

Vol. 799
No. 339



Thursday
25 July 2019

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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

Thursday 25 July 2019

11 am

Prayers—read by the Lord Bishop of Ely.

Sharia-compliant Student Finance Question

11.05 am

Asked by **Lord Sharkey**

To ask Her Majesty's Government what progress is being made towards the introduction of Sharia-compliant student finance.

Viscount Younger of Leckie (Con): My Lords, the Government remain committed to introducing a system of alternative student finance, known as ASF, compatible with the principles of Islamic finance. We have received advice from the specialist consultants we appointed and will set out plans for implementation as we conclude the post-18 review at the spending review. This will ensure that students in receipt of an ASF package are not disadvantaged compared with other students in receipt of mainstream student support.

Lord Sharkey (LD): That Answer is still vague and still qualified. Why can the Government not make a firm commitment? They have known about this problem since 2013 and have known about the solution since 2014. Every year since then, and again this September, Muslim students will have been disadvantaged. The noble Lord, Lord Young, told the House on 13 March 2017 that the Government were currently working towards a scheme being open to applications within this Parliament, which, then, was due to end in 2020. Can the Minister give the House a firm assurance that the new scheme will in fact be available for the 2021 academic year?

Viscount Younger of Leckie: I cannot give the noble Lord a firm assurance on that, but I can say that we continue to work through the complex range of policy, legal and system issues that will need to be resolved in order to develop and eventually launch an ASF product. We should not underestimate the scale of complexity here. We are trying to replicate a system of student finance that delivers the same results as now, whereby students do not receive any advantage nor suffer any disadvantage through applying for ASF.

Baroness Nicholson of Winterbourne (Con): Will the Minister assure your Lordships that this new Government will do everything possible to open the gates as widely as possible to students from all over the world? As noble Lords know, I am particularly keen that that should happen for students from Iraq, the Middle East and silk route countries. I would really welcome that endorsement. We need the students and they really love being here.

Viscount Younger of Leckie: My noble friend is right. We want everyone with the ability to benefit from higher education to be able to do so. Resolving this issue will therefore make a significant contribution to our widening participation agenda, ensuring that people from all faiths and backgrounds feel that there is support by removing financial barriers to access.

Baroness Garden of Frognal (LD): My Lords, the Government were able to produce a sharia-compliant version of the Help to Buy scheme within six months from a standing start. So why, after six years so far, have they not produced a student finance scheme, which is obviously to the detriment of Muslim students?

Viscount Younger of Leckie: There is a process in place. I know that the noble Lord, Lord Sharkey, has expressed frustration about its progress, as has the noble Baroness. These changes were mooted in 2012, and there was a consultation in April 2014 and the Government published their response. We then enabled the process to go through Parliament through the Higher Education and Research Act 2017. This is a complex process and it requires time to get it right.

Lord Watson of Invergowrie (Lab): My Lords, the Minister has just given us what can best be described as obfuscation. This is a sorry tale dating back, as the noble Lord, Lord Sharkey, said, to 2013, when Prime Minister Cameron spoke to the World Islamic Economic Forum and promised a sharia-compliant student loan scheme:

“Never again should a Muslim in Britain feel unable to go to university because they cannot get a Student Loan—simply because of their religion”.

The Government's chosen vehicle was the Higher Education and Research Act 2017, which the Minister himself guided through your Lordships' House. At no point did he rebut the view given to those of us involved in that legislation that an Islamic-compliant scheme could be in place within a year, given the political will. There have now been six years and three Prime Ministers since that commitment was given to the Muslim community. The Minister says—and I believe him—that he is very keen to increase diversity in our universities, so how can he justify the foot-dragging that is causing precisely the opposite?

Viscount Younger of Leckie: I certainly do not call it foot-dragging. We would be the first Government to introduce a system of student finance compatible with Islamic finance principles; that is a good start. To give a little more detail on the complexities, we have identified and have been considering a range of issues which include, among others, accounting for the new arrangements, the degree of legal separation required, the treatment of cash flows, the nature of the commitments that a student will make under the new system and the method for establishing equivalence of outcome.

Lord Sheikh (Con): My Lords, I declare an interest: I co-chaired the All-Party Parliamentary Group on Islamic Finance. The UK has the largest Islamic finance market outside the Islamic world, yet the community tells me we are suffering because of lack of facilities for students. Does my noble friend agree that it is time

[LORD SHEIKH]

we put into practice the commitment given by David Cameron in 2013 that Muslim students will not suffer as a result of their religion?

Viscount Younger of Leckie: My noble friend is right. We want to introduce this as soon as we possibly can; I have undertaken today to give an update at the spending review, which will be some time in the autumn. Around 40,000 Muslims are down to study in this country, but we do not know how many have been deterred from starting at university as a result of the delays in this process.

Lord Newby (LD): My Lords, the Minister has twice linked any further statement on this sorry tale to the spending review. Can he explain to the House the relevance of the spending review given that, by his own admission, we are talking simply about the extension of existing provisions from which non-Muslim students can benefit and there are no new policy expenditure implications? Secondly, when might we expect the spending review?

Viscount Younger of Leckie: I have been pressed on that matter before and I am unable to give a date for the review. But on the tuition fees process and system, I have said that we will announce the results of the Augar review at the spending review and this, of course, is included in that. So, it makes sense to make the announcement when we are ready to do so and to give an update at that point.

Lord Flight (Con): My Lords, might the delay result from it being too difficult to find a substitute for interest to match the two student loan models? If there is not something similar, it can be argued that one side or the other is benefiting more.

Viscount Younger of Leckie: It is helpful to hear that from my noble friend. It is a complex issue, but we have made progress. As I said earlier, we have legislated to make the introduction of the system possible but we need to work through these complex issues. There is no point rolling the system out when it is not fit for purpose.

China: Organ Harvesting Question

11.13 am

Asked by **Lord Collins of Highbury**

To ask Her Majesty's Government what assessment they have made of the Final Judgment and Summary of the Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China, published on 17 June.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, I note the time and energy that the International Coalition to End Transplant Abuse in China has dedicated to this issue. Officials have reviewed the evidence thoroughly. While the evidence is not incomprehensible—

Noble Lords: Oh!

Lord Ahmad of Wimbledon: It is what I am saying that is incomprehensible. I meant to say that the evidence is not incontrovertible. I apologise; it is a hot day. I was just listening to all the stuff about Muslim student loans. I am sure it is not lost on anyone that we now have a Muslim Chancellor. But back to the Question: we have consulted the World Health Organization and international partners. The evidence provided disturbing details about the mistreatment of Falun Gong practitioners, and raised worrying questions about China's transplant system. We continue to monitor all available evidence in this regard.

Lord Collins of Highbury (Lab): I thank the Minister for his response and welcome him back to the Dispatch Box. I am glad to see that he is still here; we hope he will still be here in September. The fact is that the tribunal's evidence was pretty strong but the WHO is saying that the Chinese transplant system is ethical. Will the Minister take this up and say that the Government should ask the WHO to examine the tribunal's evidence and explain why it does not think it sustains the argument that harvesting for transplants is going on?

Lord Ahmad of Wimbledon: I know the noble Lord has raised this question before, as have others from the opposition Benches and the government Benches, including the noble Lord, Lord Hunt. I agree with the noble Lord, Lord Collins; the ambassador and I have pressed the WHO on this very issue. The evidence that it uses is based on the self-assessment made by the country that is a signatory, and in this case that is China. The question is whether the country meets the threshold that it has signed up to; a few countries would perhaps admit that they did not. The noble Lord makes a very valid point and I assure him that I continue to press this issue directly with the WHO. We continue to press on this issue directly and bilaterally with the Chinese authorities as well.

Lord Dholakia (LD): My Lords, is the Minister aware that government departments often make use of in-country reports, particularly on matters relating to immigration and asylum? Now that the tribunal's report is available, will the Minister ensure that it is put on the Foreign and Commonwealth Office website so that people travelling to China for medical tourism are aware of how such organs are secured? There seems to be no transparency on this matter. We have a proud tradition of respecting the human rights of individuals wherever they may be. Surely our bilateral trade arrangements should not impede that exercise.

Lord Ahmad of Wimbledon: I will certainly take the noble Lord's first suggestion back to the FCO. The issue of people travelling to China has been taken up before. Both I and the Minister in the other place have taken it up directly with the Home Office. We as Foreign Office Ministers have written to the Home Office to explore this issue, and my understanding is—[*Interruption.*] Maybe that is the Home Office calling the noble Lord, Lord Desai. My understanding is that Canada, Spain, Israel, Italy and Taiwan have now implemented schemes on the very issue of monitoring people travelling to China for transplants. That is something I wish to explore further with Home Office colleagues.

Lord Alton of Liverpool (CB): My Lords, is the Minister aware that witnesses at last night's inaugural meeting of the all-party parliamentary group on Uighurs expressed great concern that many of the Uighurs in detention centres—there may be as many as 1 million—along with Falun Gong practitioners and people from other minorities are being targeted through DNA tests, which they fear may then be used for the harvesting of organs?

Will the Minister respond to the question of the noble Lord, Lord Collins, about the World Health Organization, given that 34 parliamentarians wrote in April asking for a response from the WHO? As one has not been forthcoming, will he press the WHO to give that response? Will he also undertake to meet Sir Geoffrey Nice QC, who chaired the independent tribunal?

Lord Ahmad of Wimbledon: I will, of course, be pleased to meet Sir Geoffrey Nice. The other issue, as I told the noble Lord, Lord Collins, is something that I am pressing for directly. We will follow up with the World Health Organization on this matter.

Baroness Berridge (Con): My Lords, it seems from this inquiry that the time you have to wait for an organ transplant in China is a matter of weeks, as opposed to every other country in the world, including similarly populous countries such as India, where you wait months, if not years. Could my noble friend meet his counterpart in the Department of Health and Social Care to discuss this? Maybe the Chinese have discovered some miracle option in transplant matching that the rest of the world, including the NHS, needs to know about.

Lord Ahmad of Wimbledon: I thank my noble friend for that useful suggestion. I am sitting next to my noble friend the Health Minister and I am sure she has made a note of this. We can probably arrange that meeting pretty quickly.

Adult Social Care *Question*

11.19 am

Asked by Baroness Wheeler

To ask Her Majesty's Government what assessment they have made of the *Association of Directors of Adult Social Services Budget Survey 2019* on the state of adult social care.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Blackwood of North Oxford) (Con): My Lords, we recognise many of the issues highlighted by ADASS. People of all ages are now living longer, sometimes with complex care needs. Social care funding for future years will be settled in the spending review, where the overall approach to funding local government will be considered in the round. Meanwhile, we have given local authorities access to up to £3.9 billion for more dedicated funding for adult social care this year, and a further £410 million is available for adult and children's services.

Baroness Wheeler (Lab): My Lords, the ADASS survey results provide yet more evidence of the ongoing crisis in social care caused by persistent underfunding and a fragile and failing care market. As the report says, there are planned cuts of £700 million to adult social care budgets in the current financial year and there have been cumulative cuts of £8 billion since 2010. On the last day of our current Session, can the Minister update the House on the timing of the social care Green Paper, which has been delayed six times and is now two years overdue? Given this inexcusable delay and the widespread consensus across social care about what needs to be done, why can the Government not commit to publishing a White Paper with actual proposals? Has the Lords Economic Affairs Committee report calling for £15 billion of extra funding, to include free personal care for people needing basic washing and dressing support, not done the Government's job for them?

Baroness Blackwood of North Oxford: I share the noble Baroness's impatience on this issue and I agree with the overall conclusions of the ADASS report that older and disabled people need dignified, high-quality care and support. When properly resourced it does work, and as a nation we must make this an immediate priority. That is why I very much welcomed the incoming Prime Minister's statement that,

"we will fix the crisis in social care once and for all with a clear plan ... To give every older person the dignity and security they deserve".

He will make it a priority of the incoming Government and there will be an imminent announcement from the incoming Health Secretary. As I do not know whether I will be part of the department, I am afraid that I cannot commit to this, but I am sure that whoever is in this place when that comes forward will be very happy to do so.

Lord Forsyth of Drumlean (Con): My Lords, I welcome the statement by the incoming Prime Minister. However, does my noble friend share the concern about the unfairness of the current system? People suffering from dementia or motor neurone disease are not given access to free care, whereas people suffering from cancer are. People who choose to be looked after at home do not get free care until their assets have been run down to £23,500, but their home is not taken into account. However, if they go into residential care, their home is taken into account. As my noble friend indicated, what we need now is not another White Paper; we need the Government to write a cheque. We need to move away from a system where local authorities are asked to fund this out of business rates, which results in a postcode lottery and differences in care throughout the United Kingdom.

Baroness Blackwood of North Oxford: I thank the noble Lord for the work he has done on this issue. It is very much welcomed. He will know that, as one of his first statements, the Prime Minister said that his job was to,

"protect you or your parents or grandparents from the fear of having to sell your home to pay for the costs of care".

[BARONESS BLACKWOOD OF NORTH OXFORD]

This was one of the first points he made. The noble Lord will also know that one of the Government's long-term principles is that there must be a level of personal responsibility for social care in England, as well as the safety net that supports significant numbers of people today. However, we accept that there will need to be a significant amount of funding as part of the spending review commitment. That is being considered at the moment and will be coming forward imminently.

Baroness Jolly (LD): My Lords, the sustainability of adult social care is at severe and immediate risk. We too welcome the Prime Minister's words yesterday. Could the Minister confirm that he will commit to continuing with the precept, and the social care grant or the improved better care fund after 2019-20? Otherwise, how can councils plan their finances for 2020-21? What assurances do councils have that any future funding will be protected for the adult social services budget and not be part of the overall spending at the councils' discretion?

Baroness Blackwood of North Oxford: The noble Baroness is quite right that the better care fund has been considered a great success. It is an important part of the integration proposals between health and social care, which the Government and the NHS are committed to. It is under review to see how it can work better. That will conclude later this year so that certainty can be given to local councils, which I hope she welcomes. On market instability, I reassure her that the overall number of social care beds has remained more or less constant over the past nine years. There are also over 3,700 more home care agencies now—so, while there will inevitably be some exits from the market, we are more reassured than we would otherwise have been.

Baroness Pitkeathley (Lab): May I take the noble Baroness back to her reference to personal responsibility? There is a great deal of agreement across the House and elsewhere that personal responsibility is important as far as social care is concerned, but does personal responsibility extend to subsidies for those on local authority placements in nursing homes? Those paying for themselves privately are actively subsidising those places because local authorities cannot afford adequate rates.

Baroness Blackwood of North Oxford: The noble Baroness has got to the nub of the challenge, which is how we get the balance right. This is why we have brought forward the work we have been doing to make sure that, while we have the safety net in place and an element of personal responsibility, it becomes fairer. That is why the Prime Minister and the Secretary of State have made it clear that they are determined to drive this work forward faster and with more urgency than has been done until now. That has been put forward as a key priority of the incoming Cabinet.

The Lord Bishop of Ely: My Lords, we have heard, properly, about the needs of the elderly. Will the Minister assure us that the needs of people with learning disabilities will be better addressed in any action the Government are likely to take, particularly

since some 41% of the helpline calls to Mencap in April were from people very concerned about the loss of community care?

Baroness Blackwood of North Oxford: The right reverend Prelate has pointed out something very important: a significant portion of those accessing adult social services are actually those of working age and those with learning disabilities. It is very important that does not get lost in the debate. Anything that comes forward as part of the social care solution must address the concerns of that part of the community in a much more effective and joined-up way. Integration of social care and NHS budgets, and effective delivery, will be core to that delivery.

Baroness Greengross (CB): My Lords, last week, with the Salvation Army the charity the International Longevity Centre UK, which I head, published a report on the funding gap in social care, in particular for older people living in rural areas. The report summarised it very well by saying that there is not just one crisis but lots of crises and that local leadership alone cannot overturn the inequalities. As co-chair of the All-Party Group on Adult Social Care, I hope that the Minister can assure me that Her Majesty's refreshed Government will now prioritise this issue in the way I have suggested.

Baroness Blackwood of North Oxford: The noble Baroness phrased that very elegantly—I shall use the term “refreshed Government” myself. I will make the gentle point that the funding available for adult social care has increased by 8% in real terms from 2015-16 to 2019-20, which is a step in the right direction. However, there is a recognition that, to put it on a sustainable footing for the future, there needs to be a settlement in the upcoming spending review. That is recognised. On the point she made about rural areas, which is important, a lot of this hinges on workforce recruitment and retention, which can be more challenging in rural areas. That is why the Government have invested £3 million in the Every Day is Different national adult social care recruitment campaign, to encourage more people to apply to work in the social care sector and to raise its profile. This has had some success already, which is an encouraging picture. We need to work harder on that.

Ebola Question

11.29 am

Asked by The Lord Bishop of St Albans

To ask Her Majesty's Government what steps they are taking to help those areas affected by the latest outbreak of Ebola which has been declared a Public Health Emergency of International Concern by the World Health Organization.

The Minister of State, Department for International Development (Baroness Sugg) (Con): My Lords, last week the World Health Organization declared the Ebola outbreak in the DRC a public health emergency of international concern. This is a wake-up call to the international community that Ebola is a problem that cannot be ignored. We recognise the gravity of

the situation, and that is why, two days before the WHO declaration, the UK announced an additional £50 million of funding for the response in DRC. Now others must follow suit.

The Lord Bishop of St Albans: My Lords, I thank the noble Baroness for her Answer and, indeed, for the money that has been made available. One of the most effective ways of rolling out preventative health education is to use local indigenous leadership. In 2015, Christian Aid and other charities recommended that NGOs should engage with local faith leaders for this purpose. Are Her Majesty's Government following this advice? Secondly, with daily flights between DRC and Europe, given the highly infectious nature of this disease, will she explain to the House the steps that are being taken for our own domestic preparedness?

Baroness Sugg: I agree with the right reverend Prelate on the importance of getting education on this out, and community engagement remains one of the most important factors that will help in any outbreak. Strengthening this aspect of the response is a key part of the ongoing reset which the UK and other partners have pushed for. The response is increasingly working with religious leaders to help foster community trust and ownership and, on top of our wider support, we are funding anthropological research into community dynamics, which is working with faith leaders.

On the right reverend Prelate's second question, we do of course have screening at the airports in the affected areas, but the Civil Contingencies Secretariat in the Cabinet Office is co-ordinating the UK's preparedness, working closely with the Department of Health and Social Care, the Department for Transport and UK Border Force. We manage a returning workers scheme: people who have travelled to the area register, and we monitor their health. We have the expertise to handle a case of Ebola in the UK, with two high-level isolation units. We undertake a risk assessment every two weeks and monitor the situation daily. The current assessment is that the risk to the UK is negligible to very low.

Baroness Hayman (CB): My Lords, I visited Sierra Leone during the last Ebola outbreak, and very much endorse what the right reverend Prelate said about the critical importance—we left it too late in that outbreak—of gaining the trust of communities through religious leaders and through young people from their own communities in order to adhere to public health measures. During that outbreak, we did not have the option of a vaccination, and that is why many front-line healthcare workers in west Africa died during that outbreak. We have a vaccine this time, but I know that there are concerns both about stocks and availability of the current vaccine and about the potential use of a second vaccine. Can the Minister give us any information on that issue?

Baroness Sugg: The noble Baroness is right to highlight the benefits that the vaccine has brought. Previously, an outbreak of Ebola was passed on to four people; now, it is just one, following the vaccine. We should be very proud that UK aid played a part in developing that vaccine. We are working closely with the vaccine

manufacturer and the Chief Medical Officer in the Department of Health and Social Care to ensure that we have enough. We are monitoring the numbers of vaccine that would be needed, and we are investing in further research to ensure that we are prepared for another outbreak.

Lord Collins of Highbury (Lab): My Lords, can I pay tribute to Rory Stewart, who went to Geneva and made the plea, made the pledge and encouraged other Governments to work on this? This disease knows no national boundaries, and it is important that we address the issue globally. The noble Baroness, Lady Hayman, mentioned the need to build community action and public health awareness, and we need to use every method of communication. In Sierra Leone, we used local radio, other projects and schools—changing behaviour was critical. In this very difficult situation of a war zone, can the Minister reassure us that we are able to build that community action?

Baroness Sugg: I join the noble Lord in paying tribute to my right honourable friend Rory Stewart. He achieved a lot in his short time at DfID, passionately advocating for what 0.7% can do, putting climate and the environment at the heart of what we do and co-ordinating our response to Ebola and really pushing the agenda on that. I am sure that our new Secretary of State will continue that good work. The noble Lord is also right to point out the importance of communication. We are working on every angle of that, ensuring that we do so in the correct languages, using media where we can. I mentioned the anthropological research that we are doing, which is looking into how we can best spread the message, rather than the disease.

Baroness Sheehan (LD): My Lords, the outbreak in the DRC has already affected two neighbouring countries, Uganda and Rwanda. Given that Rwanda takes up the chair of the Commonwealth meeting next year, with the CHOGM in Kigali in June 2020, there is an opportunity to focus a spotlight on neglected tropical diseases. I welcome the fact that the Minister is still in her place at the Dispatch Box. What will this Government do to ensure that the proposed summit on NTDs and malaria gives Ebola high prominence and successfully generates the resources and political will to deliver on Commonwealth and SDG commitments?

Baroness Sugg: We are the leading donor for regional preparedness and will certainly be working with Rwanda to ensure that it is firmly on the agenda.

Baroness Manzoor (Con): My Lords, as has already been said, it is important to control the spread of Ebola. Can my noble friend say whether local schools are closed in eastern DRC? Would that help to reduce the spread of this infection?

Baroness Sugg: I thank my noble friend for that question. Of course, as I said, we are doing all we can to reduce infection. Unlike in Sierra Leone, schools in the affected area currently remain open; so far, they have not been identified as a major source of transmission. In west Africa, we saw that school closures could have many negative and long-lasting effects on children and

[BARONESS SUGG]
the surrounding communities. As the noble Lord, Lord Collins, pointed out, schools are actually a way in which we can educate people on this. Our support for UNICEF helps to fund infection prevention and control work in schools near confirmed cases. While the ultimate decision to shut schools rests with the Government of the DRC, it is something that the UK monitors closely.

Northern Ireland (Executive Formation etc) Act 2019 (Amendment) Bill [HL]

First Reading

11.36 am

A Bill to amend the arrangements for making regulations, and provision for commencement of changes to the law, on abortion in Northern Ireland.

The Bill was introduced by Lord Alton of Liverpool (on behalf of Baroness O’Loan), read a first time and ordered to be printed.

Business of the House

11.37 am

Baroness Smith of Basildon (Lab): My Lords, I wish to raise an issue about the Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019. I probably owe an apology to the government Chief Whip, having thought yesterday that I was dragging him to the Dispatch Box for the last time; I had not anticipated doing so again today.

We had a Statement and debate on this issue on Tuesday but having seen today’s report from our Secondary Legislation Scrutiny Committee’s Sub-Committee B, I have to raise serious concerns about process with the Government. We all understand the grave concerns about the policy of managed migration in universal credit and its implications. They are widely shared; the Government lost a major case in the High Court. My point today, although related, is about the constitutional role of Parliament in these issues. I am grateful to the Secondary Legislation Scrutiny Committee for drawing this to the attention of the House.

The original regulations were laid in June last year; they were withdrawn after severe criticism of the Government for prematurely seeking powers, and because they risked pushing vulnerable claimants into hardship. I think we have had two sets of replacement regulations, but the current ones to run the pilot have sat on the Order Paper since January. As affirmative regulations, the Government should have set a date for them to be debated in your Lordships’ House in that time.

On 8 January, the noble Baroness, Lady Buscombe, who was the Minister at that time, said that a debate would happen on the Floor of the House when parliamentary time allowed. Clearly, we have been so busy that there has been no parliamentary time available at all. The other place was also given a commitment that the Government would,

“ensure that the start date for the July 2019 test phase involving 10,000 people is voted on”.—[*Official Report*, Commons, 8/1/19; col. 175.]

But now the regulations have been withdrawn and new ones have been re-tabled this week, with one change following the High Court judgment. They have been tabled as negative instruments, with no automatic right of debate, in the week when Parliament goes into recess. They are also to be enacted within three days, ignoring the 21-day convention between tabling and enactment. It feels like a belt-and-braces approach to stop any debate taking place.

As the report identifies, the regulations have been around for six months without debate and Parliament will now be denied the opportunity, as promised by Ministers, to debate them before implementation. The regulations will be in operation for nearly six weeks before Parliament returns and can even think about debating them. In terms of the role of Parliament, this is a pretty shoddy state of affairs. The committee describes the Government action as a “tactical ploy”. What would the noble Lord call it?

I apologise, as I thought that there might be a new Chief Whip to whom I could ask this important question today. Will the noble Lord pass on to the new Chief Whip that they need to give a commitment to this, given that the pilot will be in operation before Parliament returns? The results of the pilot and the lessons learned must be debated in both Houses, before any regulations are laid to enable the full rollout of managed migration. We also need a commitment that this will not happen again.

Lord Taylor of Holbeach (Con): The Leader of the Opposition is quite right: new regulations were laid at the beginning of the week. The original regulations could not proceed because of a High Court judgment, as she mentioned. The use of the negative procedure is entirely appropriate for this statutory instrument. This SI does not contain the provisions from the original instrument that called for the affirmative procedure.

However, I am aware that the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee will be scrutinising the new SI in full, in due course. I note that the SLSC published a short information paragraph this morning, stating that a full report on the SI is to follow. Noble Lords should wait until we see what that report says, but the Government are more than happy to facilitate debates on negative SIs. If the Leader of the Opposition, or indeed the noble Baroness, Lady Sherlock, want to come and see me while I am still in my office, I will do my best to see what arrangements can be made. As the House knows, my door is always open and our wish is that the House has every opportunity to debate all negative SIs, where the Opposition deem it appropriate.

Baroness Smith of Basildon: I am grateful to the Chief Whip for the usual courtesy with which he has replied, but the message has to go to the new Chief Whip that there are two serious issues here. A debate can be facilitated, but these regulations will take effect over the summer. The 21-day convention has been cast aside and they will be in place. I am not just asking for a debate on these—we know that they are going to take place—but for a commitment to a debate on the outcome of the pilot, before we implement the policy as a whole. Given that we have not been allowed to

debate the pilot before it happens, we should at least be allowed to debate it afterwards to see how it impacts the policy as a whole.

NHS: Dentistry Services

Motion to Take Note

11.43 am

Moved by **Baroness Gardner of Parkes**

To move that this House takes note of the availability of National Health Service dentistry services.

Baroness Gardner of Parkes (Con): My Lords, I declare my interests as a retired dentist and a national health pensioner. It is good that we have this opportunity, on the last sitting day before the Recess, to debate the present situation. The Table Office produced the wording about the “availability” of NHS dentistry. Sadly, a more accurate title would refer to the lack of availability, as whole areas of the country have no dentists offering NHS treatment.

Many Australian dentists came to Britain at the time I did, in the 1950s. That was because there was no work for many new graduates in Australia. At the end of the Second World War, places at university—in my case the University of Sydney—were offered to anyone who had served in the forces. Teaching had to be on a sessional basis, so the laboratories and clinics were in constant use and able to produce many more dentists than if they had just the one session a day.

When many Australians came to Britain in the 1950s, there were about 150 new dental graduates each year, but there was work for only about 50. In Australia, dentists got jobs digging dams or making roads—anything that could provide a job for a living wage. No one seems to know who discovered the need for dentists in the UK, but word spread quickly and hundreds of new Australian dentists arrived by ship at Tilbury—there was no such thing as a quick flight in those days. Colleagues were on hand to explain how to register, obtain dental practice insurance cover and find a job. My knowledge is of the London area: there were plenty of jobs going and lots of children were in desperate need of dental treatment.

It was a shock to discover that a popular 21st birthday gift in the north of England was a full clearance of one’s permanent teeth. That is hard for us to believe now, when we would do anything to save our teeth. While some dental implants are done in the UK, I keep meeting people—even staff who work here—who tell me that they have taken up an offer to go to Budapest to have crowns fitted because it is cheaper there and very well organised. It really is a different world, dentally, from that of the 1950s.

When it was discovered who needed dentists in the UK, people found themselves going to different areas of the country. Their descendants remain in many of those places. I came in the early 1950s and was given a right to stay for six months. I think I asked to stay for a year, but was told, “No, no, we’ll only give you six months”, so I took it. By the end of the six months, they were willing to give us a bit more because, by then, we were involved in the National Health Service.

I served on the local dental committee and the Inner London Executive Council, and I was the first woman ever appointed to the Standing Dental Advisory Committee for England and Wales. That was in 1968.

Kevin, my husband for 50 years, arrived about a year after me. That was because he had won the oral surgery prize. If you had achieved such a special result, you were offered a year on the teaching staff in Sydney. A number of graduates did that and then came over the following year. We eventually bought a dental practice from an elderly Canadian dentist in a poor area on the fringe of the City of London. The houses were all red brick, 200 years old and owned by St Bartholomew’s Hospital. The whole area had quite bad subsidence. As you sat in the dental chair in the surgery premises, you saw that the doorway ran downhill—or uphill, depending on which way you were looking at it. It certainly was not level, and it was pretty worn out by the time we got there.

Many people wanted only a tooth out. We used to charge half a crown, but there was a donation to put in a bottle. That suited a lot of people, because they came in only if they were in trouble with pain. People were not minded to go to the dentist for routine things except, as I mentioned, in the north of England, where things were quite different.

During the years we were there, the area was gradually taken over through compulsory purchase by the GLC, which demolished the lot and rebuilt. It is hard to believe how grim the area was in those days, yet it had a wonderful atmosphere. Patients usually came from their houses in carpet slippers and hair rollers to have whatever was needed done to their teeth. They all went hop picking in Kent, which was how they afforded summer holidays. It is different now; no one goes hop picking because it is all done by machine. Who would have believed that that funny little old area would now be considered so smart? Old Street is the place for high technology; it has come a long way since we were there. A lot of people have been rehoused further out.

It is extraordinary that the number of adults seen by an NHS dentist has fallen in recent years. That surprised me; even if only those who had been going had kept going, the numbers should not have fallen. I do not understand why that is. Perhaps people have moved out; perhaps more people live further out; perhaps they want a dental practice closer to where they live. I was surprised to read that Portsmouth does not have a single dentist offering to take NHS patients; that has not been widely publicised. The numbers seen—in thousands—are set out in the briefing that I know has been sent to most noble Lords.

Also extraordinary was the speech made by Kenneth Clarke, which reversed the situation. In 1988, Kenneth Clarke wanted to introduce national health examination fees. In those days, noble Lords used to go and have a bit of a snooze in the big chairs in the Library after lunch—they are more active now. I went in and said something a bit noisy to wake them up, and then asked them to come into the Chamber and listen to the debate. I did not want to make up their minds for them; I just wanted them to hear what was said. They did, and this House voted to retain free dental examinations. The Bill then went back to the

[BARONESS GARDNER OF PARKES]

Commons, where Kenneth Clarke made a lengthy speech about why the Commons should agree to reverse the position back to what it had been. He also attached financial privilege so that we could not debate it again. That was a tragic situation; the opportunity had been there, but it was the beginning of the end for national health dentistry.

National health dentistry is now not meeting people's needs and the biggest worry of all is treatment for children. If they do not get treatment early in life, when they really need it, you can never reverse the damage once the baby teeth are lost. I read in the *Manchester Evening News* that children are willing and able to have dental treatment under general anaesthetic and huge numbers of clearances are being done, but no one is willing to take on general treatment. There are no general anaesthetic slots available for other operations in Manchester because the clearance of children's teeth is taking up the full capacity for treatment under general anaesthetic. That is a sad situation and I hope something will be done about it.

I hope today's debate will send a message that we want NHS treatment to continue. It is very important for those receiving dental care to have that facility available. I beg to move.

11.55 am

Lord Storey (LD): My Lords, I thank the noble Baroness, Lady Gardner, for initiating this debate. I remember a similar debate in the Moses Room about two years ago. I knew nothing about dentists or dentistry, but I was on the subs bench and had to speak on the topic. I learned so much from that debate and I hope that that learning experience continues. I am conscious of the fact that I am among people who have given a lifetime to the profession. I also thank those organisations that sent some stunning briefings; particularly our own House of Lords Library and the Royal College of Paediatrics and Child Health.

The title of the debate concerns the availability of NHS dentistry. If you live in Barrow-in-Furness, it is a 90-mile round trip to see the dentist. It is the same in Whitehaven, Windermere, Bodmin and King's Lynn. Morecambe is not exactly in a remote part of the country—I declare an interest in that my wife, like Thora Hird, is from Morecambe—yet it is a 61-mile round trip to see a dentist. It is the same in Plymouth. Tim Farron, the MP for Westmorland and Lonsdale, in a debate in the Commons in July this year, said that the situation “has reached breaking point”. For those who have to travel, it is not just the cost of going to the dentist, it is the cost in travel. Will the Minister, in replying, address those difficulties?

It seems to me that whether we are the fifth- or sixth-wealthiest country in the world, it is surely not acceptable that 31% to 41% of five year-olds across the UK have tooth decay. It is particularly unacceptable that those young people are concentrated in the most deprived communities of our country. Of course, we all know that tooth decay is the most common single reason that children aged between five and nine are admitted to hospital. Not only could we do something to sort out decay in children's teeth—we will come to that in a moment and we will all have contributions to

make—we could do something about waiting lists and waiting times in our hospitals. Just imagine the time we could free up if we did something about this, because tooth decay is entirely preventable.

NHS dentists struggle to see even 55% of the population in a one-year period. Lack of access to emergency dentistry is often seen as contributing to overcrowding in hospital accident and emergency departments. The British Dental Association claims that 380,000 patients a year with dental problems are approaching their general practitioner—what? We know that in England dentists are now paid in units of dental activity—UDAs; I learned about this last time, and I spoke to one of my colleagues. Typical values for these units are £20 to £35. They are paid at one unit for a band 1 course of treatment, three units for a band 2 course of treatment, and 12 units for a band 3 course of treatment. For many treatments, the rate of pay is below the cost of providing the treatment to a modern standard and, as a result, many dentists will refer patients for any unprofitable services. I raise this, and I hope the Minister can give more details, because I do not quite understand it.

I asked Adam, my dentist, “How do you ensure that more young people are treated by an NHS dentist?”. He replied, “Ah, Mike, the problem is UDAs”. Each practice is given so many UDAs to treat children, and when they are used up, they cannot treat any more children. The problem is that in affluent areas, dentists will have UDAs left, which will go back to the Treasury, but in deprived areas, the UDAs might finish after six, eight or nine months. Why can we not transfer the surplus UDAs from the affluent areas to those areas? I do not understand that, and I would be grateful if the Minister could explain it, making it simple for me—keep it simple for a simple person—so can I understand how we can use UDAs effectively to treat young people's teeth.

Poor oral health can profoundly affect an infant or child's health and well-being. A quarter of adults do not think that it matters if their child develops cavities in their baby teeth, and admit to a lack of knowledge about oral health. There is a common misconception that baby teeth do not matter. However, they are essential for speech, the structure of the space, and for holding space for adult teeth to grow into. Decay can lead to not only infection and discomfort but potential damage to the teeth below. It is therefore essential that parents take their children to the dentist as soon as possible and understand about tooth decay and good dental practices. That is why I regret the closure of Sure Start centres and the reduction in the number of children's centres. Those were ideal places for parents to learn about the importance of not just dental care but baby teeth, and how parents should be encouraged to look after the child's baby teeth for the very reasons I have given.

In recent years, although the number of children being seen by NHS dentists in England has increased, as we know, the number of adults has seen a falling-off. This decrease has partly been attributed to labour shortages in the NHS and dental practices, and dentists scaling down their commitment to the NHS or leaving entirely.

On the question of fluoridisation, as we know, fluoride is a mineral that prevents tooth decay and can be added to drinking water, salt or milk as a means to promote oral health. The excellent briefing from the House of Lords Library, which I do not need to repeat, explains how and where that is happening. However, I remember how, as a young head teacher, my progressive local authority—which was in fact Labour-controlled; should I say that?—introduced what was called dental milk, which had the correct amount of fluoride in it. That was a deprived community, with some of the worst dental problems in the region, and parents could choose between the dental milk in a green carton, or ordinary milk in a white carton. Guess what—99% of parents chose the dental milk, and the visiting hygienist said, “Mr Storey, your children’s teeth are improving year by year”.

I regret that for all sorts of reasons—perhaps a fear of fluoridisation—dental milk is not as prevalent in our schools as it used to be. Could the Minister reflect on that issue and say what government might do about it? A study in Scotland—never mind my school in Knowsley—where a similar scheme was in place found that decay rates fell by 48% among five and 10 year-olds who were drinking dental milk. I know that there are legal problems, and so on, but it seems that we are silly not to have developed that opportunity.

Healthwatch produced a fascinating briefing. It states that one theme that has consistently cropped up is that of dentists lacking knowledge or training to be able to treat individuals with learning disabilities, autism or special needs. I had not thought about that, but I should have thought that part of a dentist’s training should be in treating people who are autistic or have a particular special need, or that there were, as there are in America, child-friendly practices and practices which can cope with people with special needs.

We can eradicate tooth decay. It is very simple to improve dental health. It need not be expensive. Most parents can afford to buy a toothbrush and toothpaste. Schools should be willing, particularly in the early years, to work with parents and children to develop good oral hygiene. I remember when the hygienist visited every school up and down the country every year to check the pupils’ teeth. No doubt the Minister will tell us about particular programmes that are operating. That is great, but we want it right across the country, not limited programmes. Why can we not go back to a system where the equivalent of the school nurse, the hygienist or the dentist comes into school and checks young people’s teeth to see what the damage is or what needs to be done and then works with the parents to ensure that children get the treatment they deserve?

I am not going to talk about sugar in food and drinks—I am sure that other noble Lords will raise that. Children should receive their first check-up as their first teeth come through, recorded on their personal child’s health record. Together, we can eliminate tooth decay from our country.

12.06 pm

Lord Colwyn (Con): My Lords, like my noble friend Lady Gardner, I declare my interest as a fully retired dental surgeon with more than 40 years’ experience. I am a fellow of the British Dental Association and

vice-president of the British Fluoridation Society. I thank my noble friend for securing this debate. I also welcome my noble friend Lady Barran, who joins a select group of Peers who understand dental politics. It will only get better, I am sure.

Noble Lords will know that I take every possible opportunity to raise the issues of oral health and dentistry in the House, as these important subjects are all too often overlooked. I am pleased to have another chance to highlight the growing problem of access to NHS dental services today, even though so few colleagues are able to be here on the very last day of the parliamentary Session—and the hottest.

More and more studies now confirm what dentists have always suspected: that a healthy mouth is a gateway to a healthy body and that neglecting oral health can sabotage our long-term overall health. Tooth decay and gum disease are increasingly linked to a heightened risk of serious health problems such as stroke, heart disease and diabetes, yet we continue to treat NHS dentistry as a Cinderella service by not giving it the importance it deserves. Government funding for NHS dentistry per capita in England has fallen by 29% in real terms since 2010. At the same time, patient dental charges have gone up by an inflation-busting 5% in each of the past four years, despite studies showing that rising charges discourage patients from seeking the treatment they need.

Underfunding NHS dentistry might seem tempting at a time of great pressures on the NHS as a whole, but such thinking is short-termist and wholly counterproductive. Patients who cannot find an NHS dentist or delay treatment due to its cost can end up piling huge pressures on other parts of the NHS. Every year, thousands of patients seek free help with dental pain from their GPs or the local accident and emergency department, neither of which is equipped to help them. If you add the cost to the economy of sleepless nights and lost working days caused by tooth pain, it becomes even clearer that cutting dental services is not only bad for patients but a false economy.

It is appalling that only half of adults in England have seen an NHS dentist in the last two years and that more than four in 10 children in England have not seen an NHS dentist for over a year, even though ideally they should have a check-up every six months. We must make sure that we improve access to NHS dental services, so that both children and adults can attend regular check-ups and get a timely diagnosis and appropriate treatment, if required, early on.

Whenever this issue is raised, Ministers assure us that the access rate to NHS primary care dental services remains high. Yet not a week goes by without a new story hitting the press about shocking waiting lists and journey times faced by patients all across England looking for an NHS dentist. We have heard about this already today. Earlier this month we learned that in Cornwall the waiting list for an NHS dentist has topped 22,000, with people waiting 529 days on average. If you live in Windermere in Cumbria, the nearest practice able to accept new NHS patients is now a 104-mile round trip away; this would take over six hours on public transport. Not a single dental practice in the entire city of Portsmouth is able to take on new

[LORD COLWYN]

NHS patients. The list of examples goes on and on. While the Government claim that these are isolated hot spots, it is becoming increasingly clear that this problem affects every part and region of the UK. Something needs to be done, and fast.

Morale among NHS dentists is at an all-time low. According to the British Dental Association's last member survey, more than two-thirds of dentists with a large NHS commitment are planning to scale down their NHS activity or leave the service altogether in the next five years. Three-quarters of practice owners report struggling to fill vacancies—up from half just two years ago. Practices are closing in large numbers as they struggle to recruit and make ends meet under the current dental contract. Unless there is a change of direction, we will soon be facing an even greater exodus of dentists from the NHS. This brings into sharp focus the urgent need to deliver a reform of the dental contract.

Last April saw the 13th anniversary of the introduction of the current dental contract. This contract is not only widely detested by dentists themselves and discredited by health policy experts, but, equally importantly, is bad for patients as it rewards dentists for carrying out interventions rather than keeping their patients healthy to avoid them. Dentists were promised a new, improved contract back in 2010, but with the fourth wave of so-called prototypes still testing possible new arrangements, it looks as if this badly needed reform is being kicked into the long grass. It is crucial that we stop dragging our feet and finally introduce a new, more preventive, contractual basis for NHS dentistry that would improve access for patients. Both dentists and patients desperately need this. Shifting the focus to preventive treatment would not only yield long-term savings but improve access to NHS dental services and quality of life across the country.

I share the concerns of the British Dental Association that the long-running prototypes remain the tarnished system of payment per unit of dental activity, alongside payments per capitation and quality. With tooth and gum disease linked to many other costly health conditions such as diabetes and heart disease, our health system cannot afford to wait much longer for the NHS to be commissioned in a way that makes a decisive break from activity targets and puts prevention squarely in the centre.

The BDA tells me that dentists want to be paid for keeping their local communities healthy, not for the number of treatments performed. That is what makes the most sense for the long-term sustainability of our NHS, too. We cannot achieve improvements in oral health with a system that continues to offer perverse incentives to treat instead of rewarding dentists for preventing disease.

As an absolute priority we need a new, improved dental contract; a focus on prevention rather than cure; and adequate investment in NHS dental services. These would ensure not only an improvement in access to NHS dentistry for patients but also better oral and general health outcomes for the British people. I hope that our new Minister will take note and I am grateful for her help in this.

12.16 pm

Baroness Masham of Ilton (CB): My Lords, I thank the noble Baroness, Lady Gardner of Parkes, for raising this important matter today. She is, and has been over the years, a great campaigner for NHS dentistry services. Many people shy away from the subject, but it needs to be highlighted and I congratulate her on introducing this debate.

There is a shortage of much-needed NHS dentists at the present time, as has been said. Brexit is not helping, and I hope that if we leave the EU we will not lose some of the excellent dentists who come from EU countries. Many people go to Europe for their dentistry treatment because it is good and available.

In June 2019, the Care Quality Commission examined the adequacy of dental support for the elderly in care homes in England. Its findings revealed that 52% of care homes did not have a policy to promote and protect oral health, while 73% of the care plans it reviewed only partially covered oral health or did not cover it at all. In its conclusions, the Care Quality Commission argued that too many people living in care homes were not being supported to maintain and improve their oral health.

One of my part-time secretaries has a mother in a care home in rural north Yorkshire. She has told me that it is very difficult for those in residential care in north Yorkshire to access regular dental care. She noticed that residents with disabilities in the home had difficulties in practising oral hygiene and that overall their oral health is not good.

She tells me that there are long waiting lists at local dentists, some of which are not taking on more NHS patients, and that dentists in north Yorkshire do not routinely visit residential settings. She was told that she would have to arrange a dentist for her mother, but she has not managed to do so over the past seven months because of shortages. Before going into residential care, her mother visited a local dentist every six months, but the home is too far away from her home address to remain with that dentist. When her mother's dentures were damaged, there was no access to a local dentist for their repair and her mother has had to manage without them. At that home, there does not seem to be a clear policy to protect and promote oral health on a daily basis or to cover residents' dental health as part of their care plan. It is important for residents to be able to eat a nutritionally balanced diet, but any deterioration in teeth affects the ability to chew fruit, vegetables and meat, so it makes sweet options more attractive, although they are the worst foods for teeth.

Disabled people living in the community can also have problems visiting the dentist. Some time ago, schoolchildren in my part of Yorkshire did a survey of dentist practices and found that many were not accessible. After that, access improved and ramps appeared. The attitude of dentists towards disability can be very varied. Some are helpful, but others just do not want to be involved. How much training in physical and mental disability do dentists and dental nurses have? Understanding disability makes all the difference for people who have so many problems when they come for treatment.

Another vulnerable group where dentistry is concerned is the prison population. Having served for many years on the board of visitors at a young offender institution and having been a member of the parliamentary prison health group—when we had one—I would be interested if the Minister could update us on progress. With the dilemma now facing Feltham young offender institution, where young people are locked up for 22 hours a day, goodness knows what will happen if severe toothache strikes an inmate. There are few published studies on prisoners' oral health in the United Kingdom, although some national centres have undertaken unpublished work. They have shown increased consumption of sugary drinks and foods, drug abuse and oral neglect in the prison population. The prison population in the UK and the USA is commonly from similar socioeconomic backgrounds but as we know, not all are. Prisoners are mainly socially deprived young males, but the number of older and very young prisoners is on the increase.

Many prison establishments do not have contracts with oral healthcare providers to run sufficient dental care sessions during normal working hours. Out of hours can be impossible. Dental services are generally demand-based, with prisoners requesting to see the dentist or being referred by a prison medical officer. There are services which struggle to meet prisoners' express demands and have long waiting lists for treatment—that sounds also like the community. The Government's *Strategy for Modernising Dental Services for Prisoners in England* needs to be updated as it is out of date. This is particularly important for the section on service provision, which perhaps underestimated the number of dental care sessions required per establishment. Unfortunately, this document is still used by some commissioners when planning dental services. I hope that, if she can, the Minister will update us on how the service is improving.

Three common behaviours among prisoners that have implications for oral health are smoking, excessive alcohol consumption and illegal drug use. There is a great deal of health education that should be promoted throughout the Prison Service. With the Green Paper on public health having just come out, I hope that the section on prevention will include dentistry for vulnerable groups and children's oral health.

I end by saying that many improvements should and could be made so that the growing elderly population and disabled people living with complex conditions can have good dental care from dentists who understand their special needs, and thus have a better quality of life.

12.25 pm

Baroness Jolly (LD): My Lords, this has been a really interesting debate and—not always unusually for your Lordships' House—very well informed. The noble Baroness, Lady Gardner of Parkes, who must have been a really inspiring role model as a young dentist, set the tone for the debate and painted a clear picture of dentistry in the past. To add to her point about having all your teeth extracted because it was the cheaper option, I have a friend who got married in 1975—the same year as I did—and for her wedding present, she had all her teeth extracted in her twenties

and her father gave her dentures. I cannot get my head around the fact that that happened to a contemporary of mine in 1975, when the NHS was very well established.

My noble friend Lord Storey spoke—with all the understanding that comes with his background not only as a councillor but as a head teacher—about the scandal of tooth decay in children, and he mentioned fluoride in milk. I confess that I was not aware of milk containing fluoride—that was very interesting. He mentioned the closure of Sure Start centres, and I would like to throw in for good measure the reduction in the number of health visitors. Certainly when I had my babies, once the midwife had moved out, the health visitors came in and we were told quite clearly that sugar was not good for our children. Across the country we are several thousand health visitors light—4,000, I think—so this sort of information is not getting to young parents.

The noble Lord, Lord Colwyn, was a practising dentist for many years, so he too really knows what he is talking about. He emphasised the importance of fluoridisation and pointed out that all sorts of health problems are connected to poor dental health. During the time in which he practised, there was a decline in funding and a rise in charges, as well as a decline in children's access to services. I am a bit puzzled about that. I appreciate that it is not always easy to find a dentist and I can understand why adults might resist going to the dentist because of the charges, but there are no charges for children's dentistry, so in a sense there is no excuse for that.

The noble Baroness, Lady Masham, has an interest in dentistry going back many years and, like the noble Baroness, Lady Gardner, has spoken several times in debates on the subject. She raised the interesting issue of Brexit. Clearly, many dentists now come from EU countries and they need to stay—we cannot afford to lose them. The other issue that she raised, which I had not even thought about when preparing my notes, was prison dentistry. As people are captive—that is not quite the right expression, but they are in one place—there is an opportunity to sort out their health as well as their dentistry while they are in prison.

My early recollection of dentists, in the 1950s, is of a big van pulling up and parking in the car park opposite my primary school. We all trooped over for an inspection and were terrified, lest there be a problem to which the solution would be the pedal-driven dentist drill. It might not have hurt but it made a devil of a clatter, and that experience has stayed with me.

I declare my interest as in the register. When both doctors and dentists are being trained, they are not always told how to treat adults or children who have a learning disability. That is something well worth mentioning, and I am sure others would say the same. Dentistry is now light years away from that 1950s image that prevented me being a regular attender. It was not until I was at university—where, if you went to the dental school for your treatment, it was free, modern and overseen by professional teaching dentists—that I overcame my fear. My teeth were crowded and out came my wisdom teeth; I had a car accident and they were straightened. My student dentist was a rugby player and sang rugby songs to keep me calm.

[BARONESS JOLLY]

All this is light years away from the treatment I receive now from my dentist in Horseferry Road. She is a tiny lady who comes up to only my shoulder, but she is absolutely forthright about my care, what I need, what she is going to do and why. We talk through options of NHS or private care for my treatments, and I am not allowed to leave without making an appointment for my next check-up.

I am fortunate: I can afford the treatment. It is worth mentioning that I live in Cornwall, where I have not been able to get an NHS dentist for 15 years. I was chair of a PCT and we tried very hard to attract dentists to come to live in Cornwall. It is a lovely place but it is a long way from everywhere and, very often, if dentists are married, their other half cannot get a job in Cornwall, and so it is not an option. That cuts across a whole load of things, and I suspect the situation is much the same in the Lake District. Areas of outstanding natural beauty are fine, but they are not always an ideal place for professionals of any sort to get jobs.

I shall talk today about the concerns of the dental profession about contracts and add something about the treatment given to old and disabled people living in care settings, and I have just mentioned the shortage of dentists in many parts of the country. A lot of this is linked to the need for a new contract for dentists and is a response to the issue of adults living in poverty and unable to afford treatment, which I shall mention as well. My noble friend Lord Storey has pretty thoroughly covered the issues around children and their oral health.

It is a sad fact that many people in the UK do not access regular dental care. Many homeless and vulnerable people are not registered with a dentist and put up with severe dental pain and infections, often masked by drugs or alcohol. Others who work long and unpredictable hours feel that taking time off work to visit a dentist is unaffordable and impractical; people with a history of mental health problems often face personal barriers to accessing dental care; and those who cannot afford treatment just do not register.

Until preparing for this debate I was not aware of the amazing charity Dentaaid. Originally set up to recycle donated dental equipment to charitable dental clinics across the world, it has now set its sights back on the UK. It has equipped a mobile dental unit—I suspect a rather more modern version of the one I visited all those years ago—which visits homeless shelters, day centres and soup kitchens to screen, advise and treat those not registered for NHS care and, it goes without saying, unable to pay NHS fees. Volunteer dentists run the service, and it has been working in Kirklees for nearly five years. Since it began it has visited schools, community centres and Dewsbury town hall, offering free access treatment on a pay-what-you-can-afford basis. Patients just turn up and wait to be seen. It was commended to me by my noble friend Lady Pinnock, herself a councillor on Kirklees Council. This year, Dentaaid received funding from the council to run a series of clinics in accessible locations. They are very busy and have treated hundreds of people.

On the one hand, I applaud Dentaaid and Kirklees Council for the initiative, but on the other I really despair that these initiatives should be necessary at all. What work has been done to assist those who are unable to pay NHS dental fees? There is an NHS low-income scheme covering prescriptions and dental treatment, but it is not as widely advertised as it might be. Often the retort is, “Well, they can just look on the NHS website”, but it is unlikely that the first point of access for such patients is the website.

I turn to those living in care centres, which the noble Baroness, Lady Masham, mentioned. Has the Minister had an opportunity to read the CQC report on oral health called *Smiling Matters?* Three years on from when the NICE guidelines on oral health in care homes were published, the CQC carried out an inspection and concluded that poor oral health can affect people’s ability to eat, speak and socialise normally—though I am sure that the noble Lord, Lord Colwyn, will say that he could have told us that anyway. Most care homes had no policy to promote and protect people’s oral health. Nearly half were not training staff to support daily oral healthcare, and nearly three-quarters of care plans reviewed only partly covered oral health or did not mention it at all. As has been mentioned by the noble Baroness, Lady Masham, it can be difficult for residents to access dental care, and 10% of homes had no way to access emergency dental treatment for their residents. Given that most care homes are privately run, what can reasonably be done to turn this situation around? Could the Minister give some thought to that question?

I do not have enough time to adequately express the profession’s concern about its contract, which has been an ongoing issue for several years. My noble friend Lord Storey and the noble Lord, Lord Colwyn, covered this quite well. Why is this issue taking so long to resolve? Will the Government reassess both funding and charges in the new contract? The noble Lord, Lord Colwyn, said that the current contract is detested and discredited. It is all about interventions, not prevention, which sounds terribly old-fashioned in this day and age when everything about health is about promoting prevention. There are also perverse incentives.

How long must dentists wait? Could the Minister give us an indication of a timescale for this? Happy dentists will be less likely to leave the profession, and new dentists will join if there is a contract that is modern and suits not only patients but the profession. That is, after all, something that all of us want.

12.38 pm

Baroness Wheeler (Lab): My Lords, this has been an excellent and comprehensive debate, made particularly authoritative by contributions from former dentists. I thank the noble Baroness, Lady Gardner, for securing it.

The noble Baroness is quite right that there are many serious problems related to accessing NHS dentistry services that must be urgently addressed. We share her concern that large swathes of the country have been left without a dentist following the closure of multiple NHS dental practices. There are 14 areas where residents have to travel more than 20 miles to get a dentist as

they are unable to register as a new adult patient locally. The noble Lord, Lord Storey, is right to stress both the health and personal effects of this, such as the cost of travelling expenses, which many will simply be unable to afford.

As we have heard, this is not a rural phenomenon confined to a handful of small villages; on the contrary, it is also true of large towns. The city of Portsmouth, which, I remind the House, has a population of nearly 400,000, is without a single NHS dentist accepting new patients, leaving over 1 million NHS patients with the option to travel or to miss out on the care that they need. That is simply unacceptable.

Regular dental checks, recommended at least every six months, are key to good oral health, disease prevention and early diagnosis of routine or complex conditions affecting the mouth, jaw and other parts of the body, given that dentists are able to spot early warning signs in the mouth that may indicate systemic conditions such as AIDS, cancer and diabetes. I liked the description from the noble Lord, Lord Colwyn, that a healthy mouth is the gateway to a healthy body. I think we would all agree with that.

Not being able to visit the dentist can potentially be very harmful to your health. It is imperative that the Government take urgent action to ensure that everyone has access to an NHS dentist locally. NHS England is responsible for helping people find a dentist locally through its customer contact centre. Can the Minister tell the House how many dental cases the centre deals with annually, what analysis is made of this information in terms of gender, age, ethnicity and location, and how the information is used to improve patient services and outcomes?

The sheer cost involved in accessing NHS services is another huge barrier. Free universal healthcare is a source of national pride but, despite falling under the banner of the NHS, dental treatment is not free at the point of need for the vast majority of adults, who do not meet the increasingly narrow exceptions criteria. NHS dental prices have risen by 5% this year—the fifth annual price increase. As a result, a check-up in England and Wales now costs £22.70, a filling or extraction costs £62.10, and a crown or false tooth costs £269.30. These are significant outlays, which are of course much higher in many surgeries.

We echo the British Dental Association's concern about the increase in so-called DIY dentistry. While accurate figures on the extent of this are hard to find, there are alarming anecdotal accounts of people being forced to pull out their own teeth, resorting to long-term use of painkillers to delay going to a dentist, visiting their GP, as the noble Baroness, Lady Jolly, said, or going to A&E for emergency treatment. Such A&E visits form 1% of all hospital attendances in England.

Even adults who are NHS-exempt experience considerable administrative barriers to accessing NHS dentistry services. Every year, more than 40,000 people in England receive fines of £100 from their dentists through the automated system designed to stop people fraudulently receiving free treatment. The fines are applied by a random screening process to check eligibility and amount to approximately £4 million a year. Many vulnerable people who we have heard about today,

including dementia sufferers and those with learning disabilities, are inadvertently falling foul of this system and being unfairly fined. Fines have been levied for minor misdemeanours such as ticking the wrong box or confusion about the forms that had to be filled in. Even when patients are eligible for free treatment, an incorrect identification of specific benefit payments or a failure to renew documents can trigger the £100 penalty, which rises to £150 if there is a delay in payment.

Many vulnerable patients such as those with dementia, learning difficulties or other health conditions will be brought to the dentist by a carer, who might not have detailed information about types of benefit and exemption certificates, or may be overwhelmed by the complexity of a patient being migrated from one benefit to another under the universal credit rollout. The noble Baroness, Lady Jolly, rightly highlighted the dental care problems experienced by homeless people. I was very interested to hear what she said about the work of Dentaid.

It is clear that the system has become a significant barrier to vulnerable people accessing care, through lack of awareness as to eligibility, inability to provide required documentation or the fear of being wrongly accused of fraud. Even when patients—or, more likely, a carer or someone on their behalf—have been able to navigate the equally complicated and confusing appeals process, about 90% of appeals are overturned as having been incorrectly applied for. Does the Minister agree that the system is not fit for purpose and needs urgent review? Will she undertake to work with dentists, GPs and the Department for Work and Pensions on this?

The noble Baronesses, Lady Masham and Lady Jolly, referred to the Care Quality Commission's recent report *Smiling Matters: Oral Health in Care Homes*, which is of particular concern. As we have heard, on 100 routine inspections the CQC found that most homes had no policy to promote or protect people's health; nearly half were not training staff to support daily oral healthcare; 73% of care plans reviewed only partly covered or did not cover oral health; and 10% of homes had no way to access emergency dental treatment for patients. As both noble Baronesses stressed, residents in care homes may have difficulty brushing their teeth due to poor manual dexterity, limited mobility, vision problems or cognitive difficulties, and long-term conditions such as Parkinson's disease or dementia exacerbate those difficulties. Residents may be left unable to eat, drink or communicate. As the Alzheimer's Society says:

“Mouth pain can have a huge impact on people with dementia, and can lead people to stop eating completely. Looking after a person with dementia's oral health is vital”.

Can the Minister tell the House what action is being taken to address this very serious problem? The noble Baroness, Lady Blackwood, told the House on 11 July that dental care in care homes is being considered in the social care Green Paper—our old friend. Can the Minister tell us what areas are being addressed and what actions will be taken to ensure that NICE standards for oral health in care homes are being adhered to? Does she support the CQC's call for mandatory staff training in oral care and check-ups for all residents upon admission? Does she have any insight as to when the Green Paper will finally be published?

[BARONESS WHEELER]

For far too long the Government have treated NHS dentistry as an optional extra, with patients throughout the country ultimately paying the price of failed contracts and year-on-year budget cuts. Despite high-profile announcements and repeated pledges to put prevention at the heart of NHS strategy, the Government have failed to invest or make any tangible commitment to dentistry, while the long-awaited *NHS Long Term Plan*, published in January, largely ignored oral health. Indeed, there was no dedicated chapter or even a heading on oral health, while dental care is mentioned only twice in its 136 pages.

Access to an NHS dentist remains a key challenge. I hope the Minister will be able to assure the House that the new Prime Minister intends to make access to NHS dental services a domestic policy priority. It is vital that he commits to reviewing the level of NHS dentistry funding, and to working with the sector and stakeholders to remove the barriers faced by vulnerable patients in particular.

12.47 pm

Baroness Barran (Con): My Lords, I congratulate my noble friend Lady Gardner on securing time for this important debate and all noble Lords who have contributed, although I feel, like the noble Lord, Lord Storey, that I am also on the subs bench. I have certainly learned a great deal from all today's contributions.

I am genuinely pleased to have the opportunity to talk about NHS dentistry in England, but before I do I also thank my noble friends Lord Colwyn and Lady Gardner for their contributions to the NHS. I am delighted that our immigration services were enlightened enough to extend my noble friend Lady Gardner's six-month visa many years ago.

This is a very serious and important area, and I know it is one that my noble friend is concerned about and has raised on several occasions. As we have heard put very eloquently across the House, poor oral health can have a devastating impact on an individual's quality of life and an even greater impact on that of a child. We know that the two main dental diseases—dental caries or decay and periodontal or gum disease—can be almost eliminated by good toothbrushing, backed up by regular examinations by a dentist. As the noble Lord, Lord Storey, said, this is one of the most preventable areas of healthcare.

Noble Lords did not refer to—and I hope your Lordships will permit me briefly to comment on—the prevention Green Paper published on Monday, which included two important commitments on oral health. We will be consulting on two initiatives: water fluoridation and supervised toothbrushing. My noble friend Lord Colwyn referred to fluoridation. We aim to address the unwarranted variation in children's oral health across the country.

Lord Davies of Stamford (Lab): I am grateful to the Minister for giving way. Can she remind us how many years have gone by since the Government began to examine the issue of fluoridisation?

Baroness Barran: I am happy to write a response to that later.

Next year, we will consult on rolling out a school toothbrushing scheme in pre-school settings and primary schools in England. This would allow us to reach the most deprived children in the country aged between three and five, with the aim of reaching 30% of children in that age group by 2022. We will also be exploring ways of removing any funding barriers to fluoridating water, to encourage more areas that are interested to come forward with proposals.

Many noble Lords, including my noble friend Lady Gardner, talked about children's oral health. We know that overall our children's oral health has improved significantly, with the most recent data from 2015 showing that 75% of five year-olds in England are now decay free. Several noble Lords talked about children's tooth extractions in hospitals due to decay. For children under 10, they have fallen slightly, by 2% between 2016-17 and 2017-18, but, encouragingly, for the under-fives extractions have fallen by 22% over the past five years, and there has been a steady decline over those five years. I am by no means denying that problems remain but am just trying to set a perspective. We want to keep that trend going.

Looking at some of the things that we are doing to address this, NHS England has developed schemes focused specifically on children in areas of high dental need. The Starting Well programme is aiming to improve the oral health outcomes for children in the most deprived areas, and is focusing on 13 high-priority areas, with the aim of increasing the provision of advice and interventions to all children under the age of five, particularly those who do not regularly visit a dentist. This will include outreach to children not currently in touch with dental practices. That is the focus in the most deprived areas. Also, to complement this, NHS England is developing the Starting Well Core, which aims to reach children between the ages of nought and two and is being offered to children anywhere in the country where commissioners decide that it is needed.

My noble friends Lord Colwyn and Lady Gardner and the noble Lord, Lord Storey, and the noble Baroness, Lady Jolly—perhaps everybody who has spoken—talked about challenges around access to NHS dentistry. Over 22 million adults were seen by a dentist in the two-year period ending in 2018, and 7 million children were seen by an NHS dentist in the 12-month period ending in 2018. Although those overall numbers are good, as noble Lords have pointed out, there are specific areas of the country known as “hot spots”—although I think they might be called “cold spots”—and it is vital that steps are taken to address these issues. NHS England is taking a number of actions to improve dental access nationally. These include, first, flexible commissioning to allow NHS commissioners to deliver a wider range of services from dental practices. That would include not just basic dental services but orthodontic services, which we think in turn will make NHS dentistry more attractive to new dentists.

That leads me on to the challenge of recruitment and retention. Again, if one looks at the numbers, there has been an increase in the dental workforce over the past five years. The noble Baroness, Lady Jolly, asked a question about the impact of Brexit on the workforce.

In March 2019, we put in place legislation which ensures the continued recognition of European qualifications by all the professional regulators in the field. This means that EU staff who currently practise in the UK can continue to do so and that professionals qualified in the EEA and Switzerland can continue to apply for registration after exit day, deal or no deal.

NHS England is also working closely with Health Education England and a wide range of stakeholders to improve the career profile for dental professionals, allowing them greater flexibility to move between specialties. We are aware that some practices are handing back their contracts, and we recognise that there are stresses in the system. That underlines the importance of reforming the dental contract, as well as the measures we are taking to support professionals.

The noble Lord, Lord Storey, asked about the transfer of UDAs—units of dental activity. The ability to transfer regionally is currently very limited, given the way they are set up, but the introduction of more flexible contracts and the new dental contracts being piloted will allow much greater emphasis on prevention, which many noble Lords have rightly raised. To pause on the new dental contract, it has now been evaluated and shown positive results. We have just taken on 28 more practices. I absolutely appreciate that there is frustration that the new contract has not been rolled out more quickly, but we are awaiting ministerial and NHS England sign-off on that.

The noble Baroness, Lady Masham, and the noble Lord, Lord Storey, talked about dental treatment for people with disabilities. Wherever possible, people with a disability who live in the community should be treated within a high-street dental practice. There is also a legal obligation for dental services to make reasonable adjustments to ensure that patients with a disability can use their services, in the same way as other people do. Where practices cannot make those adjustments, they have a duty to make arrangements for the patient to be referred to a more appropriate place to be treated.

The noble Baronesses, Lady Masham and Lady Wheeler, asked about clinical skills when treating citizens with a learning disability. NHS England has made a commitment in the long-term plan for the provision of dental services for those with a learning disability and autism. Part of that provision will ensure that clinicians have access to skills training, which many noble Lords also rightly raised.

The noble Baronesses, Lady Jolly, Lady Masham and Lady Wheeler, all talked about the CQC report and oral healthcare in care homes. The Government welcome the recent report, *Smiling Matters*. We are obviously concerned by its findings, which highlight the high percentage of people living in care homes, particularly those with dementia, who are just not getting the oral healthcare that they need. We are carefully considering the recommendations made in the report, together with Public Health England, NHS England and Health Education England. We will respond to the report later this year. The noble Baroness, Lady Jolly, asked about private care homes. I assume that a reflection on the status of private care homes will be part of our response.

The noble Baroness, Lady Masham, asked about dental treatment in prison services. NHS England remains committed to ensuring that oral health services for people in prisons are of the highest standard and that the availability of care is appropriate and timely. As part of that, NHS England is working with the British Dental Association and the National Association of Prison Dentistry UK to review the prison dentistry specification, which the noble Baroness asked about. It is expected that the revised specification will be ready for use from April 2020, after a period of consultation and the completion of the NHS England approval processes. We hope this will address some of the issues of inconsistency of care highlighted in the recent survey of prison dental services by Public Health England. As the noble Baroness rightly pointed out, this is part of wider health issues on the prison estate.

My noble friend Lord Colwyn and the noble Baroness, Lady Wheeler, asked about funding and dental charges. NHS England is required to commission services to meet local need so, for dentistry, decisions on priorities are made within the overall NHS budget, just as with other areas that NHS England commissions. Patient charges are an important contribution to the overall costs of the NHS. The above-inflation increases, referred to by the noble Baroness, Lady Wheeler, were driven by wider austerity measures and difficult financial circumstances. It is critical that no one is deterred from seeking care by cost and, as part of this year's uplift, the department has committed to look further for evidence on whether patients have been adversely impacted, so that this can be considered next year and in any future decisions. The existing exemptions on charges, referred to by the noble Baroness, Lady Jolly, remain in place.

The noble Baroness, Lady Wheeler, also referred to penalty charge notices. She is aware that the Public Accounts Committee met on 1 July to discuss the use of penalty charge notices in healthcare. The Government announced then our intention to revise our current process for dealing with unpaid prescription and dental treatment charges. We are now introducing a three-stage process for penalty charge notices, and doing so as quickly as possible. This means that, in the first communication people receive from us telling them that they have not paid when we think they should have, we will invite them to get in touch and let us know if our information is wrong. A penalty charge notice would not be issued at this stage, but would if the person either is confirmed as ineligible for free treatment or does not respond to the initial communication.

This has been a fascinating debate for me. The noble Baroness, Lady Wheeler, asked about the commitment of the incoming Prime Minister. These are early days—I think he has quite a long to-do list—but I share her wish that addressing the issues that noble Lords have debated on the availability of dental services should be high on that to-do list. The noble Baroness also asked about the cross-government commitment to respond to vulnerable people as effectively as possible. We are clear that that continues.

I hope my responses have, in some way, reassured noble Lords that the Government remain committed to improving oral health in this country. Of those

[BARONESS BARRAN]

three strands, in prevention there will now be a renewed focus on toothbrushing and, I hope, flossing, given the amount of time my dentist spends talking to me about it. The others are fluoridation of water, our efforts to give more flexible contracts and improve education opportunities for the workforce, and our commissioning work, with greater emphasis on prevention in the dental contract and greater flexibility, so that local areas can respond to needs, particularly of the most vulnerable in their community. Shakespeare wrote in “Much Ado About Nothing”:

“For there was never yet philosopher
That could endure the toothache patiently”.

We do not want philosophers to have to endure toothache patiently. We do not want prisoners, the elderly, disabled or children to have to endure it patiently.

Lord Storey: Could the Minister drop me a note about dental milk, which I do not think she referred to, and how it might be developed in schools?

Baroness Barran: I am happy to do that. I intended to cover that through the fluoridation of water, which we hope is a universal response, rather than milk. If that is not sufficient, I will write to the noble Lord.

1.05 pm

Baroness Gardner of Parkes: My Lords, it has been fascinating listening to the debate—so many interesting points have been raised. I thank all noble Lords who have spoken and very much appreciate the points the Minister made.

There are a few things I should point out. A noble Lord said that there should be a form to fill out to get extra financial help. I remember those forms. They came from people only a few times and had 25 questions on them. The patients had no hope of understanding them. It took 15 minutes or more of my time to go through the questions, one by one, filling out yes, no or whatever it was. It should be clear who should get help, so something much simpler could handle that issue.

A noble Lord referred to patients pulling out their own teeth. I never felt sympathetic about that because, to pull out your own teeth, they have to be loose. It can be a hard job getting out teeth; that last little bit hangs on. I think it is someone whose teeth are probably just about ready to fall out who would be taking out their own teeth.

There is a very important issue about six year-old molars. Lots of parents are keen to be sure that their children have no bad baby teeth, and others think they do not matter because they will be replaced by other teeth, but six year-old molars come through behind baby teeth. Because of that, people tend to miss it and not check that point for the child.

What the Minister said on fluoridation was very good; she gave us some hope. As an Australian, I must say that Australians have had it for 60 years now, almost everywhere, except for those on a local river or rainwater tank. But it is important to keep it at the optimal level, not the maximum or anything else. That is why there has to be a good water authority that can take fluoride out, as well as put it in. That is essential; you do not want it to be uncontrolled.

I have repeatedly asked questions in the House about Manchester and Birmingham. The answer has always come back that there is no difference in the health pattern for cancer or any other condition, but the big difference is that Manchester has no fluoridated water and the worst possible teeth, and Birmingham has very good teeth, because it has had a fluoridation scheme for so long. People need to be aware of those few things. Interesting and relevant points have been made. I could not speak more highly of what my colleague said on that contract set-up. I ceased to have that a long time ago. I again thank all noble Lords who have contributed.

Motion agreed.

United Kingdom’s Ambassador to the United States: Leaked Messages

Question for Short Debate

1.09 pm

Asked by Baroness Quin

To ask Her Majesty’s Government what assessment they have made of the impact of the leaking of confidential messages from Sir Kim Darroch and their subsequent publication.

Baroness Quin (Lab): My Lords, I am pleased to have the opportunity to raise this issue. I should perhaps apologise to the Minister and other Front-Bench spokespeople for bringing them to the Chamber at the end of a busy time when the summer is beckoning, but I hope that he and others agree that this is an important issue which we must not lose sight of. I am glad that many colleagues have been keen to contribute to this Question for Short Debate.

I want to begin with my own brief tribute to Sir Kim Darroch. I know how highly he was regarded in the Foreign Office during my own time as a Minister there. I also know what great service he has given over a long and successful career.

The circumstances of his departure from his post have caused great concern across both Houses of Parliament, throughout our embassies abroad and the whole of our Diplomatic Service. Included in the excellent briefing prepared for us by the House of Lords Library is an article by our colleague, the noble Lord, Lord Ricketts, who I know regrets that he is unable to be with us today. He wrote:

“The scandal surrounding the reporting from British ambassador Kim Darroch ... is not that he was sending home his unvarnished analysis: that’s what good ambassadors have done for centuries. It’s that someone inside the British system deliberately amassed a stash of his assessments, then chose the moment of maximum impact to leak it. This was not a spontaneous decision to make public a single document: it required premeditation and therefore an agenda”.

What that agenda might have been I will come to shortly.

The Government responded quite properly to the leak by setting up an immediate inquiry and stating their full confidence in Sir Kim. They also said that the inquiry would investigate whether criminality had

occurred and expressed their fear that such a leak undermined the professionalism of the Diplomatic Service as a whole and risked making ambassadors wary of giving honest assessments of situations in the countries in which they serve—not all of which are friendly, and some are even dangerous to operate in. The Minister who is responding today said in this House that the inquiry would be concluded in the shortest possible timescale. I would be interested if he could give us any further clues about that timescale today.

As the Minister will know, the Foreign Affairs Committee in the other place is conducting its own inquiry. On 8 July, the chairman of that committee, Tom Tugendhat, wrote a number of letters, respectively to Jeremy Hunt, who was then Foreign Secretary, to Theresa May, who was then Prime Minister, and to Cressida Dick, the head of the Metropolitan Police, requesting some detailed information. Have any replies been sent to the committee as a result of those inquiries?

We know that the leak coincided—surely deliberately—with the Conservative Party’s leadership election. The failure of Boris Johnson, now Prime Minister, to defend our ambassador when asked to do so in one of the TV leadership debates caused deep alarm and much comment. Sir Alan Duncan, the former Europe Minister, accused him of throwing the ambassador under a bus, and comments from former ambassadors and others subsequently indicated that one factor which led Sir Kim to resign his post, despite the Government’s initial reaction in his defence, was that he felt he could not rely on the support of the likely future Prime Minister.

I was interested to see the evidence of the noble Lord, Lord Hague, to the Foreign Affairs Select Committee in the other place last week, where he was asked by the honourable Member for Edinburgh South, Ian Murray, whether the resignation had set a dangerous precedent if people thought that leaking could get rid of someone whom they did not like. The noble Lord replied:

“I certainly think it has set a dangerous precedent ... I think it was most unfortunate that not all former Foreign Secretaries could give robust and unequivocal support, but there is an opportunity to put that right. As I say, there will be, in some form, a new Cabinet next week. Again, I would suggest that that is a good moment to make it clear how the British Government will approach these things”.

Can the Minister tell us today whether the Government will make a Statement about how they will support our professional Diplomatic Service in future? Will the Prime Minister take a different approach now that he is in 10 Downing Street?

The newspaper that published the leak claims that it was in the public interest. I assume the Minister does not agree, but can he confirm that this is the Government’s view as a whole? As many colleagues across Parliament have pointed out, the assessments of Sir Kim Darroch were very similar to much that had already been published both here and throughout the United States over a long period, so, in that sense, publishing the assessments did not provide us with new information. However, the effect of the leak was to harm UK relations with our close ally at a difficult and challenging time for our country as well as to make our ambassadors

throughout the world nervous about doing their job objectively and honestly. Is that in the public interest? I think not.

In any case, who should judge the public interest? I am sure that some newspapers are responsible in approaching these issues, but they also want to sell newspapers by publishing juicy stories. Is there an agreed view of what constitutes the public interest?

The journalist who claims that he was the author of the article has said that his “trusted source” neither asked for nor received any payment. Does the Minister have any information about this or is the inquiry still looking into that aspect?

Different Ministers have said different things about whether the newspaper was right to publish. For example, Amber Rudd said that she supported the paper’s decision to disclose the information, adding that we have very precious freedom of press information here.

There was also controversy surrounding the statement of Assistant Commissioner Neil Basu, who said that publication of leaked communications when the damage they are likely to cause is known may be a criminal matter. This provoked an outburst from George Osborne, editor of the *Evening Standard*, who said that Cressida Dick, the head of the Met, should distance herself from this stupid and ill-advised statement from a junior officer who did not appear to understand much about press freedom. However, I thought that, if the Official Secrets Act has been breached, the law as it stands means that criminal prosecution is possible. Was not the Act amended in 1989 to revoke the public interest defence previously in place, so that Neil Basu was simply saying what the current law is? If I am correct, for him to be lambasted and criticised is quite unjustified. I am not aware of any further reaction by Cressida Dick, but perhaps the Minister could let us know if such further statements have been made.

None of us should be above the law and all should be equal before it, and if the law itself is at fault then it should be changed, but the police’s duty is surely to uphold the law as it is. Incidentally, the organisation Hacked Off, for which I have much respect, has been in favour of a such a change in the law so as not to hamper investigative journalism, but, again, it quite rightly stresses that no one should be above the law. It also calls for the Leveson recommendations to be implemented in full, which I support—although I realise that it is not an issue I can deal with in this debate.

Our democracy would be much the poorer without investigative journalism, but I am not convinced that publication of the leaked messages was in the public interest and am concerned that it undermined the work of our Diplomatic Service as well as bringing an end to the career of one of our most able ambassadors. I agree with the noble Lord, Lord Ricketts, that Sir Kim should be replaced by another professional and that those with political agendas and those who want to see ambassadors appointed on the basis of their political views—including whether those views coincide with those of the Governments of friendly countries—should not prevail.

[BARONESS QUIN]

This remains a serious situation which I hope the Government will act effectively to address once the inquiry into who leaked the information is concluded. I look forward to the Minister's reply.

1.19 pm

Lord Cormack (Con): My Lords, I am delighted to follow the noble Baroness, Lady Quin. We are all in her debt for obtaining this debate and for the measured and sensible way in which she introduced it. I associate myself entirely with what she said about the leak; "despicable" is the right word to use. It was a despicable act, designed to embarrass and cause damage to a particular cause at a very sensitive time. It is appalling that leaking on an ambassador who is merely doing his diligent best to fulfil his duty should be in any way rewarded. I also agree with what the noble Baroness said about those who publish. I yield to no one in my support for a free press, but it must also be a responsible press that has regard to the national interest. To cause a potential rift between two major allies can never be in the national interest.

We are all indebted, not just to Sir Kim for being an exemplary ambassador but to all those who have served this country professionally and sensibly in the Diplomatic and the Civil Service. I deplore the way in which, over the last few years, so many professional diplomats and civil servants have been effectively sidelined by a proliferation of spads. Of course there is a role for the special adviser, but a proliferation of spads can only damage the standing of the Diplomatic and the Civil Service, which have done so much to uphold our country's interests over so many years.

I also agree with the noble Baroness, Lady Quin, in hoping that the new Prime Minister—to whom I wish success, for all our sakes—will recognise that it would be a blow to the professionalism of the Diplomatic Service if a political appointee was sent to Washington. It is very important that a professional diplomat of Sir Kim's stature and accomplishment should be replaced by someone similar. There are many men and women in our Diplomatic Service who would be a candidate for such an extremely important and sensitive role. We have a new Foreign Secretary; he is a very political one, but I hope that he will heed this. In passing, I pay tribute to Jeremy Hunt. I regret his going. He conducted himself as a Foreign Secretary should and I wish him every success in the future. I sincerely hope that my noble friend Lord Ahmad will remain in his present post; since he took it up, he has served with great diligence and accomplishment.

It is sad to have to debate this issue on the last day before we rise for the Summer Recess, but it is important. The reputation of our Diplomatic Service is at stake and I very much hope that the new Foreign Secretary—whom I congratulate—will recognise the strength of feeling on this subject in all parts of this House.

1.24 pm

Baroness Smith of Newnham (LD): My Lords, I am grateful to the noble Baroness, Lady Quin, for securing this debate. I am almost tempted to say that I agreed with so much of her speech that I could forgo my

four minutes. However, I do slightly disagree with her on one point. She expressed concern at dragging the Minister to the House to answer questions this afternoon. During yesterday evening's last business debate, it appeared that the noble Lord, Lord Ahmad, might have been acting Foreign Secretary. Most of us around the Chamber thought that this would be a very good thing. This debate is not only important but extremely timely. We have a new Foreign Secretary, but we do not yet have Ministers of State or more junior Ministers—nor, I assume, do we yet have a new ambassador to the United States. Therefore, it could not be more timely to raise the issues mentioned by the noble Baroness, Lady Quin, and to send some messages back to the Prime Minister.

I agreed with a couple of the Prime Minister's points. The Government have finally made a commitment to the over 3 million EU nationals resident in the United Kingdom. That was a positive statement, made on the steps of No. 10 yesterday and in the House of Commons earlier today. However, we have heard no real commitment to foreign policy. When the leak happened, the response of Boris Johnson—then a candidate for the Conservative leadership—was strange. I would have assumed that, in the context of a leak, the person who is at fault is not the one who has been leaked but the one who has done the leaking. As the noble Baroness, Lady Quin, made clear, the Government suggested that they were conducting an inquiry into the leak. However, what we heard was real criticism not of the person who may have leaked but of Sir Kim Darroch. In his statement at the time, the then Minister of State for Europe and the Americas, Sir Alan Duncan, pointed out that we pay ambassadors to be candid. The noble Lord, Lord Ahmad, pointed out that Sir Kim,

"reflects the best of our diplomatic capabilities, the best of diplomacy, and we stand by him".—[*Official Report*, 8/7/19; col. 1685.]

The former Prime Minister and the former Foreign Secretary did stand by Sir Kim Darroch. He is no longer in post because he realised that his position was untenable, in the light of the comments by the candidate for the Conservative Party leadership, and now Prime Minister, Boris Johnson. So will the Minister confirm that the current Prime Minister and incoming Foreign Secretary believe that it is vital to support our Diplomatic Service; that cables, emails and other forms of communication sent from national capitals back to London should be confidential; and that leaking should not be endorsed in any way, unless there is a clear public interest? Do the Government understand the dangers of conflict of interest if there are too many links between the media and the political class, in particular between those who are reporting and those who are being reported? I trust that the current Prime Minister is no longer employed by the *Daily Telegraph*, but it would be useful to know.

1.28 pm

Lord Adonis (Lab): My Lords, Sir Kim Darroch is a great public servant. All noble Lords who have had the privilege of dealing with him as ambassador to Washington, and before that at UKREP, would support that view. UKREP is at the cutting edge of the practical

application of government policy. As a Minister, I dealt with him frequently when he was head of UKREP; I would not have been nearly as effective in my post without him. We pay unreserved tribute to him. His reputation has not been damaged in any way by what happened. He was doing his job to the best of his ability. An ambassador who did not send back cables of the kind Sir Kim sent would not have been doing their job, and that is the end of the matter.

On the impact of the leak, I slightly part company with my noble friend in her forensic opening speech. I do not think it has done any damage to relations between Britain and the United States. There is nothing in those telegrams that would surprise anybody on either side of the Atlantic. It is no different from the commentary that can be read in the papers.

I severely deprecate any application of the Official Secrets Act to the leak. The leak was, I fear, a very good scoop in journalistic terms. How the leak came to be furnished to the *Sunday Times* is a matter of acute public interest, but I do not for a moment support any view that the *Sunday Times* should not have published it. I do not see a national interest in suppressing the views of diplomats on President Trump or, indeed, the views of American diplomats on Mrs May. It became an issue because President Trump chose to politicise the leak. What should have happened, and would have happened had we been dealing with a normal American Administration, is that the President of the United States would have made a joke about the leak, something like, “Goodness, you should hear what our ambassador says about your Prime Minister”. That would have been the end of the matter and Sir Kim would have continued in post. In fact, as it happens, he was due to leave the United States in a few months anyway. The reason it became a diplomatic fracas was because of the way the President of the United States chose to mobilise the leak for a political agenda.

The political agenda was clearly to destabilise Her Majesty’s Government. Let us be very clear what is going on. This is all part of a Brexit strategy, which I am afraid includes the Trumpian part of the United States, President Putin and others in this international nexus, who have leapt on Brexit as a means of destabilising our politics and our policy. We should be cognisant of the fact that the people who are propagating this Brexit policy internationally and mobilising leaks, which may include the secret services of Russia playing some part—we do not know where the inquiry is going to go but I would not be at all surprised if it ended up there—are part of a serious destabilisation strategy. The fact that the leak reached the *Sunday Times* through the Brexit Party—it is laughable, a 19 year-old journalist claiming to have senior contacts in the Civil Service; that is clearly not the case—which is an established route, we now know, for information and destabilisation from Russia, is a matter for concern.

To touch on the wider issues, the bigger issue underlining this is not the position of Sir Kim Darroch, whose reputation is secure, or the standing of our Diplomatic Service; it is the fact that the Government are conducting a policy—Brexit—that has so little confidence among the diplomatic community and in

the Civil Service. The undermining and weakening of the Civil Service, which the noble Lord, Lord Cormack, referred to, including the parachuting in of an unprecedented number of special advisers to essentially take over No. 10, and the resignation of the Principal Private Secretary, which is unprecedented in the transition between Prime Ministers, is because of the fundamental unviability of the Brexit policy. That is what underlies this leak. It is the big cancer at the heart of British government and it will not be solved by a leak inquiry. It needs a fundamental change of policy on the part of Her Majesty’s Government.

1.32 pm

Lord Campbell of Pittenweem (LD): My Lord, I have the advantage, in language that might recommend itself to the now Prime Minister, to adopt, *brevitatis causa*, the most well-argued submission made by the noble Baroness who began this debate. I will therefore confine myself to three points.

The first is that this was done with malice. The precise motive is unclear, but the results were inevitable. On these occasions it is interesting and often fruitful to ask who has profited from the leak. I very much hope that those who are responsible for the investigation are pursuing that principle. Not least important is the fact that a number of people who have an interest in undermining the Civil Service sought to impugn the integrity of the Foreign Office. I doubt if anyone in the Chamber has not had some experience of officials in the Foreign Office or that any of us regard them as having acted in anything other than the public interest.

My second point is that events of this kind may well have an adverse effect on other ambassadors and inhibit their performance of their duty to send back to the United Kingdom a precise and comprehensive assessment of conditions in the countries in which they serve. There is an interesting comparison here, because what we do not know is what the United States ambassador says in private. That leads me to adapt a phrase: people in White Houses should not throw stones. However, we know what Mr Woody Johnson has said publicly. In a radio interview of 31 December last year, he opined: “The United Kingdom is in need of leadership”. It seems to me that that rather comprehensively sums up precisely what Sir Kim Darroch was saying about the United States and President Trump.

My third point concerns the conduct of the now Prime Minister, reference to which has already been made, and his abject failure, when asked on five or six occasions, to give support to Sir Kim Darroch. That is as shameful an omission as I can remember, and it was compounded by the disingenuous explanation he offered days later. The now Prime Minister is sometimes keen to use the language of empire. I have an expression from the days of empire which I think suits him rather well: he is not the kind of man to take on a tiger shoot. Members of his new Cabinet would be well advised to take account of that.

1.35 pm

Lord Liddle (Lab): My Lords, I applaud my noble friend Lady Quin for bringing this Motion to the House. I shall focus on what the leak means for relations

[LORD LITTLE]

between Ministers, officials and special advisers. For 15 years of my life I worked closely in that capacity with officials, eight of which were spent working with the Foreign Office and its diplomats. I have spent many hours enjoyably and informatively reading diplomatic telegrams—it was one of the delights of being an insider.

I have great concern about what this episode means for the relationship between politicians, officials and diplomats. It seems to me that the new Government are going to test this relationship to the limits. In politics, you always get leaks where there are disagreements and people want to put forward their own point of view, to position themselves more favourably vis-à-vis someone else. We have always had Cabinets which are, essentially, a team of rivals. It seems that the new Cabinet is a team of sycophants and to be a member of it you have to have the essential quality of faith, as the old evangelical preachers wanted you to have: if only you had faith and you believed something strongly enough, then you could make it true. That is the sycophancy that is at the heart of our new Prime Minister. How is that going to work with officials? I think it will work very badly and that is why the Darroch leak is so serious. I pay my own tribute to Sir Kim, with whom I worked closely over many years.

It seems plausible that the leak occurred as a result of an intervention, as my noble friend Lord Adonis said, with a political, Brexiteer purpose in mind. Sir Kim's offence in their eyes was that he provided honest analysis of the confusions and contradictions at the heart of the Trump Administration, with whom the Brexiteers want to establish a close relationship while ditching our relationship with Europe. The essence of civil servants is that they must be able, in confidence, to speak truth to power. My fear is that the Johnson Government will not want to be told that their prejudices are wrong; they have no real time for the facts and all that matters to them is the power of the will. This House could play a considerable role in the next few months in trying to launch an inquiry into the relationships between the Civil Service and Ministers. As constitutional guardians, that would be an appropriate role for us, as well as trying to hold the new Government to account. We need to ensure that one of the things that we very much value about this country—the principle that civil servants and diplomats are prepared to give, in confidence, their honest advice—is maintained.

1.40 pm

Lord Parekh (Lab): My Lords, it is obvious that the leaks were contemptible and that they were intended to corrupt the process of deliberation within the British Embassy in the United States by giving the impression that the embassy is leaking and therefore cannot be trusted. If one looks at the leaks, it is striking that there is nothing worrying there. No state secrets have been leaked; all that has been leaked is somebody's view of somebody else. The view leaked is that the ambassador thinks that the American President, or his Administration, is dysfunctional, and asks the British Prime Minister to be careful. I am sure that the American President does not need our ambassador to tell him that—he is smart enough to know what people

think of him. What seems to have happened is that he took those charges seriously, not in order to answer them but to use them as a stick with which to beat the British people, and the British Prime Minister in particular, who had dared to question him on one or two occasions, and to make abusive remarks.

The first thing to bear in mind is that the whole thing has been blown out of proportion at one level, because the American President, who is thin-skinned and rather touchy, decided to take absolutely ordinary, normal remarks by a professional ambassador as an occasion for abuse. That is the first point I want to make: we should not get these leaks out of proportion. They are not leaks involving state secrets or anybody's personal life.

My second point is that these leaks are not systematic, nor can they be compared to whistleblowing. Sometimes we have leaks which are intended in the public interest to disclose things that are going on. This is not a case of whistleblowing, because the leaks are the product of a systematic attempt over a period of time to gather together a particular kind of case against the British Government. Since this is the intention behind the leaks, a question arises. I do not want to question the freedom of the press but to look at the morality of it. Somebody leaks these things to a journalist. What is the responsibility of that journalist? If somebody sells or passes on to me stolen goods, what is my responsibility? Is it to say, "I didn't know", when of course I knew that they were stolen? Am I completely free to do what I like with them? This is what liberal society tends to think, but many of us who are critical of liberal society want to ask: what about the ethics of the individual recipient of these secrets? Could he or she not alert the Government or say that they will not accept them? Should the journalist be completely absolved of any responsibility for dealing with these leaks?

That second point is just as important. Leaks become public because a newspaper or a public medium takes them seriously and prints them. Does the newspaper editor have absolutely no responsibility? After the leaks have been published, they say that the leaks have damaged the country—but they did so because they were published. Should an editor not have asked themselves that question earlier? I hope that I am not talking as an enemy of liberal freedom; I am simply saying, let us introduce some sense of ethics and personal morality into public life, and ask ourselves what the obligations of a journalist are. If it is a case of whistleblowing, it is fair enough that things might have to be disclosed, but it must be justified. Can a journalist or newspaper justify publishing this in the public interest?

1.44 pm

Lord Wallace of Saltaire (LD): My Lords, I will follow my noble friend Lord Campbell of Pittenweem in asking about the malice with which this leak was clearly intended. It was clearly intended to undermine the position of our ambassador in Washington, and it did so very effectively. It therefore takes us to the question of the relationship between officials and Ministers. One has to look at people close to the new Administration who wanted to undermine someone who was seen as not entirely one of them.

The basis of central government in Britain is that Ministers decide and officials advise, and the officials provide expert advice based on the evidence as they understand it. That is what Kim Darroch was doing. I am concerned about the extent to which evidence is currently swept aside by a number of leading people in politics. Faith, optimism and the dismissal of evidence as the product of gloomsters and doomsters undermine democratic and good government, and public confidence in the quality of government, and take us away from the necessary hard detail of Parliamentary democracy. I entirely agree with the noble Lord, Lord Liddle, that we need to come back to the question of the overall impartiality of the Civil Service and the importance of defending it, as it is now under attack, both from the right and the left.

I have some worries about the press, and I agree with other noble Lords who have spoken about its behaviour on this. We have a free press, but it has a degree of responsibility, and the question of what you publish—which pieces of evidence you get that you decide are in the public interest—is something that even the *Daily Mail* should consider on occasion.

I am also worried by what Tim Shipman said in the *Sunday Times*:

“There are lots of rumours that Farage is choreographing this”.

Farage was the first to demand that Kim Darroch should go. I noted a later report stating that when President Trump sent his congratulations to our new Prime Minister, Nigel Farage was with him. That begins to worry me quite a great deal, and it would worry me if I were a Conservative who wanted this Government to succeed. One is not entirely sure that one wants the “idiot right” to get at the Conservative Government from alongside them, with privileged access to the President of the United States. The test to come of who now replaces our ambassador is extremely important for those of us who want to have some confidence in there being a foreign policy of some sort for the new Government—no political appointee.

I note that Kim Darroch spoke in one of the leaks of the “diplomatic vandalism” of the Trump Administration. I fear a degree of diplomatic vandalism in this new Administration, particularly in their attitude to the European Union, and in the attitude of our new Prime Minister, who says that if the European Union is not sensible enough to accept what we are going to propose, it will be its fault and we will have to walk away. That is not the way in which anyone who wants to conduct successful diplomacy should be thinking.

In these circumstances, we wish to see, as far as possible, reasonable voices within the Foreign Office. I think that all of us within this Chamber recognise that the noble Lord, Lord Ahmad, is one of the reasonable voices in the Foreign Office, and we very much hope that we will see him in his current post, or better, as one of those who is trying to keep the thing on track in September.

1.49 pm

Lord Collins of Highbury (Lab): My Lords, I too thank my noble friend Lady Quin for giving us a second bite of the cherry on this issue. We already had the opportunity to address it when we had the repeat of

an Answer. I had the opportunity to cite Tom Tugendhat, chair of the Foreign Affairs Committee, who said it was essential that we all stand up for those who we send abroad. I repeat what I said then: it is deeply shameful that Boris Johnson was unable to do that, despite the six opportunities he had in the TV debate.

The noble Baroness, Lady Goldie, who is in her place, responded to the Urgent Question by saying that it was important that the process for replacing the ambassador was done in the usual way—by the Prime Minister on the Foreign Secretary’s recommendation, with the approval of Her Majesty. Obviously, so many changes may delay that, but I hope that the Minister will be able to say exactly when we can expect a replacement for that important post. Like many noble Lords, I think it is really important that the replacement is a professional diplomat, so that we can restore confidence in our Diplomatic Service. My noble friends Lord Adonis and Lord Liddell are absolutely right to be concerned about the underlying issues here.

The last time we discussed this, I found it deeply distressing that a former permanent secretary in the Foreign Office, the noble Lord, Lord Jay, had to ask the question: will the Prime Minister and his Government remain committed to the political independence and impartiality of the Diplomatic Service and the Home Civil Service? The fact that that question had to be asked should concern us all.

What are the other impacts of this political leak? As noble Lords have said, including my noble friend, it was not a matter of security or even public interest; it was a political leak deliberately designed to cause damage. I think it was the noble Lord, Lord Howell, who is in his place, who said at the time as chair of our International Relations Committee:

“From now on, all ambassadorial communications will inevitably to some degree be self-censored to make sure that, in the event of a leak, the career of the ambassador concerned does not come to a rapid halt, and the Government will therefore no longer be in receipt of the uninhibited frank advice which is essential to good policy-making”.

I hope the noble Lord will confirm that there will not be that impact and that we will be able to restore confidence.

The noble Baroness, Lady Goldie, said:

“It is vital that the inquiry lifts the drains to find out who was responsible for this completely unacceptable conduct. It is also right that if the miscreant is identified and found, appropriate proceedings should follow”.—[*Official Report*, 11/7/19; col. 1889.]

Tell us then when the inquiry will be completed. How quickly will we see the result? Are we certain it will be conducted in the way that we hoped it would be under the previous Government? We are all concerned about the impact this will have on future relationships.

I hope that we will not have any further leaks. We read in the *Sunday Times* in the early days of the investigation that unnamed government sources said that a suspect had been identified. Is the Minister concerned that we have ongoing leaks, clearly designed to cause political damage? We all want answers soon. I hope that the Minister will be able to give them to us.

1.53 pm

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, I join all noble Lords in thanking the noble Baroness, Lady Quin, for tabling this important debate. I put on record my thanks for her long-standing commitment to international affairs over many years, including during her time as a Minister in the Foreign and Commonwealth Office. Her introduction reflected her insights and experience in this regard.

There was a pregnant pause in the remarks of the noble Lord, Lord Collins. He said, “The new US ambassador”, then he said, “the noble Baroness, Lady Goldie”, and paused. That brought a look of concern—or it may have been delight, but certainly surprise—to my noble friend’s face. That decision, which several noble Lords asked about, remains to be made.

Rightly, the question has been asked about the relationship between Ministers and our diplomats—and about Ministers across the board and the Civil Service. It is a most important relationship—a sacred relationship. I have been a Minister in four departments, and the advice offered by our civil servants, officials and diplomats across the world is invaluable. They provide invaluable insight into the lay of the land and, yes, they must be candid, as Sir Kim Darroch was. Like the noble Lord, Lord Adonis, among others, I have worked with Sir Kim. I remember his time as a National Security Adviser. On very sensitive issues, his guidance and advice were invaluable. I join the noble Lord, the noble Lord, Lord Liddle, and others in paying tribute to Sir Kim. We wish him well in every respect.

The noble Baroness, Lady Smith, asked about the new Foreign Secretary and the new Prime Minister. I am sure we all wish them well in their new roles. I disagree with the description of the new Cabinet by the noble Lord, Lord Liddle. I know many of them well, not just as colleagues but as friends, and I assure him that many reflect the true values and traditions of one nation Conservatism. Turning to the new Foreign Secretary, the noble Baroness may not know that he served a tenure as a Foreign Office diplomat: he was a legal adviser to the Foreign and Commonwealth Office, so he is well versed in both sides of the equation. I can speak for both the Foreign Secretary and the Prime Minister in putting on record that our Diplomatic Service has our utmost trust and unstinting support in all it does. I am sure that reflects the sentiments of all noble Lords.

As the noble Lord, Lord Liddle, said, diplomatic cables provide invaluable insights. There is an enormous number of dip tels—as they are abbreviated—which Ministers have to read, but the leak of diplomatic cables in this case was a serious and totally unacceptable breach. It was, as my noble friend Lord Cormack described it, a despicable leak of classified information. It is an important principle of the Diplomatic Service that posts can report frankly and in confidence. That is key to the Government being able to promote and protect UK interests around the world.

The noble Baroness, Lady Quin, asked some specific questions about the inquiry. I am sure noble Lords will respect the fact that this is an ongoing inquiry, so there

is a limit to what I can share at this stage, but on 12 July, Assistant Metropolitan Police Commissioner Basu announced that a criminal investigation had been launched into this malicious link under Section 3 of the Official Secrets Act, and it is right that the perpetrator should face the consequences of their action.

Questions were raised about my right honourable friend the Prime Minister in this respect. He said:

“It is absolutely vital that the advice that civil servants give to ministers should not be leaked”,

and expressed the strong sentiment that the perpetrator should be fully held to account for the consequences of their action. Questions were asked about timing. I am not yet aware of when the inquiry will be concluded.

Noble Lords, including the noble Lord, Lord Adonis, and the noble Baroness, Lady Quin, also raised the important principle of the freedom of the press. As the noble Lord, Lord Parekh, said, it defines our democracy. Anyone who works in journalism or on the press circuit will also respect the fact that, as he said, with it comes responsibility. It is also important that the rule of law is respected.

I have been clear on this issue as far as I can. I am sure that as we receive updates, we will share them with noble Lords. The noble Baroness, Lady Quin, asked specific questions about the letters written by the chair of the Foreign Affairs Committee. The permanent under-secretary, Sir Simon McDonald, and the former Foreign Secretary have responded to the chair of the Foreign Affairs Committee, who wrote to them after the leak. Sir Simon also appeared before the Foreign Affairs Committee shortly after the leak. We now await the full conclusion of the MPS investigation and will also look at the conclusions of the FAC inquiry, which was published earlier today.

I put on record some key points from the letter from Sir Simon McDonald, the permanent under-secretary. It is not necessary for a Minister or any official to have signed the Official Secrets Act, but they must be bound by it—that was a specific reference he made. The leak of a diplomatic telegram, as published in the *Sunday Times*, was investigated by the FCO’s secretary, but the results were inconclusive. All staff receive training on these important issues.

I speak as a Minister. A Minister is responsible and accountable, and we need to ensure that that sacred bond between civil servants and Ministers is protected; the responsibility is on both sides.

Among others, the noble Lord, Lord Wallace, mentioned the US-UK relationship. We have been clear with the US Government that we deeply regret the leaks that happened. These leaked extracts of embassy reporting do not reflect the closeness of, and esteem in which we hold, our relationship with the United States.

The noble Lord, Lord Campbell, mentioned comments made by the US ambassador. As we have said to the US and would say to any country, we expect our ambassadors, high commissioners and diplomats to be candid, as they would expect of their own diplomats. The perpetrator of this criminal offence was the person who made these leaks. As I have said, we need to ensure that we totally support our diplomats and the excellent job they do, wherever they serve, but, equally,

that we do so understanding that it is an important relationship that needs to be not only protected but, in light of recent events, strengthened.

Did the leaks cause damage? As has been mentioned, they triggered the resignation of the UK's excellent ambassador to the United States. That is a critical role in defending and furthering the UK's interests in Washington and providing valuable insight into and understanding of US policies and intentions. The leak also risks undermining the good will generated by the state visit. But, as I experienced for myself directly when I visited Washington last week—we had discussions at the White House and I attended the international conference on freedom of religion—the relationship between the United States and the United Kingdom is strong. It has withstood many challenges and will withstand this one. The strength of our relationship is underlined by not just our common history but the shared values we express. Our close ties also extend into the economic sphere, with 1 million Americans going to work for British companies in the US every day and 1 million Brits doing the same for American companies here—as I used to.

I turn briefly to the actual resignation of Sir Kim Darroch. It is a matter of great regret that Sir Kim felt it necessary to leave his post. He has given an absolute lifetime of service to the United Kingdom, and I join other noble Lords—the noble Lords, Lord Adonis and Lord Liddle, and the noble Baroness, Lady Quin—in not only thanking Sir Kim but saying, “We owe you a great deal and thank you for your service to the Foreign Office and the Government”. Sir Kim made the decision to resign to act, as he has always done, in an honourable fashion and to relieve the pressure on his family. Importantly, he also thought of his colleagues—an act of selfless duty that epitomised yet again the best of diplomacy.

I conclude by making clear that, in the wake of Sir Kim's resignation, we strongly encourage our ambassadors around the world to continue to give full and frank assessments of politics in their country and not to set out on a path towards self-censorship. I share the sentiments expressed by the noble Lords, Lord Collins and Lord Wallace, about ensuring that we reach a prompt conclusion to the inquiry being undertaken so that we can work towards restoring confidence, not just between diplomats and Ministers but between the two states as well. That is what the UK Government and the British public should expect and what we will be determined to deliver. A muted Diplomatic Service is not in anyone's interest; it is not in our national interest.

Ambassadors' views do not necessarily always match those of the UK Government—I accept that—but honest reporting is essential for any Government to make informed decisions. For the sake of this principle we must send a clear message to the perpetrators of this leak, and indeed to anyone who perceives that leaking is somehow helping or will further a personal cause: such betrayals of confidence are unacceptable and will rightly be fully investigated. The leaking of Sir Kim's reporting was totally unacceptable and manifestly damaging to UK interests. It is therefore right that we hold the perpetrator to account for these unconscionable actions.

As we near the end of this debate, I thank all noble Lords for their expert insights yet again. I shall see whether it is indeed my responsibility to update noble Lords accordingly, but—in this debate and others I have had the opportunity to respond to—the insights of your Lordships' House are invaluable. In my role as a Foreign Office Minister, I put on record my personal thanks to my very able Foreign Office Whip, the noble Baroness, Lady Goldie, with the backdrop of the challenges of travel. I am grateful as well to the outgoing Chief Whip for his support in granting me those precious slips. I have been honoured to represent my country in the best way I was able to. I also put on record my particular thanks to the Front Benches opposite. I am extremely grateful to the noble Lords, Lord Collins and Lord Wallace, and the noble Baroness, Lady Northover, among others, for their support and advice. When it comes to foreign affairs and to standing up for our country on the international stage, we come together as one. We have our respectful differences and debates, but I am extremely grateful to all noble Lords for their support. Finally, I put on record my thanks for the very kind remarks I have received from various quarters during this debate and yesterday.

We often ask, “What does the future hold?” I end with perhaps an apt phrase when we talk about the relationship between the UK and the US: in God we trust.

Priorities for the Government

Statement

2.06 pm

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, before I repeat my right honourable friend the Prime Minister's Statement, I take a moment to thank a close friend and colleague. Noble Lords will know that my noble friend Lord Taylor of Holbeach, the Chief Whip, has decided to step down from the Front Bench. After serving continuously since 2006, first in opposition then in government, including nearly five years as Chief Whip, I think—I have some sympathy over this—he rightly felt it was time to get his life back. Speaking personally, I should say that the Chief Whip has always been a rock to me, a source of good humour, advice and positivity, and I am sure noble Lords across the House will agree with me that his consensual but determined leadership has been invaluable in steering this House through challenging and eventful times. On behalf of my Front-Bench colleagues, the Conservative Party and the whole House, I wish him all the best for the next chapter of his life with Lady Taylor and the rest of his family.

While I am paying tribute, many noble Lords will also want to take a moment to thank Mr Dave Evans, who retires today. Mr Evans joined the House in 1996, becoming a senior doorkeeper in 2003 and second principal doorkeeper in 2005. He will be greatly missed by the team and noble Lords alike. I wish him a happy retirement and hope he enjoys his relocation to Gainsborough and an extended holiday in the autumn to New Zealand.

The Statement is as follows:

“Mr Speaker, with permission I will make a Statement on the mission of this new Conservative Government.

[BARONESS EVANS OF BOWES PARK]

Before I begin, I am sure the whole House will join me in paying tribute to my right honourable friend the Member for Maidenhead for all that she has given to the service of our nation. From fighting modern slavery to tackling the problems of mental ill health, she has a great legacy on which we shall all be proud to build.

Our mission is to deliver Brexit on 31 October for the purpose of uniting and re-energising our great United Kingdom and making this country the greatest place on earth. When I say ‘the greatest place on earth’, I am conscious that some may accuse me of hyperbole, but it is useful to imagine the trajectory on which we could now be embarked. By 2050, it is more than possible that the United Kingdom will be the greatest and most prosperous economy in Europe, at the centre of a new network of trade deals that we have pioneered. With the road and rail investments we are making and propose to make now and the investment in broadband and 5G, our country will boast the most formidable transport and technological connectivity on the planet. By unleashing the productive power of the whole United Kingdom—not just London and the south-east but every corner of England, Scotland, Wales and Northern Ireland—we will have closed for ever the productivity gap and seen to it that no town is left behind ever again and no community ever forgotten.

Our children and grandchildren will be living longer, happier and healthier lives. our kingdom in 2050—thanks to the initiative of the previous Prime Minister—will no longer make any contribution whatever to the destruction of our precious planet brought about by carbon emissions, because we will have led the world in delivering that net zero target. We will be the home of electric vehicles—cars and even planes—powered by British-made battery technology being developed right here, right now. We will have the free ports to revitalise our coastal communities, a bioscience sector liberated from anti-genetic modification rules, blight-resistant crops that will feed the world and the satellite and earth observation systems that are the envy of the world.

We will be the seedbed for the most exciting and dynamic business investments on the planet because our constitutional settlement, our United Kingdom, will be firm; it will be secure; our union of nations beyond question; our democracy robust; our future clean, green, prosperous, united, confident and ambitious. That is the prize, and that is the responsibility that falls on all of us to fulfil.

To do so, we must take some immediate steps. The first is to restore trust in our democracy and fulfil the repeated promises of Parliament to the people by coming out of the European Union and doing so on 31 October. I and all Ministers in this Government are committed to leaving on this date, whatever the circumstances. To do otherwise would cause a catastrophic loss of confidence in our political system. It would leave the British people wondering whether their politicians could ever be trusted again to follow a clear democratic instruction.

I would prefer us to leave the EU with a deal; I would much prefer it. I believe that it is still possible, even at this late stage, and I will work flat out to make it happen, but certain things need to be clear. The withdrawal agreement negotiated by my predecessor

has been rejected three times by this House. Its terms are unacceptable to this Parliament and to this country. No country that values its independence, and indeed its self-respect, could agree to a treaty which signed away our economic independence and self-government, as this backstop does. A time limit is not enough. If an agreement is to be reached, it must be clearly understood that the way to the deal goes by way of the abolition of the backstop.

For our part, we are ready to negotiate, in good faith, an alternative, with provisions to ensure that the Irish border issues are dealt with where they should always have been: in the negotiations on the future agreement between the UK and the EU. I do not accept the argument that says that these issues can be solved only by all or part of the UK remaining in the customs union or in the single market. The evidence is that other arrangements are perfectly possible, and are also perfectly compatible with the Belfast or Good Friday agreement, to which we are, of course, steadfastly committed. I, my team and my right honourable friend the Secretary of State for Exiting the European Union are ready to meet and to talk on this basis to the Commission or other EU colleagues whenever and wherever they are ready to do so.

For our part, we will throw ourselves into these negotiations with the greatest energy and determination and in the spirit of friendship. I hope that the EU will be equally ready and will rethink its current refusal to make any changes to the withdrawal agreement. If it does not, we will of course have to leave the EU without an agreement under Article 50. The UK is better prepared for that situation than many believe, but we are not yet as ready as we should be.

In the 98 days that remain to us, we must turbo-charge our preparations to make sure that there is as little disruption as possible to our national life, and I believe that is possible with the kind of national effort that the British people have made before and will make again. In these circumstances, we would of course have available the £39 billion in the withdrawal agreement to help to deal with any consequences. I have today instructed the Chancellor of the Duchy of Lancaster to make these preparations his top priority. I have asked the Cabinet Secretary to mobilise the Civil Service to deliver this outcome, should it become necessary. The Chancellor has confirmed that all necessary funding will be made available—£4.2 billion has already been allocated.

I will also ensure that preparing to leave the EU without an agreement under Article 50 is not just about seeking to mitigate the challenges, but about grasping the opportunities. This is not just about technical preparations, vital though they are; it is about having a clear economic strategy for the UK in all scenarios—something that the Conservative Party has always led the way on—and about producing policies which will boost the competitiveness and productivity of our economy when we are free of EU regulations.

Indeed, we will begin right away on working to change the tax rules to provide extra incentives to invest in capital and research. We now will be accelerating the talks on those free trade deals, and we will prepare an economic package to boost British business and lengthen this country’s lead, which seems so bitterly

resented on the Benches opposite, as the number one destination in this continent for overseas investment—a status that is made possible, at least partly, by the diversity of the talent and skills of our workforce.

I want therefore to repeat unequivocally our guarantee to the 3.2 million EU nationals now living and working among us. I thank them for their contribution to our society and for their patience. I can assure them that under this Government they will have the absolute certainty of the right to live and remain.

I want to end by making clear my absolute commitment to the 31 October date for our exit. Our national participation in the European Union is coming to an end, and that reality needs to be recognised by all parties. Indeed, today there are very many brilliant UK officials trapped in meeting after meeting in Brussels and Luxembourg, when their talents could be better deployed in preparing to pioneer new free trade deals or promoting a truly global Britain. I want to start unshackling our officials to undertake this new mission right away, so we will not nominate a UK Commissioner for the new Commission taking office on 1 November—under any circumstances—although clearly this is not intended to stop the EU appointing a new Commission.

Today is the first day of a new approach, which will end with our exit from the EU on 31 October. Then I hope we can have a friendly and constructive relationship, as constitutional equals, as friends and partners, in facing the challenges that lie ahead. I believe that is possible, and this Government will work to make it so. But we are not going to wait until 31 October to begin building the broader and bolder future that I have described; we are going to start right away by providing vital funding for our front-line public services to deliver better healthcare, better education and more police on the streets.

I am committed to making sure that the NHS receives the funds it deserves—that were promised by the last Government in June 2018—and that these funds go to front-line services as soon as possible. This will include urgent funding for 20 hospital upgrades and for winter readiness. I have asked officials to provide policy proposals for drastically reducing waiting times for GP appointments.

To address the rise of violent crime in our country, I have announced that there will be 20,000 extra police keeping us safe over the next three years, and I have asked my right honourable friend the Home Secretary to ensure that this is treated as an absolute priority. We will give greater powers—powers resisted, by the way, by the party opposite—for the police to use stop and search to help tackle violent crime. I have also tasked officials to draw up proposals to ensure that in future those found guilty of the most serious sexual and violent offences are required to serve a custodial sentence that truly reflects the severity of their offence and policy measures that will see a reduction in the number of prolific offenders.

On education, I have listened to the concerns of many of my colleagues around the House and we will increase the minimum level of per pupil funding in primary and secondary schools and return education funding to previous levels by the end of this Parliament.

We are committed to levelling up across every nation and region of the UK, providing support to towns and cities and closing the opportunity gap in our society. We will announce investment in vital infrastructure, full fibre rollout, transport and housing that can improve the quality of people's lives, fuel economic growth and provide opportunity.

Finally, we will also ensure that we will continue to attract the best and brightest talent from around the world. No one believes more strongly than I do in the benefits of migration to our country, but I am clear that our immigration system needs to change. For years, politicians have promised the public an Australian-style points-based system, and today I will actually deliver on those promises: I will ask the Migration Advisory Committee to conduct a review of that system as the first step in a radical rewriting of our immigration system. I am convinced that we can produce a system that the British public can have confidence in.

Over these past few years, too many people in this country feel they have been told repeatedly and relentlessly what we cannot do. Since I was a child, I remember respectable authorities asserting that our time as a nation has passed, that we should be content with mediocrity and managed decline, and time and again, by their powers to innovate and adapt, the British people have proved the doubters wrong. I believe that, at this pivotal moment in our national story, we are going to prove the doubters wrong again—not just with positive thinking and a can-do attitude, important though they are, but with the help and the encouragement of a Government and a Cabinet who are bursting with ideas, ready to create change, determined to implement the policies we need to succeed as a nation: the greatest place to live; the greatest place to bring up a family; the greatest place to send your kids to school; the greatest place to set up a business or to invest; the best transport; the cleanest environment; the best healthcare and the most compassionate approach to the care of elderly people.

That is the mission of the Cabinet I have appointed, and that is the purpose of the Government I am leading. And that is why I believe that if we bend our sinews to the task now, there is every chance that in 2050, when I fully intend to be around, although not necessarily in this job, we will have achieved this and we will be able to look back on this period as the beginning of a new golden age for our United Kingdom. I commend this future to the House just as much as I commend this Statement”.

My Lords, that concludes the Statement.

2.20 pm

Baroness Smith of Basildon (Lab): My Lords, I am grateful to the noble Baroness for repeating today's Statement. I concur with her words about the Chief Whip. It feels as if he is having a daily testimonial at the moment, to which he is fully entitled, and he should enjoy it. I regard him as a genuine friend in the House. I have been his shadow in different jobs since I joined your Lordships' House in 2010. I look forward to his contributions from the Back Benches and will still regard him as a friend in this House.

[BARONESS SMITH OF BASILDON]

Dave Evans is also retiring today. His 24 years' service to this House is a great achievement and shows true public service. I gather there are drinks on the Terrace for those who want to buy him a drink later today. The noble Baroness spoke about Theresa May as Prime Minister. She has had a tough time as Prime Minister, and I suspect she will show more loyalty from the Back Benches to her successor than she received. I am pleased to see the noble Baroness is still in her role, although I have more trepidation about some of her colleagues in the Cabinet. As I heard the announcements being made last night and today, it brought to mind one of my favourite TV programmes, "Yes, Prime Minister" because I could hear Sir Humphrey saying, "That's very courageous, Prime Minister". This is the noble Baroness's first experience of repeating a Statement in the style of her new boss. She might have to work on the hand gestures.

In the first days on the job for any Prime Minister, bluster and bravado must meet reality. The new Prime Minister tells us he is presenting his blueprint for our country. I welcome his apparent change in tone on the value of public services, but he has to realise that despite the hyperbole in the Statement—that is what it is—the threat of no-deal Brexit creates enormous uncertainty. There is no clear plan about how we would cope with the risks to communities, families and British businesses or, indeed, the risk to the union. The Prime Minister says in the Statement that he will put the future of our union "beyond doubt". It takes more than just words. Noble Lords are aware that there is a very real fear that the impact, particularly the economic impact which will be heavily felt, of no deal on Scotland will lead to further attempts to break up the union that we greatly value. On Northern Ireland, the Prime Minister said that there are possible arrangements for the Irish border that are compatible with the Good Friday agreement. Can the noble Baroness tell us what they are? What does his commitment to the Good Friday agreement look like in the event of no deal?

On public services, a key part of the Prime Minister's speech was about the apparently bright—I think he described it as broader and bolder—future of the UK, which appears to involve reversing large swathes of Conservative policy that he was previously in favour of. I am all for reversing Conservative Party policies. The Prime Minister has promised 20,000 new police officers, yet he was part of the Government who cut 21,000 police officers and as a result we have seen an increase in violent crime on our streets. I know the noble Baroness has a particular interest in education. She will know that our schools are struggling to cover basic costs. Some have even been forced into a four-day week. That was inevitable given that there has been an 8% cut in per-pupil funding since 2010. Education funding should not be regarded as an electoral convenience. Can the noble Baroness give assurances today that areas of greatest need will see their funding increased rather than reduced? We are also promised an increase in funding for our health service. Can she confirm that, as previously promised by the Prime Minister, it will add up to no less than £350 million extra a week? I saw it on the bus, so it must be true.

Over the years, many have laughed, some with, some at, Boris Johnson in his various guises. We can all enjoy slapstick buffoonery, whether it means dangling from a zipwire or falling over in a dirty pond. There is always space for a genial comedian, but that is not the role of the Prime Minister. Gaffes may appear endearing when you are an MP on the Back Benches, but in a Prime Minister they are potentially very dangerous. So, as he will have realised—I make special reference to Mrs Nazanin Zaghari-Ratcliffe—words must be chosen with great care, for every word of a Prime Minister is a word on behalf of our country. They will be pored over and analysed, and they can, as we saw when he was Foreign Secretary, have great consequences.

Our country is now more divided than ever before. While the new Prime Minister obviously wants to carve out his own style, his duty has to be to try to heal the wounds. If there is to be a vision for our country, it has to be about confidence about our place in the world, being outward looking and being optimistic for the future. That cannot wait until 2050, as outlined in the Statement. Last year, we celebrated the centenary of some women gaining the vote. I remind the noble Baroness and your Lordships' House of the suffragettes' wise motto: "Deeds not Words". It is on our deeds that we are judged, not our words. It may come as a shock to Boris Johnson that that applies to him too. In the announcements made so far, it appears that the new Prime Minister is telling us that he rejects austerity and is heralding significant increases in public spending. What he has not told us is where the money is coming from and how we pay for and cope with the disaster of a no-deal Brexit. The true test will be delivery.

Lord Newby (LD): My Lords, I shall begin with a number of congratulations. I congratulate Mr Evans on his retirement. The good news for Members of your Lordships' House is that, on the basis that Parliament is at some point prorogued and we have another Queen's Speech, he will reappear in his position as one of the Yeomen of the Guard. He cuts an even more impressive figure in that role than he does in his attendant's garb here. He has been a huge source of help to Members, not least to new Members, and he will be much missed.

I said my congratulations to the Chief Whip on his retirement yesterday, and I would be very happy to do so again today—but I do not want it to go to his head, so I shall not.

The noble Baroness, Lady Evans, deserves congratulations on being part of a successful minority—she has not been culled. I for one will be delighted to carry on working with her on a range of issues, not least harassment, where she has taken a very firm lead and I and other members of the commission have enjoyed agreeing with her.

There are two reasons for congratulating the Prime Minister. The first is, obviously, on getting elected and becoming Prime Minister in the first place, and the second is on showing the kind of consistency that one wants, in principle, from people. There were some who thought that, on becoming Prime Minister, he would stop inhabiting a fantasy world and would start behaving in a responsible manner and discussing issues with a

semblance of reality. That hope has been dashed, and the Prime Minister is showing a degree of consistency in inhabiting his world of fantasy that is truly remarkable.

It began yesterday. He said about Brexit—and, in particular, a no-deal Brexit—that,

“the ports will be ready and the banks will be ready and the factories will be ready and business will be ready and the hospitals will be ready and our amazing food and farming sector will be ready”.

I now have the great pleasure and privilege of living in a rural area. I spent part of last Sunday talking to farmers and food processors about their view of Brexit, bearing in mind that if you produce lamb at the moment you will face a 40% tariff on 1 November. Their view is that the thing for which they are getting ready is bankruptcy, because there is no way that they can survive on their current business model the day after we leave the EU. Is that what the right honourable gentleman has in mind when he talks about them being ready? And, frankly, the same sort of readiness applies to the other sectors that he mentioned.

Even leaving aside that extraordinary Panglossian view of what life is likely to be like in 2050, there are a number of other areas in his Statement today where he exhibits the kind of fantasy that, in fairness, he has been promoting for a long time. The first relates to the Northern Ireland border. As the noble Baroness, Lady Smith, said, his views about being able to leave the EU, particularly without a deal, and having no problems at the Northern Ireland border are fantasy. He has said that under no circumstances will there be any checks on the Northern Ireland border. In the Statement he says:

“The evidence is that other arrangements are perfectly possible”.

The truth is that the evidence is that no other arrangements are evenly vaguely possible. So he is very good at asserting things, but their relationship to truth is something that he often struggles with.

The next fantasy is that we will,

“have available the £39 billion in the withdrawal agreement to help deal with any consequences”.

of no deal. One should bear in mind that there will be no deal immediately, but we will have great relations with the EU. We will have a great new arrangement, albeit without a deal on 31 October. Does anybody believe that a British Government will renege on paying a penny to the EU after 31 October? If they did, how would they survive? The Governor of the Bank of England correctly described our position as being reliant on the “kindness of strangers”. We have a massive balance of payments deficit, which will not go away, Brexit or no Brexit. So we need people to trust us so that they will lend us the money to survive. If that fantasy were pursued, our position would be even worse than would otherwise be the case.

Moving on, he says:

“Finally, we will also ensure that we continue to attract the brightest and best talent from around the world”.

As I have said before, the definition of brightest and best does not extend to many of the brightest and best in a whole raft of sectors, such as the brightest and best care workers, agricultural workers, lab technicians, health service workers and hospitality staff. He talks about an Australian points system. We already have a

points system for immigration. In what respect will giving it an Australian accent suddenly change the way it operates and deal with the “brightest and best” problem for the rest of the economy?

Fantasies such as these are not a sound basis for government. It is not surprising that there are, in the Prime Minister’s words, some doubters, doomsters and gloomsters who believe that this reckless Government will be bad for the whole country, and that you will not find any group or organisation that will go from strength to strength under Boris. However, they are wrong. Excluding the old Etonians and extreme Brexiteers, there is one group that is already benefiting from Brexit and will continue to benefit as long as Boris Johnson remains in office. The rest of the country is in for a very hard time—but the Liberal Democrats are on the rise.

Baroness Evans of Bowes Park: I thank the noble Baroness and the noble Lord for their comments. I start by saying that the focus and aim are on getting a deal, and we believe that that is still possible. That has been very clear from the Statement. The Prime Minister has made it clear that he is very keen to engage as quickly as possible with the EU, along with my right honourable friend the Secretary of State for Exiting the EU, to see whether we can break the current deadlock. We have to remember that the current agreement has been rejected by the House of Commons three times. We need to address that and we hope that we will be able to do so. However, because we have not been able to get the withdrawal agreement through, we are having to focus on no-deal plans.

We have made a lot of preparations but the Statement reflects, as the noble Lord said, that we need to do more. That is why there will be a renewed focus and co-ordination through the Cabinet Office to make sure that we build on the preparations that we have already made. As I said, £4.2 billion has already been spent on preparations for all EU exit scenarios, and more funding will be made available if required. There is also a plan to start a new communications campaign to ensure that people are prepared. That will be on top of the 750 communications on no deal that we have published since August 2018. Noble Lords will know, for instance, that we have reached trade agreements with partners worth around £70 billion of current trade and we have an agreement in principle with South Korea that represents another £15 billion.

The noble Baroness and the noble Lord also talked about Northern Ireland. As has been made very clear, we are steadfastly committed to the Belfast agreement. They will be aware that exploration of alternative arrangements had already been accepted by the EU and was within the withdrawal agreement. Work is beginning on that and groups have been set up. There are various arrangements, including trusted trader schemes and electronic pre-registering, that can be looked at and brought together to help ensure that we never have to use the backstop. We can look at developing this technology to ensure that our commitments to Northern Ireland are kept.

The noble Baroness talked about some of the domestic issues and she is absolutely right. I myself am particularly interested in education. We will ensure that our education

[**BARONESS EVANS OF BOWES PARK**]

system enjoys real-terms increases, meaning that the budget will, over the course of this Parliament, increase by £4.6 billion a year. We have announced that we will up the levels of per-pupil funding in primary and secondary schools. We will make sure that the minimum primary school level of funding goes up to £4,000 and that the secondary school level goes up to £5,000.

The noble Lord asked about the Australian immigration system. The Prime Minister has asked the Migration Advisory Committee to make sure that we can learn what works best in the system and what lessons we can copy for our new system. It is not about committing to copy the Australian system wholesale; it is about learning from best practice and what works well.

Finally, the noble Baroness rightly raised the extremely concerning situation of Mrs Nazanin Zaghari-Ratcliffe. We are very concerned about her welfare. We are in regular contact with her family and our embassy in Tehran continues to request consular access. Whatever disagreements we have with Iran, an innocent woman must not be a victim, and we will continue to work to ensure that she can come home.

2.37 pm

Lord Howell of Guildford (Con): My Lords, I am glad to join with all others in the kind remarks about the Chief Whip. He has been a tower of strength and reassurance in somewhat uncertain times. I am sorry that he is going, and I thank him very much.

I applaud the ambitious tone of the Statement, with talk of a new golden age. Perhaps this is something we all need to cheer us up. Perhaps I may add, in disagreement with the noble Lord, Lord Newby, that there is massive evidence that other arrangements for the border can be designed. My desk is piled with huge volumes and if he wants some more bedtime reading, I will transfer them to his desk so that he can read them during the recess. There are many other ways of tackling that issue.

Perhaps I may suggest that our particular role here in your Lordships' House will be to remind the policymakers and the people who put together the thoughts behind this Statement that huge changes are going on in the wider world. There are forces at work that will override almost anything that we do ourselves and shape our fate decisively. Global economic growth is one, massive migration is another, the total dependence on investment is a third, the rise of China is a fourth, the arms race is a fifth, and there are many others. It is perhaps a pity that the Statement did not quite reflect that, sadly, not everything is within our control and there are great global changes that we must now address with huge vigour. That said, I see where the ambition is pointing; we on our side should do our best to support it through difficult and treacherous times, not least given the lack of a majority in the other place. But there is the wider world and, in the end, these bigger forces are the ones that will shape our lives, our future and our survival.

Baroness Evans of Bowes Park: I thank my noble friend for his comments. He is, of course, absolutely right and that is why we want to move on to the next

stage of developing our future relationship with the European Union and start looking at all the other things we can do as a global Britain once we have sorted out leaving the European Union.

Lord Liddle (Lab): My Lords, I too pay tribute to the noble Lord the Chief Whip. He was very kind to Opposition Members when they joined the House, and it is sad to see him go.

My question, to which I want a serious answer, is this: what do the new Government see as the role of expert evidence when they are at the point of making serious policy decisions about the future of the country? This is a question about no deal. We know that the IMF regards no deal as the second biggest risk to the world economy in the coming year. We know that the Office for Budget Responsibility says that the budget deficit consequences of no deal would be extremely serious: £30 billion upwards of extra deficit. We know what the Bank of England says about the short and medium-term costs to economic growth. So, this is a very serious question, not one of party politics. Mrs May took notice of these experts and that is why she was determined that there would not be no deal. What notice do Mr Boris Johnson and his team of sycophants take of expertise?

Baroness Evans of Bowes Park: I say to the noble Lord that we want to leave with a deal and that is what we will aim to do. That is why we want to sit down and talk to the Commission and EU leaders as quickly as possible to try to break the current impasse. But while the situation might be distressing, the House of Commons has rejected the withdrawal agreement three times. We need to ensure that we get a deal that we can get through Parliament; that will be the focus. But we will be legally leaving the EU on 31 October and any responsible Government have to prepare for that. That is why we are ramping up our preparations and taking a new co-ordinated approach, and why we will be building on the progress we have already made.

We have already signed bilateral voting rights agreements with Spain and Portugal, published—as I mentioned previously—750 pieces of communication around no deal and secured air services agreements. We will work hard to ensure that we are as prepared as we can be for no deal but, I repeat, we want to get a deal and that is what we will be trying to do. We will be talking to the EU to see if we can resolve the issues that have meant that the House of Commons has not been able to agree the withdrawal agreement that has been put to it three times.

Baroness Smith of Newnham (LD): I am grateful to the Minister for repeating what appeared to be the Prime Minister's, or the Conservative Party's, election manifesto—whenever the election comes. There were so many priorities that it was difficult to see any priority. But one issue that came out, as my noble friend Lord Newby pointed out, is that of a points-based immigration system. The Prime Minister indicated that he already has the Home Secretary on board and is seeking further consultation. Do we not need an immigration Bill—alongside agriculture, fisheries, trade

and a whole raft of other Bills—if we are to leave the European Union? Where are they? Are they not among the priorities?

Baroness Evans of Bowes Park: We have passed a number of Bills, as the noble Baroness will be aware. We have passed over 560 statutory instruments and will, of course, be bringing Bills in other areas forward and through. On immigration, as I said, the Prime Minister has asked the Migration Advisory Committee to undertake a study. All this will feed in as we begin to develop the scheme. She will also be aware that we have begun registering people for the settlement scheme and over 1 million citizens have already taken that up.

Lord Cormack (Con): My Lords, I add my words to the tributes to my noble friend the Chief Whip, who I have known for some 60 years; we are fellow sons of Lincolnshire. I congratulate my noble friend the Leader of the House on her reappointment and wish her every success. I am also delighted to see the noble Baroness, Lady Hayter, sitting in her rightful place.

Noble Lords: Hear, hear.

Lord Cormack: Like everyone in your Lordships' House, I am delighted about the announcement on EU nationals and want to see that enacted as quickly as possible, but I am concerned by what the Statement said about the £39 billion. I devoutly wish for a deal but, whatever the outcome, there will be a very significant sum outstanding for our membership dues over a period of many years. We must not lose our reputation as a nation that always keeps its word, and as an exemplary nation when it comes to satisfying the debts we owe. Can the Leader of the House give an assurance that we will not forfeit that reputation?

Baroness Evans of Bowes Park: I am very happy to reassure my noble friend that we are a country that abides by our international obligations and will continue to do so.

Lord Campbell of Pittenweem (LD): My Lords, it is not often that one gets the promise of Arcadia and Utopia in the same Statement. Is it the Government's position that, in seeking to open any negotiation with the European Union, they will do so in the expectation that it will not seek concessions from our side of the argument?

Baroness Evans of Bowes Park: We will be in negotiations with the European Union, which means, of course, that two sides will be involved and looking for what they want—but both sides want a deal. We want a constructive, strong relationship with the EU going forward; they want that, and we want that. That is why we are very keen to begin discussions with both the Commission and EU leaders to try to get over the current impasse because at the moment, we do not have a withdrawal agreement that we can get through the House of Commons.

Lord Fox (LD): My Lords, there was no mention of industrial strategy in the Statement. Given the two new incumbents of the Treasury and their stated views on, and opposition to, industrial strategy, would it be fair to assume that it is no longer government policy?

Baroness Evans of Bowes Park: No, we are committed to continuing to improve our economic situation to support businesses. For instance, we want to liberate our bioscience sector, we are committed to ensuring growth around the country and we remain committed to our strategy.

The Archbishop of Canterbury: My Lords, I welcome the repetition of the Statement. We on these Benches wish to express our thanks to the Chief Whip, the noble Lord, Lord Taylor, and to Mr Evans. We tend to turn over numbers rather more regularly than your Lordships and have always been very well welcomed. We are deeply grateful and will miss them both very much indeed. I say that on behalf of all Members of these Benches—including the ones in disguise.

To move away from Brexit for a moment, the Statement talks powerfully about ambitions for education, tackling crime, social care and health, and about increasing funding for them very significantly. All that will of course be most welcome—if it comes. The issue, though, is that money does not do it all. In all those areas, the impact of households and families in their many diverse forms today is crucial. Social care is best handled—most effectively and affectionately—from within the home. Education within the home is absolutely critical. The challenges of crime, particularly in relation to probation and the release of prisoners, are best met within a stable home and household environment.

There are many different types of households and homes but, as we heard in Oral Questions this morning, significant obstacles remain to families and households supporting and caring for people in the most effective and flexible way and with the least cost to government. Will the Government be looking at these invisible barriers that affect the areas on which they wish to deliver with so much money and so much passion?

Baroness Evans of Bowes Park: I thank the most reverend Primate for his comments. He is right that there are things that the Government can visibly do, but there is also support and there are things on the ground that we need to help develop, and that will certainly be part of our plans. The new Prime Minister has set out his vision covering domestic policy. I am delighted that I was not asked a question on Brexit because we want to look at how we can improve quality of life for people across our country and to focus on our future. That is why he is particularly focused on, and has highlighted, the fact that he wants to protect older people from the fear of having to sell their home to pay for care. I hope noble Lords will be pleased to hear that we will be publishing proposals in this area soon, because it is one of those areas that will make a significant difference to families across the country and to people's lives, and it is something that we really must grapple with.

Lord Howarth of Newport (Lab): My Lords, if money is now to be abundant, and if the new Prime Minister and his Ministers genuinely seek to build a more just and humane society, why is there no mention in the Statement of the Government's intention to remedy the grave failures in recent years in terms of access to justice? Perhaps, in this new fiscal climate,

[LORD HOWARTH OF NEWPORT]

there is now an opportunity to restore the cuts in legal aid that should never have been made and to create more decent conditions in our prisons. If the Government really intend to pursue the liberal and just policies that they proclaim, I hope they will include those among their intentions.

Baroness Evans of Bowes Park: I am afraid it is slightly above my pay grade to add further priorities to the Prime Minister's list, but obviously we have a new Secretary of State for Justice and I am sure he will be very interested in the comments that the noble Lord has made. I am sure there will be lots of new thinking going on within the department in order to tackle some of the issues that he has raised.

Lord Bates (Con): My Lords, I particularly welcome in the Statement the commitment to the Belfast/Good Friday agreement in Northern Ireland. Is my noble friend aware that that agreement is underpinned by the devolved institutions, which have been suspended for some two and a half years? Is she also aware that tomorrow marks 100 days since the murder of Lyra McKee in Derry in Northern Ireland, which was a terrorist act? Is she further aware that in the aftermath of that the then Prime Minister, Theresa May, and the leader of the Opposition, Jeremy Corbyn, attended the funeral, along with the President of Ireland, the Taoiseach and the leaders of all the major parties, and reaffirmed their commitment to get those institutions up and running? Will she reaffirm the Government's commitment to, first, peace on the island of Ireland as a number one priority and, secondly, ensuring that those vital institutions are restored to full working order for the people of Northern Ireland?

Baroness Evans of Bowes Park: I thank my noble friend. I am happy to reaffirm our absolute commitment to and focus on attempting to get devolved government back up and running in Northern Ireland. As we discussed at length last week, it is not an acceptable situation for the people of Northern Ireland. We will do all that we can to bring the parties back together because we need to get devolved government back up so that the people of Northern Ireland can move forward and have the proper, good governance of their region and their country that they deserve.

Lord Wallace of Saltaire (LD): My Lords, how does the Leader of the House understand the concept of positive thinking? I am not entirely sure where the Government have got the concept from. I spent three and a half years in the United States and I well remember the extent to which the Pentecostal movement there uses the power of positive thinking as a faith-based good-news gospel. Indeed, President Trump was taken as a boy by his father to the church in Manhattan where the author of *The Power of Positive Thinking* was the minister. Do the Government link up with that movement in the US? Are we going to find Ministers in our Government promoting this sort of good-news gospel in Britain, or is the concept of positive thinking—a rather Trumpian concept, I have to say—going to hang there without the Protestant fundamentalism around which it was built?

Baroness Evans of Bowes Park: That is a very interesting question and I thank the noble Lord. I can tell him that we are going to be marrying positive thinking with action to make sure that we can deliver the results that we want. That is what we will be doing with gusto from the Dispatch Box.

Lord Hope of Craighead (CB): My Lords, I think something should be said from these Benches as a tribute to Dave Evans. From the point of view of someone my size, he is unusually impressive. Not only that, he has been extremely generous to the Cross-Benchers, particularly the many newcomers who have come here during his time. Strangely enough, I came to the House the same year that he did, albeit by a different route. It is perhaps rather fortunate that I will be staying on a little longer than him. On behalf of all of us on these Benches, I wish him a very happy retirement.

I paid my tribute to the Chief Whip yesterday but good things can be said again. One of the things that he taught me was the mysteries of the usual channels. Convenor is a strange position because it is not really part of the usual channels, but in some circumstances it is. The great thing about the Chief Whip was that he kept me fully informed of what the usual channels were up to, so that when I met the usual channels myself I was quite well informed and instructed as to what to do.

On the Statement, many noble Lords will remember that on three occasions I have reminisced about my time in a holding pattern above Aylesbury. I have the feeling, from the character of the Statement and the things that the Leader has repeated today, that perhaps the moment has come when the cabin crew have been told that it is 10 minutes to landing and we are being released from a holding pattern. Whether the landing is going to be a good one we have yet to discover, but at least I have the feeling that there is movement, which is something out of the Statement that is positive.

I would be grateful if the Leader said a bit more about Wales, Scotland and Northern Ireland. I hope the Prime Minister will take time very early on to acquaint himself with the real feelings that there are in those places that their position is not being fully respected in the plans being made for Brexit. It would be greatly appreciated if he could visit those parts of our country very soon to reassure them on that point.

Baroness Evans of Bowes Park: I am happy to reassure the noble and learned Lord that that is indeed a priority for the Prime Minister. In fact, he has decided also to call himself Minister for the Union to ensure that concerns and issues from all parts of the United Kingdom are taken into consideration in every policy announcement. He made it very clear during Cabinet this morning how committed he is to the union, and there are plans for him to travel around very soon.

Baroness Neville-Rolfe (Con): I congratulate my noble friend on her reappointment. Her experience will be very useful in the coming months as we tackle the various bits of Brexit legislation. I share the warm words that have been said about both the Chief Whip and Mr Evans. They will be with us but they will be missed in their current roles.

I commend the Statement for the comment on business, the suggestion that there will be an economic package to boost business and, indeed, the promise to look at incentives to invest in capital and research. It is important that this is part of our agenda in the coming months and years, and I look forward to hearing more about the details.

Baroness Evans of Bowes Park: I thank my noble friend. I assure her that this is something that the new Chancellor is absolutely committed to. We will be seeing further ideas and details of the proposals coming out very soon.

Criminal Justice System: Women

Motion to Take Note

2.58 pm

Moved by Lord Farmer

To move that this House takes note of the needs of women in the criminal justice system.

Lord Farmer (Con): My Lords, I thank all who will contribute today for staying until the last moment before the House rises for a well-earned recess. There is a wealth of expertise on the list of speakers, and I greatly look forward to hearing everyone's contribution.

Opening a debate provides the opportunity, perhaps even the responsibility, to stand back a little and set the scene. Last month the Ministry of Justice launched the final report from my review, *Importance of Strengthening Female Offenders' Family and Other Relationships to Prevent Reoffending and Reduce Intergenerational Crime*—quite a mouthful. Commissioned as part of the female offender strategy, in effect I was asked to look at women in the criminal justice system through the lens of family and other relational ties.

Obviously, it is my intention that this debate should go much wider than that. However, over the course of the review, I became aware of just how fundamentally important healthy and supportive relationships are to women in the criminal justice system, and how many other problematic issues stem from a lack of these. Ministry of Justice research identifies them as women's biggest criminogenic need. If a woman has bad relationships and lacks good relationships, she is at greater risk of reoffending.

Nearly three-quarters of all female offenders, whether in custody or serving sentences in the community, have problems with relationships that increase this likelihood. This rises to over 80% of female prisoners. Many enter custody from chaotic relationships from which they require protection, and domestic abuse, which frequently includes pressure from coercive partners to commit crime, lurks in the background for 57% of them. Over half experienced emotional, physical or sexual abuse in their family backgrounds and almost one-third spent time in care as children. Unresolved trauma related to such adversities in childhood or later life typically drives unhealthy coping strategies such as substance misuse and self-harm. Indeed, women's vulnerabilities, concentrated in the criminal justice system, are the distillation of the breakdown of family and other relationships so prevalent in our wider society.

My concern about this and the lack of a comprehensive and coherent government strategy to address it was a key motivator for my becoming involved in politics over 12 years ago. It is a quarter of a century since the then aspirant Labour Prime Minister talked generally about being tough on the causes of crime and particularly about the role played by family breakdown. The implication was clear then and still is now: we need to do more to prevent crime happening in the first place. Research from the Centre for Social Justice, which controlled for factors such as socioeconomic grade and ethnicity, found that those who experience family breakdown in their childhood or youth are over twice as likely to experience homelessness, be in trouble with the police or spend time in prison.

Around a quarter of families with dependent children are headed by a single parent, which has perhaps normalised relationship breakdown. An understandable zeal to avoid piling stigma on top of the very heavy load single parents already bear can hamper public discussion about the significant challenges they face. They can also be framed almost exclusively in terms of financial poverty, as lack of money is a major problem for half of single parents. The lack of a co-parenting relationship to ease the load is a less readily acknowledged challenge, which is greatly amplified when a woman becomes enmeshed in the criminal justice system. The dependent children of three-quarters of women in prison are not looked after by their fathers. One study found that adult children of imprisoned mothers are more than twice as likely to be incarcerated than adult children of imprisoned fathers.

Such evidence compels me to support this and former Governments' efforts to keep women out of prison where possible, as such punishment encroaches on family life in many troubling ways. The damage done to good relationships is one of the "referred" pains of imprisonment, the psychosocial burdens experienced by an inmate's family members. These pains are particularly acute when it is a primary carer who is behind bars.

Professor Nicola Lacey from the LSE points out that for most of the two centuries in which imprisonment has been routinely imposed as punishment for crime, the systems of thought and governance on which it rests have focused on,

"the individual offender and his or her relationship with the state".

She goes on:

"Penal philosophy's strongly individualistic presuppositions about the nature of human beings and social relations are open to challenge".

Hence my call for the importance of family and other relationships to be the golden thread running through all processes and the culture of the criminal justice system, including liaison and diversion services, sentencing, probation and prison. Ministry of Justice research found that male and female prisoners who received family visits were 39% less likely to reoffend than those who do not. Healthy and supportive relationships are undoubtedly rehabilitation assets. Enabling offenders to maintain and strengthen these relationships where appropriate must be valued as much as other rehabilitation activities such as employment and education. Indeed,

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this is the third leg of the stool alongside these, and can bring stability, meaning and motivation to offenders' lives.

As I have already touched upon, female offenders are typically among the most vulnerable members of society. This word is used so frequently in relation to female offenders that we need to understand exactly what it means. From the Latin "vulnerabilis", it means "wounding" or being susceptible to "attack", "physical harm or damage" or,

"emotional injury, especially in being easily hurt".

This describes very well many of the women I met in prison, or those serving community sentences. Deprivation of liberty, the purpose of detention, has to be accompanied by diligent exercise of the duty of care. This has to involve thinking ahead to when a woman leaves prison, where she will live and who will be there to meet her.

While I was deeply motivated to improve the lives of mothers in prison and their children, many women have no children and no one in their family able or willing to come and see them. About half of prisoners may have no family or other visits and some have no supportive relationships at all. Frankly, these are the women who concern me most. Without the safe haven of good relationships, it is highly unlikely that they will be able to rebuild their lives. When they leave prison, they lose all anchor points and are cast adrift, and life can be unbearably difficult. Many will return to drugs or other crime. Abuse and trauma can have profoundly affected their ability to develop and sustain healthy, trusting relationships.

Therefore, it is essential that all professionals, wherever they are in the criminal justice system, are trained in and adopt a trauma-informed approach, and know which relationships are rehabilitation assets in the life of a female offender and which are toxic. I recommended gathering information about a woman's relationships, any children in her care and other circumstances, such as her accommodation, in a personal circumstances file which she, not the state, owns and controls. The aim is that, with her permission, this information is used to help her sustain or resume supportive, meaningful relationships with people with whom she might otherwise lose touch. For the more than half of women in custody who have dependent children, we need to know who and where those children are.

A key priority of my review was enabling mothers to continue to shoulder their parental responsibilities. A governor told me women often ask her, "How can I stop being a mother now that I am in prison?" She replies, "We don't want you to stop, we want you to continue". These women are still assets to their family and need to know it, yet the practical and emotional difficulties that mothering from inside prison entails must not be underestimated. Several of my recommendations sought to mitigate these. For example, I proposed Skype-type visits for all women who do not breach risk boundaries.

On that subject, more broadly, I encouraged governors and the Government to think about risk-to-reward ratios. As a trader, I take risks for a living based on sound intelligence and the expectation that I will reap a reward. Research suggests that taking bold and ambitious steps to make the most of prisoners' family

and other ties could reap significant gains. Whatever is learned by rolling out Skype-type visits across the small female estate will inform deployment of this technology in the much larger male estate, where the risk-to-reward ratio might be harder to gauge without the insights garnered from a pathfinder population.

I also called for workforce changes inside female prisons, largely on the advice of prison governors on the female estate, who are incredibly alive to the essential role good relationships play in rehabilitation. One told me, "I don't want more prison officers, I want social workers and family engagement workers". As parenting difficulties and other family factors are not addressed in the community, she often sees the third generation of offenders come through her gate.

The family engagement worker model evaluated by Cambridge University's Institute of Criminology is highly effective in improving the quality of ties and resolving tensions between prisoners and family members. These workers can also help women reconnect, where necessary, with their families or friends. Much of their caseload involves supporting prisoners with ongoing children's care proceedings, but they can struggle even to get hold of the community social worker who has a prisoner's child on her caseload. They, and therefore the women they represent, are at a disadvantage because they do not have the same professional status. If every women's prison had its own resident social worker, she or he could represent the interests of these women in professional dialogue with community-based social workers. In the sadly commonplace battles over custody of prisoners' children, such equality of arms is incredibly important to ensure a just outcome.

Other noble Lords might describe the difficulties women face accessing housing on release—the desperate insecurity of those who have in some ways been kept safe in prison but are then turned out with nothing. Again, information captured in the personal circumstances file might enable contact to be made with someone who can provide a roof over her head until she gets back on her feet and, I hope, avoid the harrowing scenario of her ending up in a tent outside the prison perimeter.

A particularly pernicious Catch-22 is faced by women with children who cannot secure suitable accommodation until the family is living together, but whose children cannot join them until appropriate housing has been found. I recommended that the Ministry of Housing, Communities and Local Government change allocation guidance for local housing authorities to recognise the prospective housing needs of women leaving prison in a parallel way to families seeking large enough properties to house future foster and adoptive children. Every department of government, not just the Ministry of Justice, has a role to play in meeting the needs of women in the criminal justice system.

The Government's implementation team, with whom I have already met, understand that the body of recommendations in the report is not a ceiling of good practice to aspire to, but a basic floor of provision. The goal is cultural change, in the criminal justice system and more widely in government.

I wanted to emphasise at the outset of this debate that meeting the relational needs of women in the criminal justice system is of fundamental importance.

Without the unconditional support of at least one other human being, any talk of rehabilitation risks being empty rhetoric. Only once good foundations have been laid can we start to rebuild damaged lives. I beg to move.

Baroness Barran (Con): My Lords, the timings in today's debate are very tight, so I think the House would appreciate it if all noble Lords speaking could keep to the time limits on the Order Paper.

3.13 pm

Lord Parekh (Lab): My Lords, it is a great pleasure to follow the noble Lord, Lord Farmer. He has given us an extremely brilliant and articulate account of the prison system and the place of women in it. He has given us a wonderful start.

It is widely recognised that our prisons, as well as our entire criminal justice system, are designed with male offenders in mind. Their structure and practices, and the assumptions we make about who is likely to commit a crime and what the consequences of being in prison will be, are all based on a male offender being the central character. In recent years, women have been recognised as offenders, but that is more of an add-on to our larger thinking than a central or constitutive principle of our way of designing the criminal justice system. That is the point we are here to debate and talk about.

In recent years, the number of women in prison has increased. Broadly, the figures are as follows: there are 82,700 prisoners in total, of whom 78,900 are male and 3,800 are female. The most common indictable offence for both male and female offenders is shoplifting, but again one begins to see the difference with 17% of offenders being men and 38% women. If we look at the cases of self-harm in prison, which are very tragic and very disturbing, women are five times more likely than men to commit self-harm, largely because they are worried about their children, what will happen to the family and to their children's education, and about the bullying and name-calling in school that their children might go through. As a result, they undergo a period of depression almost bordering on psychosis, which is what the Farmer report talks about and which I think is absolutely right.

In the light of all that, the questions we need to ask ourselves are threefold. First, how do we reduce the number of female offenders and prisoners? Secondly, how can their treatment in prisons be made more humane? Thirdly, how can they be integrated in the community? To answer these three questions and achieve these three objectives we have to think of female-specific needs. What needs of female offenders are peculiar to them and not shared with men? We need to address that and provide female-specific solutions to these questions. That is broadly what I intend to do in the next four minutes.

First, we should reduce short-term custodial sentences. Custodial sentences should be meant only for serious and violent crimes. For others, residential women's centres or community management should be the answer. It is also the case that those who have been confined to residential women's centres tend to reoffend far less often than those who have been sent to prison.

The second important thing to bear in mind is that women offenders should receive more family visits. This was stressed by the noble and learned Lord, Lord Woolf, in 1991 and by the noble Lord, Lord Farmer. Crime is never committed in isolation. An isolated individual is a trigger through whom an entire social process is crystallised and explodes into a crime. Therefore, the answer to crime is to recognise this social embeddedness and the importance of relationships to the offender. This is very important. It has also been shown in the reports of the noble Lord, Lord Farmer, and the noble and learned Lord, Lord Woolf, that people in prison who have been allowed more visits are 39% less likely to reoffend.

The third important female-specific factor has to do with female judges and sensitivity training for male judges. I could cite many cases where, for example, a prisoner is brought before a judge who then makes assumptions about how an ordinary person in her position would behave and judges her on those grounds, but the judgment turns out to be totally wrong because it is a woman who does not meet these assumptions. Therefore, it is not quite female jurisprudence but female-sensitive jurisprudence and female-sensitive judges that are extremely important.

In that context, it is also important to bear in mind that there are female-specific or gender-specific applications of law. Take a simple case, which happened in the United States: a Muslim woman was asked by her father-in-law to carry drugs from the United States to the UK. She was in no position to say no. Quietly, she carried them; she was arrested at the airport and given lighter punishment. A man in her position would have been treated differently. He is expected to stand up to his father-in-law and to behave independently, whereas in this case the woman had long been trained to obey, and if she dared to disobey it would have made no difference at all. Her father-in-law would simply have compelled her to do what he wanted her to do. In this case, one needs to tweak and adapt the law to the individual situation.

There are two other important factors to bear in mind. One is what is sometimes called a personal circumstances file. There should be a file for each offender, to ensure that sensitive information is easily available when it is needed. This file could be carried through the entire criminal justice system and include all the relevant information about a particular individual and the way that various factors trigger that individual's behaviour in certain ways.

Secondly, and most importantly, the entire culture of prison needs to change. If one looks at prison, it is a macho kind of place; it is authoritarian, highly disciplined and force based. There is no sense of community. If one looks at our society, it is more informal, more sociable and warmer. Prison is a totally different picture; it is a totally different world. It is important to recognise that in prisons there could be a warmer relationship among prisoners themselves and between prisoners and wardens; it could become a community, where people are able to talk freely about their problems and solve them.

My simple suggestion is that a better understanding of the typical problems that affect women, of the circumstances under which they function and of the

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way in which various factors can influence their behaviour is quite important in tackling the position of the woman in the criminal justice system.

3.21 pm

The Lord Bishop of Rochester: My Lords, I thank the noble Lord, Lord Farmer, for obtaining this debate and for his unstinting efforts in this area, not least the welcome emphasis in his most recent report on relationships, which he expounded so clearly when introducing this debate.

I am sorry that the right reverend Prelates the Bishop of Gloucester and the Bishop of Newcastle are not in their places today, because they both take a very close and informed interest in the issues around women in the criminal justice system. However, I have visited a good number of women's prisons over the last few years and, in making those visits, I have been both shocked and inspired.

I have been shocked, saddened and disturbed, as I have met some of the most vulnerable and damaged people that I have ever encountered in our society: women who have been "done to", usually by men, often from their earliest days and, in some cases, from before their births. As many studies show, and the noble Lord's reports build on them, issues which we find in the wider prison population—poor mental and physical health, self-harm, addiction, being victims of abuse and violence—are writ large among women in the criminal justice system. These women are often convicted of crimes committed on behalf of another, usually a man, such as theft to support a partner's drug-taking or prostitution, where a male pimp takes the money and the woman takes the risk, often out of desperation, and then takes the punishment.

I have been shocked and saddened, in many respects, but also inspired sometimes by the sheer fortitude and resilience of some of the women I have met and their determination, despite everything, to turn things around. I recall one woman, whom I met in HMP Styal. We participated in a filmed piece of research by the Institute of Criminology at the University of Cambridge, which I think is still available on YouTube. She was preparing for release after a lifetime of considerable difficulties. She had reached the stage where she was going out each day to work for a charity in one of our larger cities, thereby herself supporting other vulnerable people. She had, with considerable determination and a lot of support, turned her life around, and I found that inspiring.

I have also been inspired by some of the staff, and their commitment and passion for the work in which they are engaged, in our women's prisons and in some of the community initiatives. I recall, on a visit to HMP Eastwood Park, meeting a male prison officer, probably in his 50s, and having the opportunity to talk to him about his role. He spoke to me about the delicacy of maintaining proper boundaries between himself and the female prisoners for whom he cared. He observed that, for some of those women, the relationship that they had with him was probably the first adult to adult relationship they had ever had with a man that was not abusive. The opportunity that he had, as a man in that setting, to try and set a different pattern, I found quietly inspirational.

I am also inspired by the efforts of our voluntary sector organisations—many of them faith-based—often working with and alongside the chaplaincies in our prisons. If the right reverend Prelate the Bishop of Gloucester were here, she would draw our attention to the work of the Nelson Trust women's centre in Gloucester, and there are many others like it. As has been alluded to in the various reports, there are funding issues around women's centres and the aspiration to see the formation of residential women's centres. I applaud any efforts to move us in those directions. Those kinds of interventions are both effective and cost-effective, and the place of the voluntary sector within that world is an important one.

I want to pick up on one thing which the noble Lord spoke about in his opening comments. One of the key factors in helping all prisoners to turn away from crime is security of accommodation on release. It is a scandal that some 40% of women released from prison are released to no fixed abode. That was the figure in the independent monitoring board's report last year into HMP Bronzefield—no wonder so many reoffend within a year of release. It may be anecdotal that charities are providing women with sleeping bags upon release, but it is true; I have seen it. As a member of our society and our nation, I am ashamed by that.

This week, I heard about a small charity, the Imago Dei Prison Ministry, working mainly with women prisoners in the south-east, where the housing issues are sometimes the most acute. This tiny charity is seeking to raise funds to buy a 12-bed house for women leaving prison, where they will have not only a roof over their heads but also continued training and support towards employment and independent living. It is a tiny initiative but an example of what needs to be happening across the country to meet the needs of women leaving our prisons. Surely it is not beyond the capacity of our society in the 21st century—given the relatively small numbers of women leaving custody—to ensure that these kinds of housing provisions are in place. The right reverend Prelates the Bishop of Gloucester and the Bishop of Newcastle are hosting a seminar in this place on 15 October around these issues. I dearly hope that some good initiatives will come out of it, and out of other thinking in this area.

Earlier in your Lordships' House, people were offering their good wishes to Mr Johnson and his new Government. I join them in doing so, but I recall it being said that a society is often judged by how it treats the most vulnerable in its midst. Here is an opportunity for Her Majesty's Government, and all of us in civil society, to do what we must to ensure that the judgment on us is a positive one.

3.28 pm

Baroness Redfern (Con): My Lords, I thank the noble Lord, Lord Farmer, for bringing this debate to the House today and for the opportunity to take part. His excellent published review shows how relationships are so important for women and for the personal emotional needs of women in the criminal justice system. We need to see a new course of action.

I am pleased to acknowledge the ongoing work between the Department of Health and Social Care, NHS England and Public Health England in developing

a treatment requirement programme which aims to reduce the number of community sentences, addressing prisoners with mental health and drug and alcohol issues. It is being tested in courts across five areas in England. We know that stable accommodation is a key factor in reducing reoffending.

What will be effective is making the shift from prison to more community sentences, backed up by a probation system that commands the confidence of the courts and the public. When a prison sentence is being considered, it is recommended that comprehensive pre-sentence reports are prepared, but at the moment there appears to be a lack of comprehensive reports. It is plainly unacceptable for magistrates and judges to sentence a person to custody without the benefit of essential information and advice on why they offended and their current circumstances. This limits alternative sentencing options. Prisons and probation services are therefore often left without vital information to manage the individual's case after they are sentenced.

The main issue to tackle is, again, the lack of accommodation, to address barriers to claiming universal credit, along with better access to mental health and substance misuse treatment. Community supervision is less likely to have a negative impact on employment and family time and is better chosen over prison sentences. There has to be more investment in the probation service, as it is the key driver of maintaining that thread to the outside world, with its work and family. This would avoid as much as possible prisoners becoming institutionalised and ultimately losing hope. As research shows, the more a prisoner is released on a temporary licence, the less chance there is of them reoffending, but they need support throughout.

However, for those in prison, I welcome the £7 million investment in new in-cell telephones to maintain family links. I agree with my noble friend Lord Farmer that each prison should have an on-site social worker to provide dedicated support for women and their children, to ensure they are able to maintain those vital ties with children and family outside the prison gate. The old system, I fear, is outdated; we want to see fewer women in custody, especially on short-term sentences, and a greater proportion of women managed in the community successfully. Having better conditions for those is unquestionably the best route forward.

The emphasis must also be on partnership working, backed up by a strong co-ordinating strategy. A key theme must be to include health, police and crime commissioners and local authorities to develop a whole-system approach. I look forward to the development of this and the publication of a national concordat on female offending by this autumn, so that we can have better joined-up working and collaboration at national and local level to improve those outcomes.

Again, I cannot stress enough the importance of supporting healthy relationships. They are utterly indispensable for every woman in the criminal justice system, helping them turn away from criminality, reduce intergenerational crime and contribute positively to society—and see it as an opportunity to take. Unfortunately, families are still having to travel and may be faced with long distances. The associated cost is certainly another barrier and a driver in breaking down family ties.

There is also evidence strongly demonstrating that prisons are not currently maximising opportunities for rehabilitation, which is being held back by restrictions related to staff shortages and other disruptions. These restrictions severely undermine the delivery of rehabilitation services: for example, those on education, mental health treatment, substance misuse treatment and offending behaviour programmes. More staff are required to drive this change.

For the future, the issue is to turn the negative into the positive and therefore create interventions, so that prisoners more often see a real opportunity to change their lives around, giving them hope for a new start. Their need for help with mental health is twice as likely as it is for men, with their more complex needs making prison a negative experience. Putting women into prison can do more harm than good to society, by failing to cut the cycle of reoffending while increasing difficult family circumstances.

Statistics show that, for women on release, only 55.8% are released with settled accommodation. As I mentioned earlier, the lack of accommodation increases the risk of reoffending and a woman's inability to engage in employment, training and support services. Employment is worse for women following short prison sentences, with 50% of women in the CJS claiming out-of-work benefits two years later, as against 35% of men.

A strategy aiming to break the cycle must be well resourced if it is to deliver a meaningful approach to tackling the major issues. It should not only break the cycle but deliver a new start, however young or old the prisoner, with a move away from non-participation and a stop on the negative responses we hear, such as, "I will not be around long enough to change anything". Something has to change.

3.35 pm

Lord Woolf (CB): My Lords, I refer to the disclosures that I have made in the register of interests; those interests have continued. I warmly congratulate the noble Lord, Lord Farmer, on obtaining this debate and on his two excellent reports, in particular his second report, *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. I hope that his recommendations are accepted.

I cannot help but indicate that I am sad that events in the wider political field mean that we have lost a Minister of Justice who I thought was exceptional in his attempt to acquire knowledge of the problems in the prison system and to promote changes that would help to break the cycle that has gripped our prisons for so long. Time is needed for the changes that are necessary in the prison system; the constant turnover of Ministers of Justice has been an unfortunate aspect of the scene for as long as I have known it.

There is no doubt that, when it comes to sentencing female offenders, special considerations arise. This has already been accepted by the Ministry of Justice. However, regrettably, insufficient effect has been given to this recognition. It is my hope that the second of the reports for which the noble Lord, Lord Farmer, is responsible will have the effect of redressing that.

I am a recently retired member of the Joint Committee on Human Rights, which has considered this subject recently. There will be a report from the Joint Committee

[LORD WOOLF]

in due course—after the Recess, probably in September. One of the matters focused on in the report is the effect that imprisoning mothers has on their children. It also stresses that the Human Rights Act requires, as a matter of law, the human right to family life of children. In considering this subject in relation to women, I suggest that considerable importance should be attached to that matter. The unfortunate fact is that the regeneration of criminals, as generations pass, is one matter that explains why we have such a consistent problem within our prison system. We must realise that if we do not get our approach to women and mothers right, that will continue. We will keep on creating the circumstances that lead to generation after generation being the subject of intervention from our criminal justice system.

One fact that comes out in the reports that have been published is that no proper statistics and records have been maintained of cases where children could be affected. I suggest that this is a worrying sign. Of the recommendations of the noble Lord, Lord Farmer, that one should be given high priority because, if the records are not there, the defects in what happens will not be known in the way that they should. This indicates that sufficient attention is not being paid to what happens in our courts at different levels, every day, and the consequences on the responsibility of the judiciary for sentencing. The lesson has to be regularly repeated that judges have an important responsibility to make sure that they receive, in time to deal with it when it comes to sentence, sufficient information on the circumstances of the women before them. Once they have been dealt with and sent to prison, it is foolhardy not to arrange the available prison accommodation so that family ties are not prevented from operating normally because of the locations of prisons. I am afraid that that is the situation with female prisons today. It is a significant matter.

This is not a problem that is not capable of redress; it is just that one has to think about what is needed and ensure that it happens. We have to take into account that this is an important aspect of our criminal justice policy. Money will not be saved and our prisons will not be improved unless we give this the priority that it deserves. I say in the time available that, when this debate is over, we will hope that the messages that we have been learning today, from the admirable speeches that were made prior to mine, are taken into account in the future. Equally, I hope that it will be recognised that you cannot do this unless you are prepared to make proper use of the resources available.

3.42 pm

Baroness Sater (Con): My Lords, I am most grateful for the opportunity to speak in this important debate. It touches on issues with which I was closely aligned before coming to this House. I am grateful to my noble friend Lord Farmer for introducing this excellent debate and conducting this new review, further to his very good review in 2017. It makes important recommendations that highlight the need to address the specific circumstances of female offenders. In particular, I wholeheartedly agree with my noble friend that the promotion of strong family ties and other relationships

must be the golden thread running through the whole criminal justice system. Prisoners who receive family visits are, as previously mentioned, 39% less likely to reoffend. Research suggests that these relationships are even more important for women than men. We cannot ignore this significant figure.

Furthermore, according to the Office for National Statistics, 22% of females in prison are serving sentences of less than 12 months, compared with 9% of males. Sadly, women are easily caught in the so-called revolving door, with short prison sentences. They lose their homes and often custody of their children, which exacerbates a downward spiral into more serious offences and an inability to secure the vital employment they need. Prison is and should continue to be the appropriate option for women who commit serious crimes. However, for those who commit less serious, non-violent offences, there are alternatives.

As mentioned before, last year I too visited the Nelson Trust women's centre in Gloucester. It is clear to me that female offenders are among the most vulnerable in our society. As part of the female offender strategy launched last year, the Government committed to working with local and national partners to develop a residential women's centre pilot in at least five sites across England and Wales, offering an alternative to short custodial sentences. As per the Minister's Written Statement last month, I am pleased that the Government have recently concluded the first phase of the consultation to inform the scope of the project, and will now continue to consult to refine the design and delivery of the pilot. This is encouraging.

A 2015 Ministry of Justice report found that the reoffending rate for female offenders who received support from women's centres was lower compared with those who did not. We also know that women's centres are a more cost-effective way of rehabilitating women than prison. Women's centres provide an opportunity for a different path, and I strongly believe that the women's centre model will deliver positive outcomes for more female offenders through the entire criminal justice system.

I will now speak to my noble friend Lord Farmer's suggestion of making pre-sentence reports mandatory for all female and male primary carers before a custodial sentence is passed. I served as a magistrate for more than 20 years and, as I have said before in this House, one of the most difficult duties a magistrate faces is, where there is no alternative, to send an offender to prison. It is not a decision that is ever taken lightly, particularly when imprisoning women who have children, because of the often damaging impact that such a sentence can have on these relationships. Further, while it is important to recognise that women are likely to be the primary carer, we should also consider these recommendations for men.

When I was in the youth court, I saw first hand how essential pre-sentencing reports were in helping us come to our decision from a more informed viewpoint. I would support mandatory pre-sentencing reports for those cases where there is an opportunity for a different path to custody.

I recognise that any change in the law would increase the workload of the national probation service. However, if this measure helps break the cycle of reoffending by

properly addressing and considering the vulnerability of many female offenders and their families, it is certainly worth progressing.

We must also pay more attention to the children of offenders, as previously mentioned. According to the Prison Reform Trust, 17,000 children per year are affected by maternal imprisonment, only 5% of children remain with their family when a mother goes to prison, and only 9% are cared for by their father. I was therefore pleased to see the Sentencing Council highlight to courts in its new *Overarching Principles* guideline the necessity of considering the effect of a sentence on dependants and ensuring that a court has the information it needs. The council also states that a PSR should be obtained when a community order or custodial sentence is being considered for any offender who has, or may have, caring responsibilities. These are welcome steps.

When considering my noble friend Lord Farmer's recommendations regarding video-conferencing facilities and in-cell telephones, it is important to recognise, as I have mentioned previously, that prisoners who receive family visits are 39% less likely to reoffend. Maintaining these relationships can only reduce intergenerational offending.

I strongly support the recommendation that women's prisons be prioritised for the rollout of virtual visits given the positive impact that they can have on dependants, especially when so many women offenders are primary carers whose children are likely to live far away. We can all sympathise with a child who wants to be with and speak to their mother on the first day of school, on their birthday or when they receive exam results. Video-linking and in-cell telephones will help reduce the trauma of separation, maintain relationships between offenders and their dependants; in turn, improving outcomes after they leave prison. Such facilities must of course be properly monitored and judged on a case-by-case basis.

Virtual visits should not be viewed as an alternative to face-to-face visits. They should be an addition to the ongoing rehabilitation of offenders through maintaining relationships with their dependants. Children do not deserve the punishment that might occur from their parents' behaviour, nor to endure the generational cycle of offending. We owe it to them to support recommendations that will make their lives better and provide them with better life opportunities. We must recognise the importance of maintaining relationships between offenders and their children, family members and friends.

Tailoring interventions and the treatment of women within the criminal justice system is vital. Only then can we provide them with the appropriate environment to address their needs. Let us remember that this in turn will mean less reoffending, fewer victims of crime and a healthier society for all.

3.49 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I, too, welcome this debate and the report of the noble Lord, Lord Farmer. It was a full and sensible report, with many practical recommendations for supporting female offenders as they pass through the criminal justice system. I remind the House that I sit as a magistrate in adult, youth and family jurisdictions,

and it is a great pleasure to follow the noble Baroness, Lady Sater, as we sat on the same youth panel for a number of years.

I shall concentrate on the purpose and utility of short sentences for women—I am talking about sentences of six months or less. The current position will be well known to participants in today's debate, but I shall briefly set out some of the statistics, many of which other noble Lords have referred to.

There are 78,000 men in prison in England and Wales and 4,000 women. Shoplifting is the most common offence for which women are imprisoned. Statistics from the Revolving Doors Agency indicate that three in five women report drug or alcohol dependency when arriving in prison—that is a higher proportion than for men; one in four are homeless when they are released; seven in 10 reoffend within one year of release; and eight in 10 of those convicted of theft reoffend within one year of release. Many agencies agree on the common factors among women prisoners. They are more likely than men to self-harm when in prison; custodial sentences increase the risk that dependent children will also fall into a life of crime; and more than half of women prisoners have experienced domestic abuse.

In a speech earlier this year, David Gauke said—I think quite frankly—that the impact on women of short custodial sentences was “particularly significant” and that they often caused,

“huge disruption to the lives of their families”.

He said that he believed there was a strong case for abolishing short sentences.

My response to that advocacy—if I may put it like that—is that I still think that short sentences have a place. One hundred per cent of the women whom I have put in custody have been through multiple community orders and, for one reason or another, have either reoffended or failed to comply with the elements of the order. In my experience—I agree on this with the noble Baroness, Lady Sater—magistrates are acutely aware of the impact. Although it may not be a statutory requirement, it is certainly common practice for there to be a full report, and one would see the impact of putting a woman in custody. However, sometimes, where there are multiple failures of community sentences, that is really the only option available to a sentencing magistrate.

There could be unfortunate side-effects if, for example, sentences of six months or less for women were banned. One would be to undermine community orders themselves if women knew that there was no way they would be sent into custody if they did not comply with the provisions of the order. Another unintended consequence could be—I am not saying this would happen—that women's sentences would be increased to get to the minimum threshold. That would be an undesirable effect of a minimum sentence.

The whole purpose of the supervision element in the Offender Rehabilitation Act 2014—12 months supervision after a short sentence—was to reduce reoffending: men or women who got short sentences would be supported by the probation services for 12 months. It would be easy to make comments about the Government's approach to probation and the car crash

[LORD PONSONBY OF SHULBREDE]

of the reform the probation service. However, the problems of non-compliance with community orders have always been present, as long as there have been such orders. They were certainly present in the previous probation regimes that I was aware of. The particular vulnerabilities of women in this group have also been well understood—although the importance of domestic abuse is more apparent now than perhaps it was in the past.

I support all the elements of the Government's female offender strategy to reduce the women's prison population and to recognise women's distinct needs. However, it is important that this is properly funded, so that the strategy has a full opportunity to take effect. The noble Baroness, Lady Sater, talked about the importance of women's centres. I wholly agree with her. My own area of Hammersmith, in London, has the Minerva women's centre. I have visited it a number of times and, as far as I can see, it is very effective in dealing with women, on both a voluntary and a statutory basis, to try to reduce reoffending. Will there be a commitment on the part of the Government that each of the 11 new probation areas will have specialist women's support and that that will be a requirement when putting together support packages in those areas?

On one point I differ from the noble Lord, Lord Farmer, and the noble Baroness, Lady Sater. It is a note of caution on the role of video or Skype links for mothers with children, based on my experience in the family courts. I absolutely understand and support the point that this is, or can be, a good way of maintaining family relationships. However, I deal with this type of arrangement for people in prison and for families where the parents have split up and, unfortunately, the arrangements can lead to further conflict if not sensitively handled. They can undermine the person who is actively caring for the child. From what I have been told, the children can find doing these regular Skype conferences a burdensome obligation. So they are desirable but they need to be managed in a sensitive way. This certainly happens in the family courts system; there are programmes to allow children to either maintain or restart relationships. But beyond that, I support the recommendations of the noble Lord.

3.58 pm

Lord Bhatia (Non-Affl): My Lords, I thank the noble Lord, Lord Farmer, for initiating this debate on the Motion that this House takes note of the needs of women in the criminal justice system. One has to look at the reasons why women end up in prisons. These are varied and many, and largely depend on whether the woman is from a BAME community or the majority white community. However, the common factors are: violence at home by the husband or other family members; the poverty of the family; and, because of poverty, shoplifting, which becomes necessary to feed or clothe the family, particularly the children.

From reading the documents of the noble Lord, Lord Farmer, and from my own experience, there is perhaps a need for women judges to preside over these proceedings, since male judges may not comprehend why a woman is being charged. The law in such cases

is blind as to which sex is being charged. Similarly, there may be a need for women lawyers and solicitors to appear on behalf of a woman being charged, and the Crown prosecutors should also be women. The best practice is to increase the number of women police in charge of such cases.

There are also considerable variations when women from BAME communities come to court to face trial. Translators should be present to translate questions put by prosecutors and judges. Some women from BAME communities do not speak or understand proper English. Many years ago, before there were translators in court, there was a case in which an Asian woman was asked whether she was guilty of killing her husband. The woman thought that the judge was asking whether she had made a mistake, because there is a word, "gulti", that means "mistake" in her mother tongue, and she said yes. The judge thought she had pleaded guilty and put her in prison for a long time for murder. In the prison, some white inmates were very friendly and asked her what had happened and why she had killed her husband. She was able to explain that her husband had continually beaten her for the smallest error, or came home fully drunk and assaulted her. She suffered this over a long period until, one day, she could take this violence no more and, while her husband was sleeping, she murdered him. The women in the prison persuaded her and her solicitors to go to court to reopen the case, because she had not pleaded guilty and because she had been provoked to end his life by years of being beaten up. The Court of Appeal finally released her.

In the subcontinent, a woman's position is still considered inferior. While I was a trustee of Oxfam, many years ago, I was given a very moving report and a letter from a social worker in India, Dr Jha, a lady with a great understanding of a woman's position in an Indian family. I would be happy to give the full report to any noble Lord who would like to read it. It was a story of a family with a son and a daughter. The mother said that whenever she or her daughter fell sick, the local village quack was called in, but if the husband or the son fell ill, the trained doctor had to be called and they were hospitalised in the best hospitals. During mealtimes, the son and the husband ate first, and if there was meat, most of it was eaten by the husband and the son. The statement that the mother and the daughter made was, "Do you see why we look so frail and thin?"

The women are second-class citizens in many families. There is a belief in some families that the girl will one day be married, therefore there is no need for her to be sent to a good school for education. We hear of many cases in which rich or middle-class families are able to determine the sex of the unborn child and, if it is a girl, they get the mother to abort the child. In Pakistan, where, because of sharia, Muslim families have to give part of the family estate to the girls and the boys, many rich families do not get their daughters married but keep them at home until they die. I emphasise that such practices have considerably lessened because of new laws put in place by Governments in the subcontinent.

One last thing that needs to be said is that, despite the inequalities for women I have mentioned, there have been women Prime Ministers such as Indira

Gandhi, Benazir Bhutto and Sheikh Hasina in Bangladesh. In the UK, however, inequality and violence against all BME communities continues, resulting in deaths and divorces, and women escaping from home to shelters provided by the Government and by the work done by the Seven Sisters. In addition, husbands bring in brides from the subcontinent to become baby machines. They are expected by the family to cook and do housework, and are rarely allowed to go out.

In past years, I was involved in a project funded by the Government, through which female staff were able to train women to learn English and revive their skills of dressmaking, cooking, working as beauticians and using their henna painting skills. The result was that these women were able to speak English and communicate with their children. They learned to use computers and were able to read newspapers and reports from their countries of origin. They had their own income and did not have to ask for money from their husbands, and were able to provide more and more facilities for their children.

In the name of equality for women, I firmly believe that the Government should ensure that women's rights are protected and that special training should be given to judges and lawyers when women appear in the courts.

4.05 pm

Baroness Byford (Con): My Lords:

"Healthy, supportive relationships are not just a 'nice to have' for every woman in the criminal justice system. They are utterly indispensable".

Those are the opening words from my noble friend Lord Farmer's report. With over half of women in custody having dependent children, estimated at 17,000 children per year, and three in five women offenders having dependent children, this report challenges present practices and is indeed welcome.

Of the many recommendations, I welcome the call for a written pre-sentence report to be made mandatory for all women before—I stress, before—a custodial sentence is passed, and that once sentenced to custody, women should be asked if they need to make telephone contact with dependants or organise childcare, and be allowed to do so before being put into transport. The final recommendation, on page 108, is that the in-cell telephony that other noble Lords have already spoken of,

"be rolled out in all women's prisons as part of the next wave of installation given the higher proportion of women ... who are primary carers".

There are practical suggestions in this report that could and should improve the chances of families staying together.

The opportunities that women's centres offer cannot be overestimated. At their core they work with women in a holistic way, supporting them to maintain and develop relationships with their families. One of the briefings stated that,

"the Government needed to go further to overcome long-standing cross-departmental issues with funding for women's centres ... if they were to improve outcomes for women".

In addition to the existing women's centres, as we have heard, the Government are to set up five specialist women's centres, which my noble friend Lady Sater

referred to. These must be given time and continuing finance, so that a proper evaluation can be made at the end of this project, if we are to address the problems of reoffending.

Surely one of the most important tasks is to reduce the number of women being sent to prison, especially those who are serving short sentences. As we have heard, short sentences have a devastating effect on dependent children. Why is it that 15% of females in prison are serving sentences of less than six months, compared to 6% of males; or that 22% of females are serving sentences of less than 12 months, compared to 9% of males? I do not understand it; perhaps the Minister can enlighten me.

Women prisoners have often experienced emotional, physical and domestic abuse. In 2018, higher proportions of female prisoners had an alcohol problem before entering prison—24% compared, to 18% of males—and 39% had a drug problem, compared to 28% of males. Surely there is more that can be done to break this cycle before a woman turns to crime in the first place. This report addresses reoffending and looks at ways to reduce intergenerational crime, which I welcome, but I fear that much more could be done to prevent offending in the first place.

Turning to release days, I understand that prisoners on release are given £46. They may have nowhere to go and if they are lucky, they are given a tent, or if they are not, a sleeping bag. I am grateful to Nacro for its briefing, which highlights resettlement as one of its biggest challenges. Its evidence shows that having stable accommodation can reduce the risk of offending by 20%. It also estimates that 60% of women offenders do not have homes to go to on release, and on leaving may well risk returning to abusive relationships.

Lastly, I turn to the opportunities within the prison system to work with offenders, enabling them to gain basic skills which could lead to worthwhile employment on release. Only recently, while attending an event in the City, I was moved by an offender who spoke of her experience, having been helped by an organisation called Working Chance, the charity founded by Jocelyn Hillman back in 2009. Jocelyn recognised then that many women would remain trapped in a cycle of poverty and crime unless they were helped. She identified the talents and potential of women offenders and set up bespoke rehabilitation and employment for the charity's candidates. It aims to prepare and help women to gain jobs, but it also works to educate employers to change their hiring practices and help them create social value. The person who gained work experience with Working Chance then became an ambassador and a mentor for future candidates.

There are many other organisations, individuals and charities that offer encouragement and support to women offenders, but there is still much more to do. As Working Chance recognises, with one in three offenders having been in care, and facing limited job opportunities after institutionalised living and employer prejudice, women offenders have little choice but to fall back into the toxic cycle of poverty and crime.

Some 50 years ago, I worked with the Women's Voluntary Service. We worked with the Crown Court and prisons, providing tea and refreshments to families

[BARONESS BYFORD]

within the criminal justice system. I and other volunteers in that team knew how important it was to give some form of support to families who were at a very low ebb. My views have not changed over the years, and I thank my noble friend Lord Farmer for his work and for the practical recommendations made, which must make a difference for our future generations.

4.12 pm

Lord Ramsbotham (CB): My Lords, I, too, congratulate the noble Lord, Lord Farmer, on obtaining this important debate and on his introduction to it. I salute him for his two reports on families which have raised the profile of this most important ingredient in the successful rehabilitation of offenders. I also thank Sarah Tudor for her excellent Library briefing.

My interest in the issue of the needs of women in the criminal justice system goes back to my first inspection as Chief Inspector of Prisons of HMP Holloway in December 1995, which I suspended because there was so much wrong with the treatment of and conditions for women prisoners. Immediately after leaving the prison, I went to the Prison Service headquarters to introduce myself to the director-general and tell him why I had not felt able to complete my inspection.

Having been in the Army, chaired an NHS hospital, been director of international affairs in a private security company and governor of a school, I expected that the Prison Service would have a similar hierarchical governance structure. I therefore asked to see the director of women's prisons—and was amazed to be told that there was not one. When I asked who was responsible for overseeing the conditions for and treatment of women in every prison in the country, I was told that there was a civil servant in the policy branch. When I asked to whom a governor of a women's prison could turn to for advice, I was told, "Their area manager". I said that I thought that area managers dealt only with budgets and asked how many of them had worked in a women's prison. The director-general admitted that he did not know. I subsequently learned that only one had—as a junior governor.

No other organisation—business, hospital or school—operates without having named people responsible and accountable for particular function. Why should the Prison Service be any different? In addition to a director of women's prisons, I recommended the appointment of families contact development officers in every prison, as in Scotland—but neither recommendation was implemented. Since then I have lost count of the bewildering number of Ministers or officials, under different titles, who have been made responsible for meeting the needs of women in the criminal justice system. Ministers may have overall responsibility, but they cannot exercise 24/7 oversight of the treatment of and conditions for women—hence the need for a subordinate official.

The history of women's prisons is littered with examples of good practice developed by a good governor somewhere but never turned into common practice everywhere because nobody was responsible for doing so. If Ministers for Prisons asked why standards in individual prisons zig-zagged so wildly, they would

discover that incoming governors are not told what to do, leaving how they do it up to them, but are told how to do things in minute detail, enmeshed in myriad targets and performance indicators. This is the cult of managerialism gone mad. Over the years I have lost count of the number of recommendations for improvement made by knowledgeable people or organisations—such as the noble Baroness, Lady Corston, the Inspectorate of Prisons, the Prison Reform Trust, the Centre for Social Justice and the Fawcett Society—only to have them ignored by Ministers and officials in the Ministry of Justice.

In June 2018 the Government published their long-awaited *Female Offender Strategy*, which emphasised the need for specialist gender-informed services to assist in supporting women to lead fulfilling lives. Unfortunately, an inability to meet the needs of women in prisons is matched by the absence of services designed to respond to women's needs in the community. *Transforming Rehabilitation*, while disastrous for men, was even more disastrous for women because, as the Chief Inspector pointed out in a thematic review of the supply chain, too many small, specialist organisations were squeezed out, as they have been under the so-called dynamic purchase system—introduced, ironically, by the Ministry of Justice after the noble Lord, Lord Farmer, published his first report. Awarding contracts to large organisation has resulted in women's and family services in particular being lost. I therefore urge the Minister to instruct officials in the Ministry of Justice to review whether the DPS has contributed to this loss.

Female offenders are rightly suspicious of allegedly gender-free services, too many of which turn out to be male-orientated. In addition to being responsible for children, many women offenders have backgrounds of mental ill health and addiction or experience of domestic and sexual abuse, which are best dealt with by services designed for women. Females turn to alcohol or drug abuse for different reasons to males, often seeking solace following domestic abuse. They then face considerable disadvantage because there is too little provision of specialist women's services, which have a proven track record of providing effective therapeutic and practical help.

As the noble Lord, Lord Farmer, says in his reports, many of the solutions to reducing women's reoffending lie outside the criminal justice system, which should be adapted to respond to this need. Cross-departmental leadership, stronger co-operation between central and local government and ring-fenced funding of certain gender-specific programmes are essential to the delivery of effective community support for women. The Cabinet Office-led Reducing Reoffending Board might satisfy this requirement, provided that its direction is binding on individual ministries.

To conclude, as I began, with governance, I have long recommended the establishment of a women's justice board, which is in the gift of the Secretary of State for Justice. Its chairman should sit alongside the recently restored directors-general of the Prison and Probation Services and the chairman of the Youth Justice Board on a Minister-chaired executive board which, at a stroke, would inject responsibility and accountability and consistent oversight of the needs of women in the

criminal justice system. A women's justice board could mirror two of the great successes of the Youth Justice Board: the reduction of the number of offenders in prison, and the establishment of a number of highly effective offending teams around the country.

In paying tribute to David Gauke, the departed Secretary of State, for all that he has done during his tenure, perhaps I may recommend the establishment of a women's justice board to his successor through the Minister. I also ask the Minister why this introduction has been resisted for so long.

4.20 pm

Baroness Uddin (Non-Afl): My Lords, I add my voice to that of the noble Lord, Lord Farmer, in calling for a just and humane criminal justice system. It is privilege to follow the noble Lord, Lord Ramsbotham.

The House will be aware that I have not spoken before in debates on women in the criminal justice system but, as I am an advocate on women's issues, a number of women—those inside the system and those currently free—have contacted me recently, so I feel compelled to raise a number of issues. I will restrict my comments to drawing attention to issues of the mental health and well-being of women and their recall to prison.

A number of women I have spoken to recently say that they do not have sufficient access to solicitors and that they experience prolonged waits for oral parole board hearings, which is the only recourse they have to challenge their recall to prison. I should make clear that it is not my intention to refer to any criminal case proceedings or sentences but to highlight one woman's experience as an example.

Farah is currently imprisoned in Downview, a women's facility reopened in 2015 which houses 230 women. I have taken these concerns to, and written to, Ministers and shadow Ministers of Justice. I have known Farah for more than a decade while she was developing Kazuri, a wonderful holistic programme for providing services for ex-offenders in Tower Hamlets, including the housing, counselling support and mentoring for young women. Farah is intelligent and committed to caring for others, even if it is to the detriment of her safety and security. During the period of developing services, she engaged with a wide range of stakeholders, local and national government, community organisations, police and places of worship, including the church. Her kindness meant that everyone—including ex-offenders—was willing to assist in her projects, even in the most challenging circumstances. I have participated in a number of seminars with ex-offenders at her request.

I had not heard from her since late 2015 until last year, when I found out that she had been released on parole. A few days into her time out she disappeared, and I learned a week or two later that she had been recalled. It is no surprise to me that, even in Downview, she began assisting others who, as she said, were in greater need than her. She has gathered women and produced an incredible magazine, *The View*, using her own artistic and creative talents and those of other inmates.

In the magazine she describes her experience of being recalled and of the system since. I will read part of her comments. She says:

“I have been recalled because I dared to tweet about how appalling NPSL Hammersmith were. I am horrified by the chaotic, inefficient way OMU deal with recalled women—Parole process is a mess and feels interminable and my mental health has deteriorated. I have felt suicidal and have wanted to harm myself—and it has taken a toll on my children”.

The Prison Reform Trust says that the number of women recalled to custody while under supervision after their release has doubled since 2014 and that 1,762 women—a 13% increase—were recalled in the year to June 2018. Since Chris Grayling's report of 2015, *Transforming Rehabilitation*, which led in part to the privatisation of probation, 22% of men were recalled in that period. There are 4,000 women in the prison system. Will the Minister say how many women were recalled in 2018 and 2019? What reasons were primarily given for recall? How were those decisions to recall monitored to ensure they were compliant with legal framework, good practice and *Transforming Rehabilitation*? Will the Government undertake an urgent review of services in Downview to ensure that they are adequate and compliant, given the high rates of suicide, self-harm and violent incidents?

Many of the women I have spoken to are completely unaware of their legal rights and have little or no access to legal services. How many women are granted an oral hearing and how long is the wait for that hearing? What process exists for access to their legal rights?

I welcome the Government's intention to dismantle the failed policy of private, unaccountable prisons and probation but, as other noble Lords have pointed out, resources, external services, such as women's centres, and other pathway provisions have declined, so if and when women have managed to navigate what appear unfair and unjust hurdles—parole board hearings and inadequate mental health support—that seems to compromise their dignity and human rights contrary to the Social Care Act 2014. Even when women are out, their chance of integration seems almost doomed to fail, as other noble Lords eloquently said.

I believe Downview has £3 million of the total budget of £600 million available for mental health services in the prison system. Will the Minister ask his department and the Justice Minister: who is monitoring mental health services in Downview, in light of the fact that four women have committed suicide in the past two years, the high level of self-harm and 60 women still waiting for a parole board hearing? In fact, will he consider speaking to his department about a judge-led inquiry into the current experiences of women, in view of the evidently poor management and practices in Downview?

In the light of HM Chief Inspector of Prisons and the Prison and Probation Ombudsman stating that the National Probation Service's complaint process is not fit for purpose, what assessment has been made of whether the complaint process is credible and sufficiently independent?

Time and again, we cry out that ours is a civilised society. On that basis, we demand greater justice and better treatment for people in prisons elsewhere in

[BARONESS UDDIN]

the world. Given that under international and national laws we are signed up to human rights for all, it is only right that we put our house in order. There has been impressive reporting on women's experience in prison by the noble Baroness, Lady Corston, and the noble Lord, Lord Farmer, and there is the new policy framework. It is time to act and to be accountable and transparent for just provision for women in the criminal justice system.

My thanks go to Sarah Tudor, the Prison Reform Trust, Sarah Watson, Aina Khan and Farah Dan for their insightful briefings.

4.28 pm

Baroness Eaton (Con): My Lords, as we all know, the needs of women in our criminal justice system are diverse and complex. I therefore commend this Government's female offender strategy, which built on the very welcome report of the Centre for Social Justice, which called for a woman-centred approach to women in the criminal justice system and the formal recognition that this Government have given to the distinct needs of these women. I commend my noble friend Lord Farmer for his recently published landmark review into strengthening family relationships to reduce female offending.

I draw noble Lords' attention to the plight of Muslim women in Britain who have been in prison. There has recently been research into the experiences of Bradford Muslim women in this situation. The report found that the Muslim community shuns women but forgives convicted men, who are given liberal and sympathetic treatment whatever their crime. Honour plays a disproportionate role in British Muslim life. Defamation of the family name can be the ultimate calamity for the good name, status and social standing of the family. The Muslim Women in Prison project, based in Bradford, focuses on rehabilitation programmes and the specific cultural needs of Muslim women, many of whom do not have contact with friends or family.

I was pleased to see the recommendation of my noble friend Lord Farmer that the manual of guidance forms be amended to capture information about offenders' dependants. This is something that the Centre for Social Justice championed in its recent report *Control, Order, Hope* as key to identifying and safeguarding the children of those facing imprisonment.

The evidence is clear: maintaining strong family relationships is key to female desistance. Around half of the women in our prisons say that getting support from their family would help them to stop offending. However, our current system does not adequately take the needs of women and their families into account. The Government's decision to shelve plans for building five new women's prisons has been a welcome step in the right direction—towards a woman-centred approach to rehabilitation. However, the money saved by this decision has not been directly reinvested in the necessary community-based support for female offenders.

Last year, the Centre for Social Justice calculated that the Government could save up to £50 million by suspending plans for the five new women's prisons. It argued that this money should be reinvested in a

criminal justice transformation fund to support the development of capacity and infrastructure for female offenders in the community. However, the Government have instead pledged one-tenth of this amount—just £5 million—to be spent on community provision for women. There is no doubt that even this limited funding will be invested in life-changing support for women.

One of the projects supported by the funding is the new Women's Wellness Centre commissioned by North Yorkshire's excellent PCC, Julia Mulligan. It will offer family-friendly services to women at risk of reoffending, mental health problems and homelessness. However, this funding does not go far enough. Had the full amount been reinvested in community provision for female offenders, we would be looking at a substantially more comprehensive offer of support for women in the criminal justice system.

There is a clear desire among some of our best police and crime commissioners to be given the responsibility and the necessary resources to create community-based programmes for female offenders that are both trauma-informed and responsive to their local needs. According to a poll commissioned by the Centre for Social Justice, three-quarters of police and crime commissioners believe that they should be given greater ownership of the female offender cohort and that they could commission better services for female offenders.

The funding situation faced by women's centres across the country is precarious, to say the least. I have heard about the apparent failure of the Ministry of Justice Estates Directorate to take policy into account when making significant decisions about property. I am particularly concerned about the sale of Eden House in Bristol. It is a women's centre with a crèche and refurbished residential accommodation, and many families benefit from its services. This was the only such resource owned by the MoJ and the decision seemed particularly at odds with the direction of travel of the MoJ's female offender strategy. It is not difficult to find the details of the sale on the internet. The property was apparently sold for £622,000 in May 2017. Although that was 12 months before the formal publication of the new women's strategy, the strategy was in draft. It recognised the valuable role of women's centres and the need for residential services to support women as an alternative to custody, as well as for women leaving custody.

Can my noble friend the Minister explain why this sale was made, given the emphasis on supporting women in the community whenever possible as an alternative to custody? Can he also confirm whether the Ministry of Justice Estates Directorate applied the family test before making the sale? We need a clear and long-term commitment to sustaining and building on what works with women in prison, women in the criminal justice system and women at risk of offending. The cost of failing to make the commitments required should not be tolerated. Failing to provide some of the most disadvantaged and vulnerable women with the support and interventions they need, and that we know can work, is wasteful, not only for the individuals concerned but to society at large.

4.35 pm

Baroness Burt of Solihull (LD): My Lords, it is an absolute pleasure to follow the noble Baroness, Lady Eaton, and I echo many of her comments.

I start by adding my thanks to the noble Lord, Lord Farmer, for securing this debate and for all the tremendously hard work he has done. I agree with the comments of many noble Lords, including those of the right reverend Prelate the Bishop of Rochester that families lie at the root of so much of our behaviour. It seems there is, very often, a repeating cycle of abuse, addiction and crime. According to the Centre for Social Justice, over half of all female prisoners report having experienced some form of emotional, physical or sexual abuse as a child. Nearly half have attempted suicide at some time in their lives, and half have been identified as suffering from both anxiety and depression. The CSJ also found that 39% of women arrive in prison with a drug problem and a large number are there because of acquisitive crime to fund their own or someone else's addiction. Two-thirds of female offenders say that they commit offences to get money to buy drugs and almost half say it is to fund someone else's drug use.

We know that imprisoning addicts does not work, and that the money would be better spent rehabilitating them in the community. The question is: are we doing enough? I welcome the female offender strategy, focusing as it does on earlier interventions in the community, reducing the number of short sentences and having better community rehabilitation services. But there is a way to go: we have roughly twice the number of women in prison today as 20 years ago, although the causes of offending remain essentially the same.

There are threads that some organisations still think need picking up and weaving into the national strategy for women in the criminal justice system. The noble Lord, Lord Farmer, says that,

“many women have experienced domestic abuse and this and other forms of toxic relationships may have been a contributor to or prime factor in their offending behaviour”.

Indeed, in *Transforming Rehabilitation* the MoJ found that 57% of women offenders were victims of domestic violence. To quote Dame Vera Baird:

“Domestic abuse can leave long-term and widespread effects on some women who may have endured years of being repeatedly assaulted, threatened, ridiculed, starved of money and isolated from their friends—all done by someone they thought loved them ... Putting them in prison seems like a double failure since we didn't tackle the abuse and blame them for its consequences”.

The sad case of Sally Challen illustrates this.

We know that almost 60% of women in community supervision or custody who have had an assessment have experienced domestic abuse. There's the rub: how many women get that assessment? The Prison Reform Trust recommends routine inquiry into women's histories of domestic abuse at each stage of the criminal justice process to ensure informed decision-making. As Donna Covey of Against Violence & Abuse said:

“For far too many survivors of domestic abuse, their journey ends in a prison cell rather than a refuge bedroom”.

The Prison Reform Trust is lobbying for a new statutory defence for those whose offending is driven by their experience of domestic abuse. I certainly support that and wish the trust well in it.

We know that when a woman is incarcerated she is not the only one who suffers. We do not know how many children have mothers in the criminal justice system; 17,000 is the estimate but there is underreporting because mothers fear that their children will be taken from them. The suggestion from the noble Lord, Lord Farmer, of a personal circumstances file, which was also mentioned by the noble Lord, Lord Parekh, seems an eminently sensible suggestion. Could the Minister comment on whether the Government are considering this?

In its 2018 report the Centre for Social Justice found that nearly three in five incarcerated women reported having dependent children living with them before custody. Following imprisonment, only one in four—compared with 94% of men—reported that their children were now living with a partner. What happens to those children is hugely important, not just for the children—the noble and learned Lord, Lord Woolf, spoke movingly about the effect on them—but for the women themselves.

When the Government launched their female offender strategy, they announced a new programme of work to support it. They set out eight commitments, two of which we know have come to pass, including the new policy framework and the excellent report by the noble Lord, Lord Farmer, which we have been discussing today. What are the other six? They include £5 million for community support and a pilot for women's residential centres in at least five areas of England, which was spoken about by the noble Baroness, Lady Byford. I hope the Minister has come to this debate armed with some progress on these. Can he tell us how they are going?

In the female offender strategy the Government say that custodial sentences of less than 12 months are less effective in reducing reoffending than community sentences. So why are we still doing this? The noble Lord, Lord Ponsonby, gave good examples from his practical experience as a magistrate of why the 12-month sentence should be abolished altogether. Does the Minister have any evidence of that trend being reversed? Can he say how that is going?

Lastly, are the Government going to review the licence rules for prisoners serving less than 12 months, introduced under the Offender Rehabilitation Act? What use can it serve when, for example, an offender is sentenced to two months, serves one and then has to spend 11 under licence? Is the probation service not stretched enough? This has weighed particularly heavily on women prisoners, who typically serve shorter sentences. The noble Baroness, Lady Uddin, also spoke about recall and questioned its value. The Prison Reform Trust is calling for the supervision of those given a prison sentence of less than 12 months to be made voluntary. When are the Government intending to look at recall again?

Many other contributors spoke on issues that I have not raised in my remarks today. I am particularly grateful to the noble Lord, Lord Bhatia, who talked about BAME women and the importance of their sensitive treatment in the courts. The noble Baroness, Lady Eaton, spoke about Muslim women and the honour culture and asked where the £50 million from

[BARONESS BURT OF SOLIHULL]

not building women's prisons has gone to. Could we have it back, please? That question is from me, not necessarily from her.

Several noble Lords talked about accommodation, such as the noble Baronesses, Lady Redfern and Lady Byford. Just because I have not mentioned this in my remarks does not mean I do not think it is vital. The noble Lord, Lord Ramsbotham, talked about Holloway prison and his experiences there. I had a lot of experiences there too, 20 years or so before he was there, and I am sad to know that it does not seem to have particularly changed. I join him in calling for a women's justice board. Surely we can do better. I look forward to the Minister's response.

4.44 pm

Baroness Chakrabarti (Lab): My Lords, I thank the noble Lord, Lord Farmer, not just for all his work and his two incredibly impressive reports but for bringing this important debate to your Lordships' House. I also thank all noble Lords who stayed; I hope they found their reward in the temperate climate in the Chamber, both literal and metaphorical, compared to the climate elsewhere.

In recent months, we have discussed many times the crisis in our criminal justice system and our prisons. It is a crisis of attitude, history and, fundamentally, funding. Women are its greatest victims, whether they are victims in the sense that people normally understand—victims of crime—or whether they are prisoners who are victims, as so many noble Lords suggested so eloquently in this debate. Human beings do not come in hermetically sealed categories of good and bad or perpetrator and victim. Many women who find themselves in prison, if not the majority, are victims of all kinds of abuse as well.

As I listened carefully to some wonderful speeches today, I was consistently reminded of the principle of non-discrimination which, for the most part, finds its place in our law as a result of Article 14 of the European Convention on Human Rights. I was particularly reminded of a now famous case from 2000 against the state of Greece, called *Thlimmenos v Greece*, if anyone is interested or particularly wonkish about these things. It explains that discrimination does not always mean treating like cases differently; sometimes, it is equally discriminatory not to treat people who have different circumstances and lives differently. It is discriminatory not to recognise the different journey, circumstances, incapacities or problems of a category of people. Too many people, including sometimes very clever people in our public life, think that if there is no sign up saying, "You're not welcome", or if you got the vote, then it is all done. It is not. Discrimination in our world, even in 21st-century Britain, is much deeper, subtler and more endemic than that.

I felt that this understanding was very much present in so many of your Lordships' speeches, including those from my noble friends Lord Parekh and Lady Uddin, the noble Baroness, Lady Sater, the right reverend Prelate the Bishop of Rochester, the noble Lord, Lord Farmer, and, predictably, the noble and learned Lord, Lord Woolf. The noble Lord, Lord Ramsbotham, brought his unrivalled experience in these matters, and

the remarks from the noble Lord, Lord Bhatia, and the noble Baroness, Lady Eaton, addressed the additional intersectional problems of BAME women.

We have to understand that the system is already in crisis for everyone, but the problem is multiplied and exacerbated for women and they require particular attention and help. As so many people have described so forensically, women in prison are more likely to have experienced abuse as children, or domestic abuse, even to the point of coercion leading to the offence that leads to incarceration. They are more likely to be homeless before custody and to suffer from substance abuse or mental health issues. Tragically, of course, so many leave custody to go straight on to the street once more. There were so many helpful recommendations from the noble Lord, Lord Farmer, but the point about addressing homelessness immediately on release seems such phenomenal good sense. It is an acute issue, and surely the Minister and his colleagues will look at it with some urgency.

Crucially, as came out in so many of noble Lords' speeches, a woman in prison is more likely to have committed a non-violent offence driven by poverty and for material gain, and to be serving probably a pointless short sentence. Your Lordships also pointed out the disastrous effect of incarceration on these women and their children—because so many of them have children. It leads to intergenerational problems including criminality, but also to problems in wider society, because these women are not rehabilitated under these short sentences in particular, so the effects are even worse.

What is to be done? Your Lordships have been very gracious in the way they have conducted the debate, but your Lordships' House has been addressing these matters with that degree of care and temperance for many years. I look around this Chamber at so many experts who have been so gracious about making these observations again and again to Governments of both persuasions, it has to be said, but those arguments fall on deaf ears.

Of course we need more resources, not just in the system but before it, because the criminal justice system has been treated as a dustbin for humanity. I think it was the noble Lord, Lord Farmer, who coined the idea of needing more social workers, not just more prison officers. Why leave everything until it is almost too late when it comes to intervening in the most vulnerable people's chaotic lives?

We need a probation service and probation disposals that truly inspire the confidence of the electorate and wider society, so that it is possible to make these disposals and not have to resort to ridiculous short-term sentences that clearly are not working. I thought that there was much in the suggestion that there should be mandatory pre-sentence reports before any woman is sent to prison, but perhaps we ought to go further. I took on board my noble friend Lord Ponsonby's point that there has to be an ultimate sanction for non-compliance with probation and so on. However, it is high time for consultation and a Green Paper on a legislative presumption against these short sentences. That is what my honourable friend the shadow Justice Secretary has indeed promised.

We need to change the culture of prison itself. Again, that takes funding, as was pointed out by my noble friend Lord Parekh. Prisons are very masculine environments. They have been modelled on very traditional lines. That applies even to women's prisons. We need to look at the different suggestions for keeping women's family ties, even if they have to be in prison for more serious sentences. I was attracted to the suggestion of a women's justice board to take these issues forward. In the light of what the noble Lord, Lord Ramsbotham, said, I will certainly take that back to my colleagues.

There should be more women judges all the way through the system, including up at the top in the senior judiciary. I personally think that if that is not happening quickly enough, it is time to look at affirmative action in the judiciary. It is a question of not just expertise and life experience but legitimacy in the wider population, at a time when the judiciary is often under attack, as is the rule of law itself.

This is the last day of the last term. I wish all noble Lords well for a peaceful and well-earned break, though one which I suspect will not be without certain anxieties. We approach this recess with a new Foreign Secretary who has repeatedly suggested that feminism is bigotry. We have a new Home Secretary who has spoken in support of the death penalty. However, I believe in rehabilitation. That rehabilitation requires hard work and good counsel. I hope that the Minister, with all our support, is able to provide more of that in the autumn.

4.55 pm

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, I thank all noble Lords who have contributed to this debate and I congratulate the noble Lord, Lord Farmer, on securing it. I also pay tribute to him for his recent report on the importance of family ties for female offenders in the criminal justice system. We welcomed the publication of this excellent review in June, and his earlier report on male offenders in August 2017. That first report was rightly described as a landmark publication, and his more recent work reinforces such acclaim. I thank him again for the considerable efforts that he has made here.

Turning to the needs of women in the criminal justice system, women are a small proportion of those supervised in the community—about 15%—and an even smaller proportion of the prison population, at about 5%. On average, women commit less serious offences than men. In 2018, 35% of immediate custodial sentences for women were for shoplifting offences. Most custodial sentences for women are short, as has already been observed. In 2018, 77% of custodial sentences for women were for less than 12 months. That compares with 62% in respect of male offenders. Given these distinctions in the interaction of men and women with the criminal justice system, and the body of evidence amassed in the last few years on this cohort, particularly by the noble Lord, Lord Farmer, he is right to move that this House should take note of their needs, which, I emphasise, are often complex.

Female prisoners are more likely to have been taken into care, to have experienced abuse and to have witnessed violence in the home as a child. It is estimated that 60% of female offenders have experienced domestic

abuse. These factors and others often underlie their offending and must be successfully addressed if they are to be rehabilitated.

Women's circumstances when they enter custody, and their experiences there, differ from those of men, and some of their outcomes are worse. Women in custody have a higher prevalence of needs than men with regard to relationships, accommodation, drugs, alcohol and, as was mentioned, post-incarceration employability. Female prisoners are more than twice as likely as male prisoners to report needing help for mental health problems, and the rate of self-harm in female prisoners is almost five times higher than in male prisoners. The complexity of these needs, the necessity of a gender-specific response and the overlap between offender and victim have all been central to the Government's response to the needs of women in the criminal justice system. Last year we published the *Female Offender Strategy*. This set out our vision to reduce the number of women coming into contact with the criminal justice system, as well as the proportion of those in custody, particularly on short sentences, and the need to improve conditions for those in custody.

We know that for many vulnerable women, with the right support at the right time, there are opportunities to prevent them from entering the criminal justice system at all. That is why we are working to increase early intervention, identifying and supporting women before they become involved in the criminal justice system. That requires a partnership approach, as some have already observed, involving local agencies and other women's services. To support that at national level, we have provided guidance to the police about working with vulnerable women and diverting them out of the justice system into a support area, where there is a need for this and it can be achieved.

NHS England is currently rolling out a liaison and diversion service that supports our efforts to intervene early on vulnerable women. Full rollout of the NHS liaison and diversion service is expected by 2020-21 and all its sites will have a basic female pathway and nominated female lead. We hope that these changes will lead to more women being diverted away from being charged with an offence and ending up with a custodial sentence. We will also continue to promote the use of out-of-court disposals with conditions attached, which can serve as an opportunity for early intervention and, again, for successful rehabilitation.

We know that for many women, spending short periods of time in custody creates plenty of disruption but does not necessarily offer sufficient time for them to engage in successful rehabilitative activity. This is particularly true for those female offenders with dependent children. Moreover, evidence suggests that community sentences, in certain circumstances, are more effective in reducing reoffending—again, noble Lords touched on that point.

We accept that women-specific services are crucial to our vision to manage more women in the community by helping them at the point of need. We want to see women's services and centres embedded as an integral part of the delivery of public services to female offenders, making better use of their potential as places where quality support and interventions can be delivered.

[LORD KEEN OF ELIE]

I am well aware of the challenges that women's services face in securing stable funding and of the impact this can have on local availability. Currently, women's services receive funding from a range of sources and it is imperative that they continue to do so. As was mentioned, we have invested £5 million in multiyear funding for community provision for female offenders. That is already being used to sustain and enhance services, and to provide new specialist services. We remain committed to ensuring that there is sufficient funding for female offenders, and will continue to look at the scope to increase sustainability as we take that strategy forward.

As was mentioned by the noble Baroness, Lady Burt, we are also developing a residential women's centre pilot in five sites across England and Wales. I should say "at least" five sites; that is the minimum. We are working to refine the design and delivery of the pilot. Our intention is to share our conclusions on the next steps after the summer—so we are, I hope, making progress. I cannot be more specific about that progress, but we will report further on that matter after the summer.

Critical to the successful management of all offenders who have been in custody, but perhaps particularly women, is the probation service. In May, we set out plans for a new model for probation from 2021: a unified model that will see the National Probation Service take on responsibility for supervising all offenders, ending the current split in offender management. A range of private and voluntary sector organisations will be contracted to deliver interventions to support rehabilitation and source unpaid work placements. The reforms will be accompanied by measures to strengthen the probation workforce, including through better training to manage vulnerable offenders. The new model presents opportunities to improve support for women offenders in the probation system. We are considering carefully how to ensure that the supervision and interventions on offer meet the specific needs of women offenders.

For some women, it is necessary that they be detained in custody—the noble Lord, Lord Ponsonby, made this point clearly, drawing on his own experience. Yet we are clear that the custodial environment should not continue to merit the criticisms that the noble Baroness, Lady Corston, levelled at it in 2007 in her seminal report, when she said that it was,

"a system largely designed by men for men".

To this effect, in December 2018 we published the new *Women's Policy Framework* and accompanying *Guidance on Working with Women in Custody and the Community*.

With thanks to the aforementioned work of my noble friend Lord Farmer, we are clear too on the value of strengthening the ties individuals have with their families and friends while in custody. In January this year, we published a new family policy framework to support governors and standardise the quality of services provided across all prisons. We will be looking closely at the findings and recommendations of my noble friend Lord Farmer's review to see how we can best give effect to them in both the short and longer term.

The matter of domestic abuse features repeatedly in this context. Let us be clear it is a very real and challenging problem. I notice that, on 16 July this year, we introduced the Domestic Abuse Bill, and we believe this is a step in the right direction. It has been, and I have no doubt will be, the subject of considerable consultation and consideration, and of further amendment. I cite that as a step in the right direction.

I will touch on one or two points that were raised by noble Lords in the debate. I note those made by my noble friend Lord Farmer and appreciate those on personal circumstances files and how they might be utilised. I can say no more at that stage, other than that I have noticed and will look at that.

The noble Lord, Lord Parekh, disclosed his knowledge of the background statistics and situation of women offenders, and referred to their specific needs. He also mentioned the idea of gender-specific laws. I cannot accept that as an appropriate way forward. He cited the drug-smuggling example. I note that, in such a circumstance, the law allows for the defence of duress. That fact-specific defence might well have been utilised in the circumstances to which he alluded. I will not say how far it goes but, where you have circumstances such as those he identified, there are potential remedies within the present laws without needing to develop gender-specific criminal law.

The right reverend Prelate the Bishop of Rochester touched on accommodation and security of accommodation on release. That is critically important. At present, the CRCs and the National Probation Service are required to facilitate access to accommodation and work with other partners to do that when offenders are released. Over and above that, I mention in passing that the Government introduced our *Rough Sleeping Strategy* in August last year, which again we hope will alleviate those demands.

The noble Baroness, Lady Redfern, alluded to the availability of universal credit. We are determined to ensure that access to universal credit is just as easily available to those who will potentially be released from custody as it is for others in the community. She also mentioned family contact and travel. That is an issue that we address, and we have provision to make grants to assist with travel. In the last year for which I have figures, a sum in excess of £1.2 million was provided to assist with travel to visit those in custody.

The noble and learned Lord, Lord Woolf, also touched on the location of female prisons. That is an issue, given the limited number of female prisons in England and Wales; I accept that. On average, the distance a family has to travel to visit a female offender is 48 miles, but that masks the fact that, in some instances, it can be more than 100 miles, which is why we make some provision for travel grants. There are specialist units for female offenders, which are a considerable distance from their normal residence and have to be utilised—for example, mother and baby units, where places are limited. I think there are 64 throughout the female prison regime. That is a challenge, but one we step up to.

My noble friend Lady Sater, drawing on her experience as a magistrate, acknowledged that we are developing five residential pilots. I have already mentioned that.

She also raised mandatory reports for female offenders. The noble Lord, Lord Ponsonby, pointed out that the opportunity to seek reports is always available to the Bench. In many instances, particularly with regard to female offenders, who may be subject to short custodial sentences causing family disruption, it is my understanding that they are often ordered. However, I take on board my noble friend's suggestion that there could be scope for some mandatory reporting.

I mentioned the noble Lord, Lord Ponsonby of Shulbrede—I apologise if I did not pronounce “Shulbrede” properly. With his experience as a magistrate, he pointed out that, although we had alluded to the strong case for the abolition of short sentences—albeit with exceptions—one had to bear in mind that there were often compelling reasons why short custodial sentences had to be imposed. One obvious example was where an offender simply refused to obtemper the requirements of a community order and there was no option but to try to ensure that some penalty could be imposed in respect of a crime and in order to assist.

The noble Lord asked whether each of the proposed 11 probation areas would have a specialist women's centre. I am not in a position to answer that at the present time, but I shall look at it.

The noble Lord, Lord Bhatia, raised a number of points and touched on the idea of women-only judges and women lawyers for cases involving women offenders. I would respectfully take exception to that. It appears to me that our judiciary right across the board are gender-inspecific, well-trained and sensitive to the needs of the various people whom they come across, be they BAME, male or female. To suggest that one should identify a particular gender or background of judge or lawyer to deal with a case would not be appropriate.

My noble friend Lady Byford suggested that when female offenders came out of prison they had nowhere to go, but I take exception to that. If they have been in custody, they are subject to a probation order. The probation service is required to facilitate access to accommodation. That is not to say that all are found suitable accommodation, but they are not left in a situation of simply having nowhere to go.

My noble friend also asked why more women appear to be subject to short sentences than men. There are a number of reasons for this. Generally speaking, it may be because women are inclined to non-violent offences, where there are shorter sentences; it may be that they are inclined to minor but repeated offences that lead to a custodial sentence. Therefore, it is not an easy issue to dispose of.

The noble Lord, Lord Ramsbotham, drew on his considerable experience in this field, going back to his inspection of Holloway prison in 1995—the site, I understand, has now been sold to Peabody for further development. He raised the question of a women's justice board. I shall take that away for consideration.

The noble Baroness, Lady Uddin, alluded to a particular set of cases. She spoke of the number of women recalled and the reasons for it. For the year to 30 September 2018, the only figure that I have is that the number of recalls of men and women was 6,638. Normally, there is more than one reason for recall, but the most common is a breach of conditions, in particular

a failure to keep in touch with a supervising officer. I hope that goes some way to responding to the noble Baroness's question.

My noble friend Lady Eaton raised the case of Eden House in Bristol. I have no details available to me about its sale, but I shall take steps to investigate it and will write to her and place a copy in the Library once I have an explanation.

I have already referred to some of the issues raised by the noble Baroness, Lady Burt of Solihull. On licensing and licence rules, it is appropriate that even those under short sentences should be under licence because conditions are then attached. The whole point of those conditions is to assist the offender. It is therefore appropriate that they should be subject to licensing so they can be aided in efforts to rehabilitation. I see it as a positive, not a negative, in those circumstances.

The noble Baroness, Lady Chakrabarti, referred to short sentences as “pointless” and “ridiculous”, but she qualified her own comments by acknowledging the force of the point made by the noble Lord, Lord Ponsonby. There is a very real reason why, in some circumstances, it is simply unavoidable for the court to impose a custodial sentence—even a short one—on female offenders, just as it does on male ones. The call for more women judges will, no doubt, be heard beyond these walls. However, I notice that the outgoing President of the United Kingdom Supreme Court is a Lady—albeit that her successor is a male, to try and restore some balance in these circumstances.

I am truly obliged to my noble friend Lord Farmer for his contribution to this debate and for the contribution of all noble Lords.

Baroness Uddin: My Lords, would the Minister care to respond to some of my other questions, perhaps in writing? I do not press him to do so during the Recess; I am happy to wait until he returns.

Lord Keen of Elie: Reference was made to a particular case; I am not sure that I am in a position to respond to that. I will let the noble Baroness know whether or not there will be a review of services at Downview.

5.16 pm

Lord Farmer: My Lords, I thank all noble Lords for their contributions to this important debate. It is clear that the female offenders' estate is not the same as the male one and needs specific, bespoke attention. One benefit of a debate such as this is that it keeps this on the radar screen and makes our direction of travel a bit more hopeful than with past reviews, as the noble Lord, Lord Ramsbotham, said. One point of my reviews of the male and female estates was that there should be implementation meetings. I have already had a meeting, in the last week, with MoJ officials about the female review. I hesitate to use the expression “keep our feet on their necks”, but we intend to keep driving forward these recommendations to change the culture. The noble Lord, Lord Ramsbotham, spoke with great experience about reviews being done and then there is a change of Secretary of State or a change of Government and before you know where you are you are back to where you started and all the research has come to nothing.

[LORD FARMER]

I thank all noble Lords for their thoughtfulness, hard work and excellent contributions today. I am sure these will help the Ministers and Secretary of State to push things forward.

It just leaves me to say, since, as the noble Baroness, Lady Chakrabarti, said, this is the last debate on the last day of term before the Recess, and since I see the Chief Whip in his place, that I also pay tribute to him and thank him for the way he has looked after newcomers such as me—I have been here for five years. His gracious and gentle initiation and encouragement throughout the years have been extremely helpful; coming into this place can be quite intimidating for people who do not know it, so I add my thanks and appreciation to those of everybody else to the Chief Whip and wish him the best in his retirement. At the same time, I take the opportunity to thank all noble Lords. They have all worked very hard this term and I hope that their holidays are fun and they can have good family time. I hope they are rehabilitative, so that when we come back we are all refreshed and energised to keep pressing on.

Motion agreed.

Motion to Adjourn

Moved by **Lord Taylor of Holbeach**

That the House do now adjourn.

Lord Taylor of Holbeach (Con): Well, my Lords, that is enough of that: let us go off on recess. I beg to move that the House do now adjourn.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, before I put the Question, I too wish your Lordships, especially the Government Chief Whip, and all our staff a very happy Summer Recess. I take this opportunity to wish Mr Evans a very happy retirement as well.

Motion agreed.

House adjourned at 5.20 pm.

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