOOL]

He went on to describe his ambition to take all the databases sitting in local government, voluntary adoption agencies and fostering agencies and bring them into a single pipeline, so that everybody is looking at the same data, whether in fostering or in adoption. He did not make it clear whether this new capability would be designed to meet the requirement, stated by the chief executive of Link Maker, that all children up for adoption should be clearly and accurately identified. I think it would be fair to say that the Minister's inability to say in his evidence exactly where this ambitious technology project is today, how long it may take to come to fruition and be in full operation and how much it will cost, did not appear to impress some members of the committee. None of the members, I suspect, are here, because the committee is in session as I speak.

When doing the homework in preparation for today's debate, those with far more knowledge than me have suggested that the vision of joining adoption and fostering at the hip may be partially impracticable. What Sir Martin Narey and Mark Owers actually said in their report was that adoption and fostering should be seen as a continuum. As I understand it, their recommendation is that fostering, which has specific characteristics very different from adoption, should follow the lead of the many improvements in the adoption sector and find the best way to emulate adoption's success. One person summed this up forensically by saying that specialism is not the same as a silo. The department needs to have another long, hard look at some of the assumptions that appear to be the foundations of the Minister's vision of the future.

I return to the issue of the potential impact on this group of harder-to-place children. I was somewhat perplexed to read on page 6 of the Explanatory Memorandum to the statutory instrument, under the heading "Impact":

"There is no significant impact on business, charities or voluntary bodies. There is no, or no significant, impact on the public sector".

There is no mention or analysis whatever of the potential impact on children. How can one claim to be totally child-centred in one's approach while simultaneously failing to analyse rigorously what effects one's actions will have on the child?

It is timely that only yesterday afternoon, several of us met with the Children's Commissioner for England to be briefed on her forthcoming report on vulnerable children. I want to highlight two of her four key recommendations. The first is that a focus on children should be the starting point of any initiative. The second is that our aim should be children having happy lives and good prospects. I think most of us would find it difficult to disagree with these eminently sensible recommendations. However, I feel that the Government's approach to the abolition of the national register, in appearing not to have clearly thought through the analysis of its detailed impact—let alone what, when and how some of its duties and activities will be continued—is not in the best interests of that subgroup of harder-to-place children. Some of these children are invisible or not present within the existing registration system.

Coram estimates that some 925 children in this subgroup are waiting to be matched today. The National Deaf Children's Society is extremely concerned that the particular needs of disabled children up for adoption are best met by looking for matches at a regional or, preferably, national level, rather than at a local level. Given the concerns stated by many that the children will potentially be put at a disadvantage by a system that, today, does not necessarily identify and register them all, and that this state of affairs looks set to continue for an uncertain period of time, to be replaced by a registration system that has not yet been clearly defined, I put it to Her Majesty's Government that this is a genuine cause of concern and for regret, which is why I have put forward my Motion.

The suggestion put forward by many, which I share, is that the Government should move expeditiously to create and manage one centralised national list of children and adopters, clearly identifying each individual in real time, and then allow the market to develop, without charge, applications that access this data and provide social workers and adopters with different ways of searching for and identifying potential matches. Many believe that an initiative such as this would also help to accelerate the creation and operation of the new regional adoption agencies. The chief executive of Adoption UK, Sue Armstrong Brown, states that a key constraint is how to develop new adopters: "There are examples of councils that turn away would be adopters because they do not fit the immediate needs of children coming on the local list. This might be because of a family's ethnicity or an unwillingness to consider sibling groups when these features might match children elsewhere in the country".

4.15 pm

I urge the Government to consider prioritising the creation of such a national register. It will remove the cloak of invisibility from some of those children who have not been registered at all, highlight those who have been waiting for a match for anything from three months to several years, create a much richer and more diverse pool of potential adopters and, most important of all, maximise the chances of a child, in the words of the Children's Commissioner, having a happy life and good prospects.

In the adoption debate on 14 May, the Minister, in response to my question about his own experience with vulnerable children when running an academy chain, said:

"One of the things that I did was to insist that we identified all looked-after children in the trust ... 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".—[*Official Report*, 14/5/19; col. 1546.]

Opportunity knocks. I look forward to hearing the views of noble Lords on these issues and the Minister's response. I beg to move.

**The Earl of Listowel (CB):** My Lords, I express my thanks to my noble friend for making this important debate possible. When the Minister responds, I would be very grateful if he could be as explicit as possible in assuring the House that no vulnerable child will have been disadvantaged by the change in policy that my noble friend has enunciated.

We and successive Governments have been very concerned about black, Asian and minority-ethnic children, sibling groups and children with special education needs being left behind in the adoption process. To successive Governments' credit, much progress has been made. Obviously, we are all very concerned that this change in policy is not a step backwards.

My noble friend has talked about the imperative to think about the needs of our children and the importance of their future happiness, but we must also as a society think about the cost to society of failing to intervene early and effectively. I visited a residential school for children with severe trauma on Friday. They told me that it can cost a local authority £1 million to place a child in a residential setting. It is costing local authorities huge amounts of money to intervene very late in troubled children's lives. I pay tribute to what the Government have been doing, but I would really appreciate it if the Minister could make it absolutely clear that there is no disadvantage to the vulnerable children successive Governments have been trying to serve in this change in policy. I look forward to his response.

**Lord Storey (LD):** My Lords, my father and his brother were adopted into a loving family, and it changed his and his brother's lives for good, so in a sense I have a vested interest in this important debate. I welcome the opportunity to speak in support of the Motion to Regret and thank the noble Lord, Lord Russell, for moving it.

I am deeply troubled that the Government's behaviour has made such a debate necessary. I remember that, during the coalition Government, the then Prime Minister David Cameron rightly spoke of the importance of adoption and the need to ensure that children are matched with the right family and that the process is not dragged into bureaucracy of our making.

I paid careful attention to what the Government said in the Explanatory Memorandum about the revocation of the regulations referring to the adoption register, but there is no explanation, merely a statement of what the regulations state, ending with the following sentence:

"These revocations are necessary as the Secretary of State will not be operating or maintaining an Adoption Register from 1 April 2019".

That is the sum total of the Government's justification for simply allowing the adoption register to lapse. They have abandoned—or let lapse—plan A without any plan B.

In the letter to the scrutiny committee, the Children's Minister says:

"I would like to reassure the Committee that this decision was made following careful scrutiny of all the evidence and I am confident that it will not have a negative impact on children and adopters".

However, there is no information about what "all the evidence" comprised, nor details of the "careful scrutiny" that the Government claim to have undertaken. It is difficult to challenge the Government's decision, as the Explanatory Memorandum offers no explanation. The Government cannot claim that there will be no "negative impact"—nor, indeed, any other impact—as they have not undertaken an impact assessment of any sort. The adoption register has disappeared without trace and without any transition arrangements being

put in place. Worse than that, there is no suggestion as to what the Government intend to do to replace the register.

Later in his letter, the Minister admits:

"It is my understanding that the charity Coram, the former contractor for the Adoption Register, also intends to set up a matching service. They have communicated that to all local authorities, but I do not know when this service is expected to launch ... I do not know how many local authorities choose to subscribe to additional services ... I am unable to say what the distribution of local authorities across that range is, except to say that around £5,000 is the average. The amount paid is a matter between individual local authorities and Link Maker".

The Minister goes on to justify the decision by saying:

"The Adoption Register ceased operating on 31 March 2019, and, since then, I have not received feedback from any adoption agency to suggest they are struggling without it".

I hope that the Government do not think that the lack of feedback within just seven weeks is evidence that there is no problem.

Some people may think that the regulations are just tidying up some unnecessary bureaucracy or getting rid of another length of red tape, but they would be wrong. It is always easier to talk in the abstract, but this is a shameful—perhaps dreadful—example of the Government pulling out of or back from doing something positive. The Government are washing their hands of hundreds of the most vulnerable children.

According to Coram—it ran the adoption register, as we heard—the hard evidence is that 277 of the most difficult-to-place children were found families in the single year up to 31 March 2019. Although I say "most difficult", the difficulties are not of the children's own making but their often complex needs mean that they need adoptive parents with the skill, determination and commitment to provide them with a proper home.

The alternative for many of these children is life in an institution of one sort or another—a life that could be transformed by finding the one set of parents in England that could meet their need for a family life, as happened for my father. In her letter to the scrutiny committee, the chief executive of Coram stated:

"The Adoption Register was the only registered, child-focused pro-active independent service helping agencies to find adoptive homes for children when all other approaches have been tried. It was a vital extra chance for those who wait the longest - those with additional needs, developmental uncertainty, BAME or in sibling groups".

In its excellent briefing, Coram said:

"Without the Register, agencies may pay to use an alternative product, with the total cost to the sector likely to exceed the value of the Register contract".

The commercial alternative, depending on the size of the local authorities and the looked-after children population, is typically between £5,000 and £10,000 per local authority. We are all well aware of the dire situation of children's services and the difficulty in them finding even this relatively small sum. To cover its annual costs, the register needed to help to find adoptive families for just two children who would otherwise have remained in care for the rest of their childhood—a target that has been achieved every year since it was created.

[LORD STOREY]

For some children, the adoption register was their last chance. For every child not adopted because the Government have abandoned the register, and for every adoptive parent not matched with an adopted son or daughter, the impact is incalculable. This Government should be ashamed of allowing the register just to disappear.

**Lord Watson of Invergowrie (Lab):** My Lords, due to the announcement in Part 4 to close the national adoption register for England, these regulations are subject to a regret Motion in the name of the noble Lord, Lord Russell of Liverpool, on which I congratulate him. I should also say that we do not believe that the negative procedure is appropriate in this case. It should be used for routine matters; by no stretch of the imagination is the sudden closure of the national adoption register—with no proper replacement identified, far less in place—a routine matter. As the noble Lord, Lord Storey, said, the Explanatory Memorandum provides no rationale for it.

When a local authority considers placing a child for adoption, it looks for a match with a suitable family, which is often found locally. For some children, it needs to look further afield to families “recruited” by another adoption agency. To facilitate this process, the national adoption register was introduced in 2002. The database included details of children who had been approved for adoption but were waiting to be matched, approved prospective adopters and prescribed information about children for whom the adoption agency was considering adoption. It was used by social workers and approved prospective adopters to seek matches until it was closed down in March this year under these regulations.

Like the Secondary Legislation Scrutiny Committee, we find too many unanswered questions associated with the closure of the register. The committee drew the regulations to the special attention of the House on the grounds that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument’s policy objective and intended implementation. It also expressed concern that there was no public consultation on the closure.

Such was its concern that it held an oral evidence session with the Parliamentary Under-Secretary of State for Children and Families. The committee remains dissatisfied with Mr Zahawi’s responses to its probing about the potential implications of the Department for Education ceasing provision of the register before a replacement system is ready, particularly regarding the impact on hard-to-place children. At that session, the Minister stated repeatedly that his aim was to end what he called the “silo mentality”, saying that he wanted to bring fostering and adoption into one place. That is a worthy aim, but, unfortunately, he offered no suggestion as to how that might be achieved and said nothing at all about when or even if a new type of national register would be established involving children available either for adoption or fostering or both. How the needs of children would be separated if such a register were ever to be established was not left hanging because it was not even mentioned.

4.30 pm

However, the Minister did say on numerous occasions, as did the DfE official who also gave evidence to the committee, that no gap would be left by the closure of the register. This was based on what seems to be the rather blithe belief that Link Maker, the commercial provider used by most local authorities, would simply pick up where Adoption Match, the name given to the service provided by Coram in operating the register, left off. The problem is that by far the largest part of the work carried out by Adoption Match was picking up the children that Link Maker and other smaller commercial agencies had been unable to place, as mentioned by the noble Lord, Lord Russell of Liverpool. This is the key issue because the national register was used primarily to deal with children that the commercial adoption agencies found almost impossible to place, particularly at the local level. It was focused on those who wait the longest: those with additional needs, special educational needs, developmental issues, from a black, Asian or other minority ethnic background, or sibling groups. What confidence can the Minister offer that Link Maker, which had hitherto been unable to match many such hard-to-place children and were content to allow Adoption Match to meet those needs, has refocused its efforts and is now able to achieve what it could not previously achieve?

In their evidence, the Minister, Mr Zahawi, and his official seemed to be relying on a wing and a prayer, yet sounded confident that Link Maker would pick up the slack in the system. Can the Minister explain why he believes that Link Maker can continue to do what it has been doing in terms of the service it had been providing but can now somehow find it within its resources to add to that the most difficult part of adoption matching—that is, finding families for this group of particularly challenging adoptees? This is the fundamental and essential question that the Government need to answer because they have not yet done so, and I really do not want to hear the Minister say, “Yes, we are completely confident that Link Maker can now achieve what it could not achieve previously”. Rather, I want to hear the Minister explain why his colleague Mr Zahawi and DfE officials believe that that will happen.

The voice of the child needs to be heard. Were they able to do so, the most vulnerable children would be saying, “What about us, Minister?” As the noble Lord, Lord Russell of Liverpool, pointed out, they might well ask the same question in relation to the impact of this change.

In case the Minister feels that I am making rather too much of this issue—although agencies with difficult-to-place children may not—I pray in aid the correspondence provided by Link Maker to the Secondary Legislation Scrutiny Committee, which appears as Appendix 2 in the committee’s 49th report and as Appendix 3 in its 50th report dated 5 June. Not once in either submission by the organisation’s chief executive is there any mention of difficult-to-place children or of the fact that, with the closure of the register, the demands placed on Link Maker will increase as a result of assuming responsibility for those children

previously placed via Adoption Match. If the Minister is not concerned by that omission, I suggest that he should be.

I want to make it clear that I am not questioning the quality of the service provided by Link Maker in the five years that it has been in existence. What I am questioning is its ability to absorb additional responsibilities without additional resources. Coram's Adoption Match centre in Leeds employed 11 people, all of whom have now been made redundant. How many additional staff has Link Maker taken on to enable it to perform the functions carried out by Adoption Match? If Mr Zahawi's aim of a joined-up operation is to come to anything, who will establish a fostering register—a point made forcefully by the noble Lord, Lord Russell of Liverpool? Further, who will pay for its operation?

There are so many unanswered questions, which is precisely why the Government should not have jumped the gun by closing the national adoption register. It should have been maintained until such time as a replacement service was in place, having been properly tested and properly funded. Can the Minister explain why that did not happen and why it was necessary for precipitate action to be taken to close the register? The need for urgent action is not at all apparent. The register enabled matches that otherwise probably would not have happened, and neither the Minister nor his department have been able to offer convincing evidence that the commercial providers will be capable of placing children in those categories that they proved unable to place in the past.

It was at least comforting to read that Mr Zahawi said to the Secondary Legislation Scrutiny Committee:

"I am not doing this to save money".

For the Minister's sake, that is just as well, because it will have the opposite effect—although he appears oblivious to the fact. In its final year of operation, the national adoption register made 275 matches across England. There is well-founded concern that, in its absence, more than 200 children annually could end up remaining in care rather than being adopted, with local authorities as a result spending an estimated additional £7 million a year supporting those children. The register was operated by the children's charity Coram at an annual cost of £600,000.

Vulnerable children need access to all the chances for a better future, and the national adoption register service was the last chance for some. The part of these regulations that closed the national adoption register for England was ill thought out and will not help agencies find adoptive homes for children in care when all other avenues have been tried. The Government could not convince the scrutiny committee that they had acted responsibly in closing the register. The House deserves the opportunity to decide whether it agrees with that verdict.

**The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con):** My Lords, I am grateful to the noble Lord, Lord Russell, for tabling this Motion. I understand that he has a strong interest in this area, so I appreciate his desire to have this debate.

Every child deserves a loving and stable home. For the majority of children, that is with their birth family. For others, it may be with extended family, foster carers or adoptive parents. Indeed, thousands of adoptive families have had their lives transformed by adoption, which can give vulnerable children the opportunity of a caring and stable home. I am proud of the work this Government have done, and continue to do, to support adoption.

The time it takes for a child to be adopted has fallen. Since 2012 the average time between a child entering care and being placed with a family has reduced by seven months to 14 months. This is encouraging, but of course more can be done. We are creating a network of regional adoption agencies across the country to help ensure that children are placed without delay and that high-quality adoption support is available nationwide. There are 80 local authorities in 18 live regional adoption agencies, which are reporting the benefits of working together. We expect all local authorities to be in a regional adoption agency by 2020.

Since launching it in 2015, we have provided almost £120 million through the Adoption Support Fund, helping adopted and special guardianship children and families adjust to their new lives. By March 2020 the total investment will reach almost £150 million.

These regulations do a number of things. However, I appreciate that the primary concerns of the noble Lord, Lord Russell, relate to revoking the duty to refer children and adopters to the adoption register. As we have heard, the register was an online database that sought to match children and adopters who had not been matched locally. In August 2018 the Government announced their decision not to re-procure. The contract for its running ended on 31 March this year. As a result, we wish to revoke the duty to refer children and adopters. Not revoking this duty would cause an unnecessary burden on adoption agencies to fulfil a redundant duty to refer to a register that is no longer in operation. I reassure noble Lords that these regulations do not seek to do more than this. All other legislation relating to the adoption register remains.

The noble Lord, Lord Russell, raised the issue of exchange days. The register contract part-funded exchange days and activity days. It is my understanding, from information provided by Coram, that it intended to continue them. These tend to be on a commercial basis, funded by local authorities. Central government funded them as part of a discovery phase to ensure that they worked—and in many cases they do.

The Government have considered these changes to the adoption register for some time, gathering evidence on its use. In late 2017 we completed specific research on the adoption register. To answer the specific question from the noble Lord, Lord Watson, about how we reached this decision, the research found that although the register had been useful in matching children with adopters over its period of operation, practitioners did not favour it, instead wanting to be provided with up-to-date, accessible information. A clear theme arising from the research was the difficulty of using the register and views on its effectiveness. Over recent years the vast majority of adoption agencies—93%—have chosen

[LORD AGNEW OF OULTON]

to pay for subscriptions to alternative services, despite the adoption register being free. I understand that all local authorities now subscribe to an alternative.

Feedback from adoption agencies suggests that often the adoption register was used only because the agency was under a legal duty to do so. Before the register closed, we understand that the majority of children and adopters appeared on alternative matching services. In March 2019, the main commercial provider had active profiles for more than 1,500 approved adopters, while the register had around 400 active profiles.

The noble Lord, Lord Russell, was concerned about a lack of compliance with the duty to refer. He is correct that, although there was a statutory duty on adoption agencies to refer children and adopters to the register, this did not always happen. I appreciate the concerns that the Government did not do enough to fix this. I assure noble Lords that we did take measures to address it: we regularly discussed the matter with Coram, the contractor, monitoring data or referrals and then speaking to the agencies when Coram had identified a recurring issue. My colleague, the Parliamentary Under-Secretary of State for Children and Families, also wrote to all local authorities to remind them of their obligation. It should be remembered that around 70% of adoption matches are not made using matching systems; they are made locally. The adoption register contributed around 7.4% of matches in 2017-18, with other services contributing the remainder.

**Lord Watson of Invergowrie:** That is exactly the point: some 257 matches were made in 2018-19, and hard-to-place cases are the ones that we are concerned about. The Minister has not so far mentioned hard-to-place children. I hope that he will come on to that.

**Lord Agnew of Oulton:** I assure the noble Lord that I will specifically address the issue of harder-to-place children in a moment.

Since we announced the closure back in August 2018, the Government have not received any feedback to suggest that local authorities and adoption agencies are having difficulties matching children. In fact, the Association of Directors of Children's Services said that,

"local authorities continue to take responsibility for our children who need adoption and the adopters we approve, and have never relied on one system alone in the matching process",

and ahead of the closure, the sector leaders spoke out about their support for the decision.

On harder-to-place children, the noble Lords, Lord Russell and Lord Watson, sought reassurance that such children would not be more vulnerable or drop out of the system because of the loss of the register. The adoption register was never intended to be solely for harder-to-place children. Rather, it was to provide an alternative source of potential adopters for all children. To some extent, all children who are not placed locally, so needing a matching service, could be regarded as harder to place. But "harder to place" is generally understood to mean sibling groups, ethnic minorities, children over five years-old and children with a disability. One of the commercial alternatives

contains a high number of hard-to-place children. I understand that its recent child cohort included 50% in a sibling group, 12% aged over five, 27% who did not identify as white British and 15% who had multiple health or emotional needs. I hope that that also addresses the point made by the noble Lord, Lord Storey.

In a recent survey by Link Maker, the alternative provider that was discussed, 67% of respondents said there had been no change to their ability to find matches for harder-to-place children, 14% suggested that it was now harder and 17% suggested that things had improved. Indeed one of the comments said,

"by far the most matches for the harder to place children, siblings groups etc, came via Link Maker rather than through the Adoption Register".

The noble Lord, Lord Russell, and the noble Earl, Lord Listowel, asked how many children were likely to miss out on placements. That is the most crucial question in this debate. I would like to reassure noble Lords that children are not being left behind following this decision. There is no gap in provision; children are and will continue to be matched with loving families. The Government will of course continue to monitor this and robust action will be taken if this changes.

The noble Lord, Lord Watson, asked about a lack of proactive searching. I understand that there is concern that the alternative provider offers only a system, whereas the register provided an additional service. As the noble Lord said, the register employed 10 regional business partners to search for links. In 2018-19, it found 120 matches. During the same period, the main commercial alternative found 967 matches. If a child has been waiting for a long period, the main commercial provider system will proactively contact the social worker to provide assistance.

Alongside the register, agencies have used a range of other services and also use the exchange and activity days that I have already mentioned, including commissioning them for their areas. It is important to acknowledge the important work of Coram in this area. I recognise the important work that the noble Lord, Lord Russell, does with Coram and the support he provides to it.

Naturally, I understand concerns when we talk about commercial providers, but I assure noble Lords that we are not talking about large organisations making a profit at the expense of children and adopters. The main commercial provider, Link Maker, is a social enterprise run by a group of adopters. It monitors the progress of children added to the system, and if a child has been on the system for an extended period, an email is sent suggesting ways of finding matches. I understand that another service is being launched and will be run by Coram, which, as I said, is respected for its work.

For the main commercial provider, subscriptions by local authorities are paid on an annual basis, not per child. There is no reason—in particular, no financial reason—why a commercial service would ignore harder-to-place children. Local authorities have a duty to safeguard and promote the welfare of a child they are looking after, and I trust that they will continue to fulfil this duty.

The noble Lord, Lord Storey, asked about the cost of Link Maker. I appreciate the concern about the cost of commercial alternatives. As the Parliamentary

Under-Secretary of State said to the committee, on average it costs a local authority about £5,000 a year for the subscription. I appreciate the concern when considering that the adoption register was a free service, but it is important to state that the majority of adoption agencies—around 93—were already paying for a subscription.

The noble Lord, Lord Russell, asked about our future plans. The Motion refers to work we are undertaking on the feasibility of a future digital infrastructure to support this area. This brings us to the point made by the noble Lord, Lord Russell, about the Select Committee and Sir Martin Narey. Both reports suggested that the Government's work for the most vulnerable children in our care is too siloed. The reviews found that considering the component parts of the care system, for example fostering and adoption, in isolation,

“creates an unhelpful divide in the way we approach a child's experience in the system and his or her routes to permanence”.

In response to this, we are trying to improve support across the sectors with better information and better systems. Agencies hold and share a lot of data and need to ensure that it is managed appropriately. We are exploring the feasibility of introducing a system that can bring it together to support better communication and present it in one place in a user-friendly way. We agree that this makes sound sense and we are actively considering the implementation of a single list.

Reflecting the findings of these recent reviews, we want to work with the sector to think through the best digital infrastructure to support adoption and fostering. My colleague, the Parliamentary Under-Secretary of State, will write to colleagues to provide more detail on this work following the spending review.

Beyond the adoption register, I shall also say a few words about what else these regulations cover. They make changes to inspection fees for social care providers and childcare providers. They introduce a 10% increase to the fees payable to Ofsted by some social care providers to move closer to full cost recovery. This increase has been made annually since 2010. As well as this, Ofsted charges an annual registration fee to childcare providers on the early years register. This statutory instrument maintains the current registration fee of £50 for a specific group of providers that operate for only a limited number of hours each day, reducing the potential burden on childcare providers of a fee increase.

The noble Lord, Lord Watson, referred to the procedure used for these changes to the regulations. I understand that there has been some concern. We are advised that the negative procedure was correct for this type of change, and it is the procedure set out in the primary legislation. We spoke to the sector extensively, and it was comfortable with the adoption register coming to an end. We wanted to revoke an unnecessary duty; indeed, we were asked to do so by the sector. There was therefore a feeling that this was routine and that we were attempting to tidy up regulations so as not to leave a redundant duty. I reassure noble Lords that there was no attempt to hide this or slip it through under the radar.

I welcome noble Lords' interest in these regulations. I want to provide reassurance that the Government have spoken to the sector extensively regarding changes

to the adoption register and that that dialogue continues. Feedback shows that users of the register are comfortable with the decision to end its operation. We have not received any feedback to suggest that agencies are struggling without it. I accept the comment of the noble Lord, Lord Storey, that it is early days; however, had it been crucial to the operation of local authorities, within three months we would have heard something from them.

I hope that I have been able to provide more context to these changes and to reassure noble Lords of the focused and necessary attention of these regulations. On that basis, I ask the noble Lord, Lord Russell, to withdraw his Motion.

**Lord Russell of Liverpool:** My Lords, I thank everybody who has taken part in this brief discussion and thank the Minister for his response. I felt on occasions slightly as though I were sitting in an echo chamber and going round and round in circles. I appreciate that the ministerial response is written for him, but I still have genuine concerns about the fact that Her Majesty's Government do not know, and have never known, the exact number of children—particularly harder-to-place children—who are waiting to be matched. We have never had a definitive figure; that is an abrogation of our duty. We have a duty to know who those children are, where they are, what sort of condition they are in, and to be able to track what is being done to help them find a match to transform their lives—for example, keeping sibling groups together, or helping a deaf or blind child to find a loving family who will understand how to respond to and look after their needs.

Despite the briefings that various organisations have provided, I decided to do my homework and have spoken directly to some of the people who provided the briefings, asking some awkward questions of what is behind the fine words. The answer is that, while much in the adoption sector is going well and has definitely improved over the last two decades—I take my hat off to various Governments for achieving that—we still do not know how many of these vulnerable children there are or exactly what is going on. I do not find that satisfactory.

I will not myself push this to a vote. If any other noble Lords wish to do so, that is up to them. I make it clear that, should it be put to a vote, I will abstain. My view is that this is a matter divorced from party politics; we have quite enough of that going on at the moment, including as we speak, with—to plagiarise Oscar Wilde—various members of the unspeakable classes in pursuit of the unachievable. But that is another matter. So I am not going to push this, but I hope that the Minister and his officials will read what I have said carefully; I hope that they will speak to various people in the sector to find out what is really going on, ask awkward questions rather than just listen to the answers one might hope to hear, and do everything possible to identify those vulnerable children. On that basis, I beg leave to withdraw my Motion.

*Some Lords objected to the request for leave to withdraw the Motion, so it was not granted.*

4.53 pm

*Division on Lord Russell's Motion*

*Contents 217; Not-Contents 132.*

*Motion agreed.*

### Division No. 1

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In 2012, the Cadet Expansion Programme—the project to bring more CCF units to schools, especially in the state sector—was announced by Prime Minister David Cameron. It was given an extra boost by new funding arrangements in 2015, shortly after I last addressed your Lordships on cadet matters. A target of 500 new school cadet units by 2020 was set and Libor money was released to fund them.

How has that programme been doing? I must confess that I had some doubts about the likely efficiency of the scheme, involving as it did more than one government department. However, I must pay sincere tribute to officials from both the Department for Education and the Ministry of Defence for what can be described only as a real success so far. Recent statistics suggest that the 500-unit target will be reached next year, as there are currently some 460 schools with CCF units and a further 60 actively in the preparation stages. Currently, there are some 43,000 cadets in schools. All this deserves praise.

Starting a new cadet unit in a school that has no tradition of contact with the Armed Forces is a difficult task. Continuing it until it becomes a successful, integral and recognised part of the school's offer to its young people is a formidable mission. The early support and enthusiasm of head teachers is vital, for they must be willing to encourage teaching staff to take part as adult volunteers. I was very pleased to read earlier this year that Ofsted is to build into its assessment of schools a category for character-building activities, such as cadets. I hope that Ofsted inspections will go further, to pay even closer attention to the presence of CCF units and give those schools that have good ones much credit. This will assist the culture change needed to get to the next stage for the cadet expansion scheme.

There is no doubt that for a school cadet unit to be successful, the majority of officers and instructors must also be established teachers in the school. This requires a flexibility of resources, and of timetabling, which is not easy in these times of many other calls on school funding. The MoD currently funds a school staff instructor for one paid day each week, but most fledgling cadets units need at least two paid days to be able to flourish. I hope that a tiny fraction of the £27 billion boost for education funding alleged to be pledged by the Prime Minister this month will be available for this extremely worthwhile provision. In the meantime, the admirable Army cadet training teams fill the gaps, but often have to do so at the expense of more mature units, which also need their regular attention.

What do CCFs bring to schools? The University of Northampton's 2018 report confirmed what most of us have believed for a long time: young people participating in cadet training develop skills such as leadership, communication, confidence, self-discipline and teamwork. There were clear indications in the Northampton research that the cadet experience has a positive impact on GCSE attainment, school attendance and behaviour. This in turn can lead to an increased uptake in worthwhile vocational training and apprenticeships, and a greater likelihood of employment. Teachers, too, felt that work within the cadet corps enabled them to build pleasing contacts with pupils that benefited both parties back in the classroom.

## Schools: Cadet Expansion Programme

### *Question for Short Debate*

5.07 pm

*Asked by Lord Lingfield*

To ask Her Majesty's Government what assessment they have made of the Cadet Expansion Programme in schools; and what steps they are taking to encourage the growth of cadet units of all three services.

**Lord Lingfield (Con):** My Lords, I am so grateful to noble Lords who have given up their time to take part in this debate. I remind your Lordships that I am chairman of the charity CVQO—the Cadet Vocational Qualification Organisation.

During the last few weeks, some 2,000 cadets took part in the D-day commemoration events in France. This was an inspiring experience and gave an opportunity to reflect on the fact that many young men who fought and died had themselves been cadets not long before. Indeed, during that war cadets could join the Home Guard at the age of 16 and learn, among other skills, those of dealing with explosives—not part of today's cadet programme.

Cadets had, of course, been part of national life for many years by 1944. Indeed, their roots were in the Rifle Volunteer battalions for home defence, within which some schools formed units in the 1860s. By World War II there were some 180 school cadet units attached to territorial regiments, and during the early 1940s Royal Navy and RAF sections were added in many schools. These all became the Combined Cadet Force in 1948.

[LORD LINGFIELD]

The Cadet Vocational Qualification Organisation, which I am proud to chair, last year added particular value to cadet training in CCF detachments, and in community cadets: the Army Cadet Force, the Sea Cadet Corps, and the Air Training Corps—those which do not have a school base. Last year we enabled some 11,000 young people from all branches to pass level 1, 2 and 3 qualifications under the aegis of cadets, adding greatly to their employability. However, teenagers are not the only people to benefit from our training. There are about 26,000 adult volunteers in community cadets, some of whom are serving or ex-military personnel. Many have earned no real qualifications since leaving school and have hugely benefited from the CVQO's programmes. Last year, more than 1,000 adults received our diplomas including 90 at first degree and master's degree level. I am privileged to be able to confer their awards at Sandhurst each autumn. Cadet leaders tell me regularly of the great pleasure and fulfilment they receive from this important voluntary work. They give up much of their spare time to do it, including many weeks of training, so that they can do the best job for the young people they serve. This country is much in their debt.

As I am honorary colonel for cadet music, I ought to mention in passing the welcome proliferation of cadet bands. They are often trained by military musicians to an extraordinarily high standard. Indeed, as the number of regular service bands has diminished in the last years, their places at remembrance services and civic ceremonies, and on local bandstands, have been taken by our young players.

Last week, we read in the newspapers that regular enlistment, especially to the Army, continues to decline. The cadet forces are vibrant youth organisations and the main thrust of their work is as such, but there is clear evidence that they also provide valuable recruits for the Armed Forces. We should not be shy about asserting this. If the cadet expansion scheme has been a success story so far, how can we build on that? I very much hope that my noble friend the Minister will confirm that once the 500 units have been achieved next year, there will be an ambitious new target for the scheme. At the present rate, it would take 10 years to double the numbers; we ought to try to do it in five. If we are to do so, more leaders and policymakers in our country's education service must be made aware of the very real and positive effects that the cadet experience can have on school attainment and on the lives of the young, especially those pupils from areas of deprivation. The cadet forces were founded in Victorian times to make better soldiers. Today, in the 21st century, their task is to make better citizens and they deserve all the support that the Government can give them.

5.17 pm

**Lord Robathan (Con):** My Lords, I congratulate my noble friend Lord Lingfield on his excellent speech and on raising this important issue. I am absolutely delighted to join in this debate and completely support the cadet expansion programme, which started some years ago when I was working in the Ministry of Defence.

Shaun Bailey is the Conservative mayoral candidate for London, and he was brought up on a North Kensington council estate by a single mother. His mother made him join the Army Cadet Force at the age of 12, and he has said, "That really rescued me" from the culture of gangs and so on in which he might otherwise have been immersed. When I was working in the MoD, some eight years ago, I was asked by the charming MP for Stoke-on-Trent North, one Joan Walley, whether I would go to visit the air cadets there. I asked a boy of 12 or 13, "Why did you join the air cadets?", and he said, "It keeps me off the street". That might of course have been him quoting one of his parents, but it is also true.

This weekend in London, we have had three more murders—stabblings—and there is a knife crime epidemic, I regret to say. I point no fingers at anybody or any political party, but this tends to be among young people with nothing to do. They have no outlet for their energy or exuberance and little hope or aspiration. We need to understand their position: how they are pressured by their peers into joining gangs or even, as we discovered this weekend in Liverpool, paid to go and knife people they do not even know.

Sitting here, we—who are almost exclusively from pretty privileged backgrounds—should understand that there are things we can do to improve the lives of young people who do not have our start in life. I go back to Shaun Bailey and the young man in Stoke. There are of course other organisations. I pay tribute to other youth organisations that are a great help: youth clubs, the Scouts, sporting bodies—boxing, football and canoeing. As the local MP, I used to be president of the Blaby and Whetstone boys' club—for those concerned, it took girls as well—which did excellent work. However, if the truth be known, the Scouts tend to appeal more to better-off, middle class people; that is not a criticism, it is just my observation. Among the cadet organisations, the Army Cadet Force certainly does not. I was a Scout and then in the Combined Cadet Force at my privileged day school. Both gave me outlets for my energy and introduced me to hillwalking and climbing through adventure training. Every spring, we would go climbing in the highlands of Scotland in the snow. I then joined the Armed Forces for 18 years and I still go hillwalking. Sometimes, I take my children and force them up the hills as well, although they are actually quite keen on doing it themselves.

From a less privileged position, from some of the sink estates in our inner cities, we should be giving them all a taste of the excitement, the adventure and the outdoors. This is not an original thought. When I was working in the Ministry of Defence, it was explained to me that Gordon Brown, when he became Prime Minister, wanted a CCF in every state secondary school, as we are now getting. I did not know that. David Cameron, with his National Citizen Service, was pursuing something not dissimilar in wanting to give everybody a taste of community service and outdoor adventure.

What do young people get from the cadets, be it the Combined Cadet Force, the Army Cadet Force or the others? It gets them off the streets. It gives them a sense of pride, often a sense of pride in their appearance.

It gives them rules. It gives them discipline—self-discipline, as my noble friend referred to. It gives them a different, broader outlook on life. Dare I say it, it gives them aspiration, perhaps some action and adventure—things that all young people should have the opportunity to be exposed to but often, sadly, are not.

Of course, cadet organisations are not perfect in all ways, but this cadet expansion programme is giving more young people in state schools the chance that I had, and most will benefit from it, as I did. I never regretted the time that I spent in the CCF, although perhaps some of my peers with longer hair rather laughed at me. I never regretted joining the Army either. I shall digress slightly, because it is a similar case: I remember Sergeant Joe Farrell of the Scots Guards saying to me some 40 years ago that he had been offered a choice by a magistrate in Glasgow between joining the Army and going to jail. Wisely, he took the former course and it gave him the opportunity to get out of the Gorbals as it was then.

I want to touch on two issues, the first perhaps striking a discordant note. I recall watching a parade with the Prince of Wales, who was taking the salute, in the Mall in 2010—I think that it was Cadet 100, but I might have got it wrong. Hundreds of keen young people marched down the Mall with a sense of pride—pride in their uniform and in everything one would want. They were young people straining to use their excess energy—in drill, in sport, in adventure training and in military exercises. I heard what my noble friend said about adult volunteers, but I fear that not all the adult volunteers fulfilled the same position, in that they were straining to get in their uniforms and were not as good role models as they might have been. I am sure that they are all good people, but good adult volunteers to act as role models are essential. I witnessed one ACF adult volunteer trying to climb a rope net in front of his platoon. Frankly, it was embarrassing: his platoon were running up the net and he could not make it.

Secondly, I hope things may have changed and that I am out of date, but I recall being told that the last state school in Scotland to have a CCF had it closed down in about 2008 or 2009 because the head teacher believed it was militaristic and had no place in society. I hope teachers have learned that a youth organisation such as the cadets is not just about wearing uniform; it is a great deal more than that.

To close, I will share a vignette from my first cadet council—I think that is what it was called—at which the reserve forces' and cadets' associations were all present. I had been in my job at the Ministry of Defence for two weeks and my civil servant told me that I was chairing the council, which rather surprised me. There had recently been a tragic death of a young person on adventure training. The senior civil servant who organised the council said to the assembled masses: "You must understand that our first priority is health and safety, our second priority is health and safety and our third priority is health and safety". Sadly, all those gathered around nodded wisely. I said: "No it is not. Young people do not join the cadets for health and safety. They join for excitement, education, shooting, flying and outdoor activity. This must, and does, include risk". They will not join if they do not get any of that.

Let us encourage all young people, as far as we can, especially those from disadvantaged backgrounds, to participate in this different side of life, preparing them to be useful members of society. The cadets can offer young people another way. Once again, I cite the example of Shaun Bailey.

5.26 pm

**Lord Adonis (Lab):** My Lords, I strongly agree with everything that the noble Lords, Lord Robathan and Lord Lingfield, have said in praise of cadets. They make a valuable contribution to our national life, to the Armed Forces and to providing a rounded, character-based education for young people. We need more of them—I say that without reservation. The task is to extend these opportunities to more young people. I was fortunate enough to be a cadet at school. I was not desperately good at taking on the enemy on Salisbury Plain or in the Brecon Beacons but I rose to a high level in my CCF because I was in control of all the logistics of getting people to and from camp. This gave me an encyclopaedic knowledge of railway timetables and the issuing of warrants, which was still done manually. Other skills developed from there.

I agree with what the noble Lord, Lord Robathan, said about extending these opportunities. Nobody should be forced to do this at school, but they should have the opportunity. As it happened, in my school we had the choice of the scouts or the cadets. I did both and could give a speech on their strengths and weaknesses. The key issue which it would be good for this debate to attend to, and which I hope the noble Earl will say more about in his reply, is how we extend those opportunities, which are very inequitably distributed at the moment. The noble Lord, Lord Lingfield, referred to the target of 500. I was Gordon Brown's Minister for Education and played a part in setting up the objective of every state secondary school having a combined cadet force. Alas, only a tiny fraction do now. The target is very welcome; I do not detract from it. I give credit where it is due to the former Prime Minister for setting it, but it is 500 as a total. At the moment, there are 194 CCFs in private schools. Even if the target is met, nearly half of cadet forces will be in private schools. There will be cadet forces in about 300 of the 3,300 state schools in England—a tiny fraction.

I will say this as diplomatically as I can: there was not wholehearted endorsement from the Ministry of Defence for making the investment required to put more cadet forces in state schools. There was an acute concern then—I hope it is less now—about taking resources away from existing cadet forces. That was couched in terms of not wanting to reduce the efficiency of existing cadet forces and the supply chain that they provide to the Armed Forces, but I am afraid that I could not escape from noting a desire to preserve the status quo in the MoD and not to weaken the links between CCFs and private schools, if that was to be the price paid for extending to state schools more widely.

What I would like to see happen is for the model of the exemplary CCFs we have in private schools to be replicated across the state system, but even if the target of 500 is met it will be replicated in only a tiny

[LORD ADONIS]

fraction of state schools. Teenagers who want to get involved in cadet forces in other schools, which will be the overwhelming majority of state schools, will either not have the opportunity or will have to enter cadet forces in the community. The ACFs also do a great job with great volunteers, but let us be absolutely frank; the opportunities are nowhere near as readily available to young people to take advantage of those forces, compared to those teenagers who actually have cadet forces in their schools.

To understand what this means in terms of follow-through, a freedom of information request which I think the noble Earl's department has just granted shows that 49% of those who entered the Royal Military Academy at Sandhurst this January came from fee-paying schools. I do not begrudge any of them their opportunity—we need the best people in our armed services and anyone who serves their Queen and country deserves our praise—but I want to see those opportunities extended more widely. I say as diplomatically as I can that I do not think the Ministry of Defence should regard it as the endpoint of our evolution as a society that half of all officer cadets should come from schools which serve 7% of the population. A substantial part of the reason that entry to Sandhurst is so socially and educationally restricted is that opportunities to become cadets are much greater in private schools.

It is not just what the raw figures suggest, with 194 private schools having CCFs compared to 205 state schools. Of course those 194 private schools, in addition to the support of the MoD, which I should say is a straightforward subsidy of those 194 private schools, also make a substantial contribution. The noble Lord, Lord Lingfield, referred to the one day a week, which is of course not remotely enough to be able to run a CCF. Most private schools will supplement that. They often supplement it very substantially, in terms of the resources and staff they provide. Also, of course, many teachers in those schools—I pay tribute to them—give of their time, or are expected to as part of their commitment to the school, well over and above that one day a week. That tends to happen much less in state schools, and it is not just because there is not the same ethos in state schools, although I think that is true in many of them. It takes time to build up support for a cadet force, but they are also much more stretched, to be frank, and have much less capacity to manage after-school activities. They tend not to be boarding schools—a high proportion of the private schools that have CCFs are boarding schools—so it is much harder to structure CCF activities. The truth is that they need more support if they are going to succeed in establishing and building up CCFs, and I think that that support should be available.

I have two questions for the noble Earl. Would it not be sensible and equitable if there was a redistribution of resources for cadet forces away from private schools and towards state schools? My view is that it is very hard to justify state subsidy to CCFs in private schools. It is not impossible to do so, because to some extent it is helping the process of recruitment into the Armed Forces, but it is hard. At any rate, I certainly do not think that state support for private schools should be in any way increased, whereas I think the case for

increasing state support for state schools setting up CCFs—not only setting up new forces but providing more time and support for those state schools—is very strong. At the very least, I think there should be a two-tier system.

My second question echoes that of the noble Lord, Lord Lingfield. What happens after the 500 target has been met? My view, going back to the policy of now over a decade ago—alas, we did not make much progress in implementing it—is that every state secondary school should have the right to establish a CCF. This may require a new source of funding beyond existing MoD budgets, but it should be regarded as a significant source of opportunities and character development for young people and not just as a straight military operation.

The Minister will of course not be able to make a commitment of that kind from the Dispatch Box this evening, but I hope he will indicate a willingness to look ambitiously beyond the existing target of 500 once that is met.

5.35 pm

**Baroness Garden of Frognal (LD):** My Lords, I too thank the noble Lord, Lord Lingfield, for introducing this debate on cadets and the great opportunities they provide for young people.

My late husband started the RAF section of the cadets at his school's CCF, then gained a gliding licence and a pilot's licence before he passed his driving test. For him, this was the precursor to a meteoric RAF career and he continued to be a very active champion of cadets all his life. He was president of the London and South East Region Air Training Corps for the last 10 years of his life and spent three years as president of all the CCF. The Army viewed this with great misgiving—it was not at all convinced that an airman was competent—but actually he coped extremely well.

I have followed this by being on the council of the Air League, which sets up scholarships and support for young people interested in the air. I also host an annual Youth in Aviation event here, which brings together a wide range of youth organisations connected in some way with aeroplanes, helicopters, gliders and all the engineering and support services that go with the air. Your Lordships are all invited to meet these young people at the event and see their enthusiasm and commitment. It is particularly heartening to see the disability programmes, with people in wheelchairs and with other mobility difficulties being given the opportunity to fly. One year we had a young man with muscular dystrophy and communication problems who explained through his difficulties the sheer exhilaration of being given the controls during a flight.

When I was master of my livery company, I set up a partnership with a south London air cadet unit from a deprived part of the city. The initial commanding officer set up the annual presentation of my award at a formal dinner at the RAF Club, where these amazing youngsters, many from very disadvantaged homes, host, read, speak and make conversation during the formalities of an RAF mess dinner, to which he adds traditions of the City such as a “loving cup”—all quite challenging and intimidating. They cope brilliantly, having had their confidence boosted by the challenges

of cadet life, which also equips them with the social skills for events way outside the comfort zone of their home backgrounds. I have to say, they come very heavily briefed beforehand as well. The City traditions are highly relevant, as the lord mayor and the livery companies always support cadets; they feature in the lord mayor's parade and they are on duty at formal Mansion House dinners.

It can be even more of an eye opener for their families, most of whom will have had no contact with the military, to see their sons and daughters develop skills and knowledge which they have not come across. They can be taken entirely by surprise to find a sudden passion for polishing shoes and pressing uniforms, which may not have been the activities of choice of their teenagers previously. The proud parents are often a real joy to behold.

As the noble Lord, Lord Lingfield, set out, the Cadet Expansion Programme was launched in June 2012 during the coalition Government, when I, like the noble Lord, Lord Robathan, was also an MoD Whip and Minister. They were happy days. The aim was to deliver, as we have heard, 100 new cadet units in English state-funded schools by September 2015, with a commitment for an extra £50 million from Libor fines to further increase the number of cadet units across the UK to 500 by 2020. However, I entirely endorse the concern of the noble Lord, Lord Adonis, that this will still touch only a fraction of the state schools where young people could benefit so enormously from exposure to cadet units.

The programme is part of the Government's aim of promoting a military ethos in schools, instilling values to help cadets gain new skills and commitment to their communities and country. This means pupils developing qualities such as self-discipline, loyalty, respect, strong leadership, teamwork, resilience and self-confidence, which will help them achieve excellence and shape their future.

Combined Cadet Force units give pupils from state schools the chance to experience the life-enriching activities of military cadets, which have long been a part of many independent schools. All of this enhances their employability as well as increasing their value as good citizens. The cadet units are always adamant that they are not primarily recruiting agencies. Of course, some cadets will be attracted to the military life, but many more will appreciate the skills it provides while moving into civilian work. With such a reduced military as we have now, it is of great benefit that more citizens understand what the military stands for and what its work entails. As youngsters get involved, so parents and families increase their awareness of the military.

As the Minister has already been asked, what plans do the Government have to continue to expand the cadet programme, and what steps are they taking to ensure that there are enough suitably qualified adults so that all those young people who want to be cadets have access to a unit? The cadet forces owe so much to the dedication and sheer hard work of the adult volunteers, who deserve huge credit. The unit I am involved with now has a full-time police officer as its commanding officer. He is prepared to give up his time and expertise to serve the young cadets. Such people

are like gold dust and deserve as much community support as we can muster. It is a hugely rewarding activity—but my goodness it requires dedication. You can see the pride in adults when they watch these young people grow, blossom and develop confidence and skills for future life.

When we watch the Trooping of the Colour or witness other events of national significance, whether military or on parade, we all feel a sense of immense pride that we have such hard-working and dedicated professional military personnel. These days, many if not most of them will have medals on their chest to bear witness to the active military service they have seen, where they have put their professionalism ahead of personal safety and been actively tested in the skills instilled in cadet forces. I share the view of the noble Lord, Lord Robathan, that health and safety should not be the primary concern of cadet forces. Make no mistake, many of those on parade will have started on their careers through the cadets.

I hope that this debate will demonstrate the support of your Lordships for the cadet forces and our appreciation of those who train and guide our young people into becoming the community-spirited citizens whom the country really needs.

5.42 pm

**Baroness Scott of Bybrook (Con):** My Lords, I add my thanks to my noble friend Lord Lingfield for bringing this debate to the House. At a time when, more than ever, young people need positive activities in their lives, the cadet forces provide opportunities for them. As he said, research on the social impact of cadet forces, most recently from the universities of Northampton and Southampton, clearly records that they deliver a number of positive outcomes for the young people concerned. First, there is belief in their abilities. Young people nowadays do not always believe that they are able. There is improved motivation, leading to improved school attendance, behaviour and attitudes. There is a reduced likelihood of becoming a NEET—not in education, employment or training. Involvement in cadet forces can lead to greater academic achievement, which in turn can contribute to increased social mobility. Importantly, it builds character in our young people and gives them self-confidence in so many ways, including teaching them to be good team workers. As normal cadet force involvement can last for up to five years, those interventions have proved much more likely to be effective than some other, very short-term interventions.

However, there is still resistance from schools, particularly state schools, to participation. Interest remains high but financial constraints, in particular—the lack of available funding from the Cadet Expansion Programme and the cost of establishing such units—can mean that schools, although interested, do not proceed. Quite rightly, the Cadet Expansion Programme is targeted at schools in the most deprived areas but that means that others miss out.

I come from a military county—Wiltshire. Even so, sadly, we have only one state school with a Combined Cadet Force. It was originally partnered with a private school in the area but has now successfully become independent through CEP funding. However, we must not forget that a lack of school opportunity is often

[BARONESS SCOTT OF BYBROOK]

provided by community cadet forces. In Wiltshire, these have been very successful. We have three Sea Cadet units, even though we are a landlocked county, 15 Air Force training corps and 23 Army cadet detachments. I look forward to seeing many of those young cadets in Salisbury on National Armed Forces Day at the end of this month.

I have talked to many cadets over the years. They speak positively about the experience of being part of the military cadet force and their opportunities for personal development and skills acquisition. Importantly, they also talk about the opportunities for excitement and having fun. We should also remember that they often say, “It looks very good on my university CV”. Some, but by no means all, of these young people will contemplate a career in the military, but all of them recognise the wider benefits.

However, the Government could do more. As the noble Lord, Lord Adonis, said, more funding for CCF programmes now that Libor funding has ended could go some way to addressing the Army’s concerns that it is dominated by people who went to private schools. The Government could do more to encourage independent schools to partner state schools in establishing their own CCFs. Interestingly, the Sea Cadets are partnered with the National Citizen Service; is there scope to use NCS funding more creatively to support sustained, long-term cadet expansion? The DfE is a relatively new supporter of the Cadet Expansion Programme. Can that support be continued and encouraged? Can some DfE funding be ring-fenced to match MoD funding? It is also important that those schools which remove their support for CCFs at some point, due to a culture change, understand from the DfE and the MoD that their funding may have to be withdrawn to protect MoD investment in other schools.

Finally, the Combined Cadet Force has demonstrated great success stories over many years, providing role models for young people and instilling good behaviour, values and standards. The emphasis is on creating good citizens, not recruiting people for our Armed Forces. Evidence shows that schools and communities benefit from CCFs. Arguably, it is pupils from the state sector, particularly those who have grown up in disadvantaged circumstances, who have most to gain from the Cadet Expansion Programme. The Combined Cadet Force can act as a force for good.

5.48 pm

**Lord Rogan (UUP):** My Lords, I thank the noble Lord, Lord Lingfield, for initiating this timely debate, and I commend him for his excellent speech. I was unable to join the cadet force in Northern Ireland, as the grammar school that I attended did not offer it; nor did many schools in Northern Ireland.

The Cadet Expansion Programme is a Downing Street initiative to expose more schools across the whole of the UK to the benefits of the cadet experience. It is being implemented jointly by the Department for Education and the Ministry of Defence—but not in Northern Ireland, as the Northern Ireland Executive do not address MoD business. The aim was to create a total of 500 CCFs across the UK, increasing from

an original total of 249. Northern Ireland joined the programme belatedly, with our school cadet expansion officer—employed by RFCA NI—delivering the programme direct to schools much as we deliver other MoD business where it involves regional authorities or stakeholders; that is, bottom up as Stormont does not do wider defence matters, even when it is sitting.

In the three years that the programme has been running in Northern Ireland, as opposed to the five years it has been running nationally, we have increased from five CCFs to 11, with potentially a further three in the pipeline. Apart from Northern Ireland having the highest percentage increase of any UK region, albeit from a low start, the delivery team remains confident that the appetite in Northern Ireland continues to grow and the region stands ready to deliver more schools, should vacancies arise. Most significantly, the new CCFs in Northern Ireland include cross-community schools and schools in less privileged areas that are facing more societal challenges than the more established CCF schools in Ulster.

Perhaps I may take this opportunity to highlight another extremely successful programme developed by RFCA NI—namely, its Pathway Adventure Activities courses. They deliver youth development experiences based on those used in the cadet movement and are to be found across all of Northern Ireland. In the past year to April, they were delivered to some 80,000 young people. This scheme is delivered in tandem with a wide range of community and church groups, other youth charities, the Prince’s Trust, local authorities and schools. It is now the largest single youth outreach programme, the governance of which involves the head of Children in NI. It is making an immeasurable contribution to local community and youth welfare throughout Northern Ireland. Truly, one must say that this initiative and the Cadet Expansion Programme in Northern Ireland have both been tremendous successes. Let us hope that the comments made in the debate today will aid further progress.

5.51 pm

**Lord Freeman (Con):** My Lords, I congratulate my noble friend Lord Lingfield on ensuring that we could have this debate and I pay tribute to the service that he has provided over many years to the Reserve Forces’ and Cadets’ associations comprising the many organisations that make up the group. He has achieved a great deal during his long service by engendering enthusiasm and determination on the part of schools, councils and government to make sure that schools and families encourage children to take up the opportunity of serving in the organisations which train cadets. They provide discipline and a sense of pride and determination to serve the community. Again, I pay tribute to what he has achieved. The noble Lord will probably remember that when I was serving in office with the organisation responsible for the recruitment of cadets, the University of Northampton produced a report entitled the *Social Impact Resulting from Expenditure on Cadets*. I agree strongly with the at least two other speakers in the debate who said that the social impact of the discipline involved in being trained and making a contribution to society is extremely important.

The social impact that cadet forces deliver is vastly greater than their annual cost. It is the responsibility of all noble Lords in this House who have a direct connection, either elected or unelected, with schools and local authorities to make sure that encouragement is given to those who wish to serve and train to enlist, take the opportunity to travel, be with their fellow students and see the great advantage of serving their country—indirectly, perhaps, but ultimately by joining the Armed Forces. The Armed Forces face a great challenge in making recruitment an attractive proposition. It can be not immediately attractive in terms of pay, opportunities or travel, but in my experience it has been a powerful and positive influence on the lives of the men and women who continue to serve after their school experience.

I agree very much with what the noble Lord, Lord Adonis, said about the wider attraction to state schools of recruiting students to take part in the activities, and about the approach of the teaching profession. Sometimes it has not been all that enthusiastic, but the ultimate gain of that experience easily outweighs the interruption, if you like, to a well-planned school organisation.

We must encourage leadership skills, which can increase proper job prospects. Those leadership skills are very often connected to service in the Armed Forces. The Armed Forces have a particular responsibility to encourage the young people who join the junior organisations to make their own decisions, encourage others and follow the leadership of those in command of that group.

My main concern is the limitation of capacity and the location of camps for young people going out to enjoy training—hopefully in decent surroundings and properly organised and controlled. That capacity is limited by the amount of money available from central government and the Ministry of Defence to support schools, but it is essential. That experience has fired enthusiasm for the Armed Forces among a great number of young people I have come across.

I thank the noble Lord, Lord Lingfield, for his initiative. When he was president I served with him, looking after the Reserve Forces and Cadets organisation between 1999 and 2001, which seems a long time ago. Vocational qualifications are important, and I pay tribute to his contribution.

5.58 pm

**Baroness Smith of Newnham (LD):** My Lords, like other Members who have spoken this evening I welcome this debate and thank the noble Lord, Lord Lingfield, for raising an important topic, but one not frequently discussed in your Lordships' House or elsewhere. It is also unusual in that it appears to have brought all sides of your Lordships' House together. The noble Lord, Lord Lingfield, told us a little about the history of the cadets and made clear why they matter, while my noble friend Lady Garden and the noble Lords, Lord Robathan and Lord Adonis, talked about the importance of having CCFs in state schools and, in some ways, claimed ownership of the policy.

It is quite unusual to have the Labour, Conservative and Liberal Democrat Benches all agreeing. I hope that is a good thing. When the Minister responds to the debate, it will probably make his job a little easier

than it was in the days when Ministers had to keep batting away the brickbats of issues where we fundamentally disagreed with the Government Front Bench. So, this evening, I hope the Minister will be able to give lots of positive answers.

We have heard about the importance of cadet forces, CCFs and the Cadet Expansion Programme, but we have also heard about how it is funded. It was funded by Libor. That was a limited amount of funding and I will return to that point later because I have a series of questions for the Minister. So far this evening we have had very few questions and a lot of positive speeches, so I want to press the Minister on a few areas where there is agreement in the Chamber to see whether there is also agreement from the Ministry of Defence.

We heard from all sides of the House about the importance of giving young people, whatever their background, the opportunity to engage with cadet forces. It should not be the preserve of private schools. As a declaration of non-interest, my school did not have a CCF. The boys' school along the road did but I was never invited to go along and join the boys' CCF. When I was at school, it probably would not have occurred to me to engage in something that sounded military, but on reading up about the aims of the CCF and the Community Cadet Forces, it becomes clear what purpose they serve beyond the military. It is about engagement, service and creating skills and self-confidence. Those are the sort of attributes that every child and young person needs, whatever their background. Therefore, embedding CCFs more fully in state schools is something to which we should all aspire. The noble Baroness, Lady Scott of Bybrook, pointed out that, even in Wiltshire there is only one CCF embedded in a state school, which is really surprising.

To what extent will the Government be ambitious? Will they take up the challenge of the noble Lord, Lord Lingfield, and have more CCFs and Community Cadet Forces, but perhaps not in the way suggested by the noble Lord, Lord Adonis? He seemed to suggest taking money from the private schools to give to state schools. My question would be: how can the overall programme be increased? If that means redistributing funding, that may be necessary, but my first question would be: is there an opportunity to expand programmes more generally?

In particular, I was reminded by the noble Lord, Lord Rogan, that in many ways the current scheme is a No. 10 initiative. It came from David Cameron and Nick Clegg, who are not necessarily figures prayed in aid very often in 2019. It was a good initiative, but it was from No. 10, so how far does the Ministry of Defence buy into the current scheme? Beyond the Libor funding, what commitment are the MoD, or the Government more generally, willing to make? Is the Chief of the General Staff as committed as Members of your Lordships' House are, and as Gordon Brown, Nick Clegg and David Cameron were, to these schemes? Surely it needs leadership from the top. Can we be reassured that the Ministry of Defence is committed to this?

Is there ongoing commitment from the Department for Education? The other point reiterated this evening is that, while cadet forces might serve as a form of

[BARONESS SMITH OF NEWNHAM]

recruitment, that is not their intention. It is vital, therefore, that there is a real commitment from teachers and from the Department for Education. Several noble Lords mentioned that in private schools it is often the teachers themselves who have been committed to running CCFs, and that is what made them so effective. What are the Government doing to ensure that teachers in a variety of schools feel that it is worth while committing to creating CCFs or separate cadet forces?

It is not simply a question of money and personal remuneration for individual teachers. That is not the issue. Most teachers are committed to their jobs, and if they are running CCFs, they will do it with passion and commitment, but clearly there is a limit to everybody's time, so it is important that there is real buy-in. What are the Government doing to ensure that teachers and schools are supported? In particular, what scope is there for going out to deal with the pent-up demand? The noble Baroness, Lady Scott, indicated that there is a lot of enthusiasm among young people to be part of cadet forces, but they are unable to join them because their schools do not provide them and, in some cases, there are no community forces either. What are the Government doing to ensure that there are more adult volunteers who can run Community Cadet Forces? What are they doing to encourage schools, beyond Ofsted, which can be a mixed blessing? What are the Government doing to encourage schools to feel that having cadet forces is a real benefit?

Here I shall make a slightly negative comment and then draw to a close. This evening we have all spoken pretty well with one voice. In the Library briefing was an article by Emma Sangster, who clearly has rather a different view of cadet forces. She points out that the research that has been done—the Ecorys report—seems slightly dated and of insufficient depth. It cannot show causality. It suggests that people involved in CCFs tend to be quite confident, to do their homework, to be very committed and to be socially aware, but it does not show causality. It is possible that people naturally prone to being good citizens are also enticed to join the cadet forces. What can be done to ensure that we have better data on recruitment?

I apologise—I know I have said “finally” once before, and I know that the noble Baroness, Lady Goldie, the Whip, is looking at me—but I have a final point. One of the issues about recruitment to the Army is that the ranks are often recruited from estates yet senior officers come from private schools. It is less the case with the Navy and the Air Force. What can be done to expand the CCF programme so that a much broader range of people engage with the Army in particular? If we are looking at social mobility and key reasons to support this, this would be one way of actively being able to say that CCFs are good for society as a whole.

6.07 pm

**Lord Tunnicliffe (Lab):** My Lords, I thank the noble Lord, Lord Lingfield, for obtaining this debate. I particularly commend his praise of Ofsted and its renewed interest in and emphasis on the whole child. This wider emphasis on the whole child, in which the cadets can play such an important part, is really good for our society in the broader educational sense and in this sense.

The Cadet Expansion Programme was launched in June 2012 and aims to open 500 cadet units in state schools across the country. Labour strongly supports this work, as it continues to offer new horizons for young people. Children and teenagers often learn important skills such as teamwork, resilience, confidence and self-esteem which can prepare them for the future, whether or not they end up having careers in the forces.

According to the 2018 Ecorys report into the cadet experience, kids in cadet forces better engaged with peers, got stuck in to their school work and liked being at school. For example, 59% of cadets learnt new skills, and 69% of RAF cadets achieved high GCSE results when compared to other pupils.

The Cadet Expansion Programme allows schools to build better links with the local community. The same report found that the presence of cadets at community events such as Remembrance Day often provided a tangible way to raise the profile of the school within the surrounding area. One respondent added that the link with the local community was, “much stronger, and mutually beneficial”.

We on this side of the House rightly recognise those benefits.

The report concluded with various recommendations, including increasing publicity about cadets, enabling schools to develop longer-term strategies for their units, and further research into the programme's outcomes. Can the Minister update the House on any progress on these recommendations, as well as confirm that the Government are on course to meet the target of 500 units by March 2020? Will the Minister also consider introducing a review of awards for cadets and adult volunteers to make them equivalent to recognised skills and educational standards such as the Duke of Edinburgh awards?

According to government figures published in April, there were 14,540 Sea Cadets, 37,670 Army Cadets and 32,850 Air Cadets—over 85,000 in total. However, these figures sadly revealed an almost 2% decrease, as well as a decrease in the number of adult volunteers for the Combined Cadet Force of almost 7.5%. While we wish to express our enormous gratitude to adult volunteers who give up their precious time to take part, the fall in their overall number is concerning. Can the Minister explain why there has been such a large fall in the number of adult volunteers? We should ensure that these people are recognised in the honours system, as they believe they are often overlooked.

The figures also showed that female representation in the Community Cadet Forces has increased slightly from 30.8% in 2015 to 33.4% in 2019. However, the Government stated that,

“the rise in the proportion of female cadets can be partly attributed to the decrease in the number of male cadets.”

Can the Minister explain how the MoD is to encourage girls, as well as those from BAME backgrounds, to take part in cadets? Funding too remains a key constraint for many. While the MoD covers some costs, schools have to meet others costs of employing a co-ordinator for the cadet unit and providing cover for teachers who are acting as adult volunteers. Can the Minister confirm how much funding has been awarded to schools through the Cadet Bursary Fund?

To close, I reiterate Labour's support for the cadet programme and the benefits young people can gain when they take part. I hope the Minister is able to answer my questions, and that the Government will take positive steps to encourage the growth of cadet units across the services and across the country.

6.12 pm

**The Minister of State, Ministry of Defence (Earl Howe) (Con):** My Lords, I begin by thanking my noble friend Lord Lingfield for securing this debate. I pay tribute to him in his role as a chairman of the Cadet Vocational Qualification Organisation and to the fine work it does to ensure that the skills gained through cadet forces are recognised and rewarded. I am particularly appreciative of his personal contribution in supporting Army Cadet Force musical activities. He will, I am sure, wish to join me in thanking other noble Lords for their valuable contributions to this debate.

Young people today are growing up in a complex world. We need to help them to develop the key skills, such as those mentioned by my noble friend Lord Robathan, the noble Baroness, Lady Garden, and others: self-confidence, resilience and determination, which are qualities that they need to make their way in life. We need to give them opportunities to develop the leadership, teamworking and other social skills that are so vital to employers. Independent schools have for many years looked to military-themed activities to give their pupils a sense of discipline, adventure and achievement. But we believe such life-changing experiences should not be the preserve of the fortunate. It is young people in our most disadvantaged communities who most need help in developing greater strength of character to cope with the challenges they face.

This Government have sought to see as many pupils as possible benefiting from the same quality of life-changing military-themed youth activity offered in many of the best independent schools in the country. That is why we have delivered the most significant expansion ever of the number of school-based cadet units, starting from just over 250 independent and state school units. The Ministry of Defence and the Department for Education have been working closely together since 2012 on the Cadet Expansion Programme. This ambitious programme has a target of adding almost 250 new cadet units in state-funded schools, to bring the total number of cadet units parading in schools across the UK to 500 by next March.

I echo the comments of my noble friend Lord Freeman. The Government firmly believe in the important societal benefits and social mobility that cadet units can provide. Those are significant drivers for our continued investment in the cadet forces, both in school units and in the wider community. The Government have been able to put LIBOR fines to excellent use by committing £50 million to the Cadet Expansion Programme, with the priority being to set up units in areas of high deprivation. I am sure the noble Lord, Lord Tunnicliffe, will be pleased, as am I, that the Cadet Expansion Programme is firmly on track to achieve the target of 500 cadet units parading in schools by March next year, with over 450 units currently parading.

The noble Lord spoke about a fall in the number of cadets. I am pleased to say that the number of cadets within the community has increased again in the publication of the cadet annual statistics. However, there has been a reported decrease in the numbers within the Combined Cadet Force, both for cadets and for adult volunteers. This is because CCF Army has improved its approach to accounting for cadet numbers this year, which makes comparisons with previous years less reliable. Some of the earlier data input was found to be incorrect.

I want to address an issue raised by the noble Lord, Lord Adonis, about the split in numbers. At the start of the Cadet Expansion Programme, there was a split of approximately 75% CCFs in independent schools and 25% in state schools. The programme is focused on increasing the number of cadet units in state schools in areas of high deprivation, and that focus has meant that we currently have 40% of cadet units in independent schools and 60% in state schools. At the end of the programme—that is, March next year—we will have 37% in independent schools and 63% in state schools, so we have turned the majority of cadet units in schools from independent to state.

Can we improve on the number of 500? The advice that I have received is that the number of 500 school cadet units represents the upper limit of what the three armed services are capable of managing and overseeing, short of a marked growth in their own numbers. The key issue is not money; it is the capacity of the Armed Forces. Should there be additional demand beyond the 500, schools will be guided to channel their pupils to opportunities in local community units, a point rightly made by my noble friend Lady Scott.

**Lord Robathan:** My Lords, my noble friend was talking about the split between private and state schools. I applaud the intention to increase the state school CCFs, but would he not agree that one of the dangers of this, as has been suggested quite often, is that people damage and perhaps even destroy that which works—namely, the CCFs in private schools—and then in fact do not establish good CCFs in state schools? That is what we must beware of.

**Earl Howe:** That is certainly a risk. It is one that we are alive to and determined to prevent.

Head teachers of all the new schools that have come forward have done so because of the benefits that they see for their pupils. Many head teachers can give testimony to the positive impact of their cadet unit on attendance, behaviour and discipline. Head teachers have commented, for instance, that, “the pupils are more confident and attendance has improved”, and that their cadet unit, “brings out self-discipline, team work, working together, ambition and wanting to be the best”. Head teachers also speak of how others look up to the cadets in their school and how their cadets provide excellent role models for other pupils.

**Lord Adonis:** My Lords, I am sorry to intervene and break up the harmony that had lasted until the Minister's speech. He said a moment ago, rather to my concern, that his department is setting an upper limit to the number of state schools that will be able to have

[LORD ADONIS]

Combined Cadet Forces, and that the capacity of the Armed Forces to manage more than 500 units was not there. Is he aware that that will be greeted with widespread disappointment in the state-school world? Effectively, he is saying that private schools, most of which have CCFs, will maintain them and a relatively small number of state schools will get them—that is, the 300 or so that will get them as a result of the expansion programme—but the 3,000 state schools that do not have Combined Cadet Forces will have to make do with Community Cadet Forces because the MoD says it is not capable of taking on more responsibilities. Could he indicate to the House an open mind about keeping this issue under review? I can tell him that his remarks will be greeted with very serious disappointment in the state-school world.

**Earl Howe:** My Lords, this is a time-limited debate and I have lots to say, but I take the point made by the noble Lord, Lord Adonis. I am not saying that 500 is the absolute upper limit; of course, we keep that under review. We continue to push the envelope and would always want to do that in a geographical area where we have capacity to increase the number of cadet units in schools. I was simply pointing out that capacity is a challenge, which is why we are looking to increase numbers in the particular kinds of schools that we are targeting, but the figure of 500 is not fixed in stone. I hope that corrects any impression I gave earlier.

The noble Lord, Lord Tunnicliffe, mentioned the Ecorys report. It is several years old and we regard it as having been superseded by newer studies, such as that currently being undertaken by the University of Northampton. So far, this work has been published in two interim reports which clearly set out the benefits of the cadet experience. This research gives head teachers, who have a crucial role to play in enthusing parents, pupils and staff about the benefits of a cadet unit, the evidence to convince others of the value of having a cadet unit in their school.

However, despite the clear benefits, schools can face significant challenges and barriers to establishing and running a cadet unit, particularly in relation to funding and human resources. Unfortunately, along the way towards meeting our Cadet Expansion Programme target, a number of new units have not flourished and have had to close. These closures have occurred for a variety of reasons which neither the Ministry of Defence nor the Department for Education has the leverage to influence.

The noble Baroness, Lady Smith, raised a number of important points, but one I would like to pick up on is that the key to the success of a cadet unit is the enthusiasm of the head teacher. If a head teacher who is in favour of cadets is replaced by one who is not, there is a clear risk to the survivability of the unit. Head teachers must also be able to attract and retain sufficient capable and motivated individuals, either from the staffroom or beyond, to run the cadet units. Given the responsibilities and workload of teachers, this is not always easy—a point made by the noble Lord, Lord Adonis. We also recognise that difficult decisions sometimes have to be made as head teachers balance priorities while needing to live within their budgets.

We are therefore continuing to support schools through the cadet bursary fund which provides additional money, where possible, to meet the costs of cover for teachers who are away on courses training to become adult volunteers, and helps schools afford to employ staff to administer their cadet units. The noble Lord, Lord Tunnicliffe, asked how much money has been spent through this fund. As at 23 May, the figure I have for money paid out since December 2014 is just over £5,900,000.

One thing that has frustrated schools in the past has been the perceived lack of recognition that they receive, despite the significant commitment and effort involved in establishing a cadet unit. I am sure that head teachers will welcome Ofsted's new framework, which places clear importance on personal development and positive attitudes. I want to take this opportunity to thank all the school staff, and others, who volunteer to support their cadet unit. We encourage school staff to take part in running the cadet unit so that it becomes an integral part of the school, but there is also an important role for adults from outside the school community.

The noble Lord, Lord Tunnicliffe, asked whether we could consider introducing a review of awards for cadets and adult volunteers to ensure they are recognised in the honours system, particularly the volunteers. Where possible, and in the majority of cases, cadet and adult volunteer courses already result in recognised national body awards, such as the Duke of Edinburgh, the Royal Yachting Association and St John Ambulance. This ensures that they are recognised outside of cadets and assists cadets with their CVs.

Adult volunteers are recognised through the honours system and are included in the military honours system. While there is no quota, when compared with regular and reserve Armed Forces personnel, cadet adult volunteers do well. Adult volunteers who do not wear uniform are recognised through the civilian honours. They also do well. Adults can receive recognition through various other awards, such as the lord-lieutenant awards or RFCA awards. The mechanisms are there; we just need to remind people that they should nominate deserving individuals.

I also thank all those schools with established cadet units that have partnered with a state school to enable them to offer the cadet experience to their pupils. This is of particular value where staff in schools setting up new units have no prior military experience and helps to transfer important skills. To date, of the schools that have established a new cadet unit under the expansion programme, over 70 are benefiting from such partnerships.

I hope noble Lords will allow me a little extra time, since we have some in hand, to finish my speech, bearing in mind the interventions we have had. The noble Lord, Lord Tunnicliffe, asked how we encourage greater participation by young females and those from BAME backgrounds. We do not have targets for either category and the associated numbers are not measured. Any cadet unit, self-evidently, will be composed of young people who are representative of the local area. Having said that, areas with a high BAME population often correlate with areas of high deprivation.

My noble friend Lord Lingfield asked how we can build on what we have achieved, as did the noble Baroness, Lady Smith, and others. The Government's ambition is to increase cadet numbers in school cadet units to 60,000 over the next five years. This can only be good for our young people, but as we work towards this ambition, we must ensure that legacy schools continue to thrive. We must also continue to support our 3,000 community cadet units across the UK and ensure that we keep the offer relevant, up to date and appealing to today's young people. I am pleased that improvements to a number of cadet training facilities funded through the programme are also available to

cadets from the community cadet forces. I can reassure the noble Baroness, Lady Smith, that the single services are committed to sustained funding of cadet units.

Cadet units have a vital role to play in building the character and resilience of young people. The Government remain committed to supporting all cadets and the adult volunteers, who are the lifeblood of the cadet units. I firmly hope that in the coming years, we can build on the success we have achieved to date and continue to give many more young people the life chances they deserve.

*House adjourned at 6.27 pm.*





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