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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

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

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

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House of Lords

Monday 28 October 2019

2.30 pm

Prayers—read by the Lord Bishop of Durham.

Introduction: Lord Hendy

2.37 pm

John Hendy, QC, having been created Baron Hendy, of Hayes and Harlington in the London Borough of Hillingdon, was introduced and made the solemn affirmation, supported by Lord Falconer of Thoroton and Baroness Chakrabarti, and signed an undertaking to abide by the Code of Conduct.

Introduction: Baroness Hunt of Bethnal Green

2.42 pm

Ruth Elizabeth Hunt, having been created Baroness Hunt of Bethnal Green, of Bethnal Green in the London Borough of Tower Hamlets, was introduced and took the oath, supported by Lord Cashman and Baroness Bull, and signed an undertaking to abide by the Code of Conduct.

Drugs: Methadone Question

2.47 pm

Asked by Lord Brooke of Alverthorpe

To ask Her Majesty's Government what plans they have to assess the regulation, and the general effectiveness, of methadone.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Blackwood of North Oxford) (Con): My Lords, methadone is a cost-effective and evidence-based opioid substitution treatment. The National Institute for Health and Care Excellence has published several pieces of guidance on drug treatment. It recommends opioid substitute treatment with either methadone or buprenorphine, delivered alongside psychosocial treatment, as the front-line treatment for heroin dependency. There are no plans to undertake any further review.

Lord Brooke of Alverthorpe (Lab): My Lords, I am grateful to the Minister for that reply. I am disappointed that the Government are not prepared to undertake a review. I do not want methadone treatment to end, but I believe that the cost is now becoming astronomical and have sent the Minister questions about this previously. People in the industry say that it now costs £1 billion a year, yet an increasing number of people are dying from methadone and a shortage of resourcing for support and advice. We are going nowhere. They are

parked in a cul-de-sac. Should we not take a look at what alternatives may be available, where that kind of money could be put to better use and give people hope, rather than just abandon them?

Baroness Blackwood of North Oxford: I thank the noble Lord for his question. He will know that the DHSC does not collect data on the costs of supply of methadone centrally, as he has asked this question. However, I reassure him that Public Health England carried out an evidence review in 2017 on the effectiveness of drug treatment across the UK, which found that our outcomes are as good as or better than those internationally, including on effectiveness and value for money. However, we recognise the challenge of drug deaths and drug treatment across the UK and the challenge to local authorities. There will be an effective review of drugs policy, which will include Carol Black's review of drugs.

Lord Rennard (LD): My Lords, what consideration has been given to extending the Swiss model of heroin-assisted treatment, with addicts attending clinics under supervision and injecting safely, given that there is clear evidence of the success of this model in improving the health of addicts and reducing both the number of overdoses and levels of crime?

Baroness Blackwood of North Oxford: Heroin-assisted treatment can be an effective way of treating individuals for whom other opioid substitutes have not been effective. It is open to local areas under the existing legal framework, but given that funding decisions on drug and alcohol treatment have been devolved, it is for them to decide whether to commission HAT services based on their assessment of local need.

Lord Watts (Lab): My Lords, are the Government seriously suggesting that they could be spending £1 billion but do not actually know whether they are?

Baroness Blackwood of North Oxford: No, the Government are suggesting that a PHE review in 2017 found that drug and alcohol treatment services are currently as good as or better than international comparators. They are cost-effective and the outcomes are good. However, we recognise that the number of deaths at the moment is too high, which is why the Home Office has commissioned a review of drugs policy by Dame Carol Black, and there will be a summit in Glasgow before the end of the year to find out what more can be done to improve these services.

Baroness Finlay of Llandaff (CB): My Lords, do the Government recognise that methadone, apart from being an opioid substitute, is therapeutically a useful drug because it hits a different set of receptors from many other opioids? Each individual opioid is unique in its pharmacological profile and action, so there are real dangers in labelling methadone as only an opioid substitute. Patients who need it for symptom control can worry that they are stigmatised by being prescribed methadone, and there can be difficulties in supply

[BARONESS FINLAY OF LLANDAFF] therapeutically. In addition, any review of addiction and addiction services cannot look only at substituting one drug for another but must also look at the fundamental underlying drivers to the addiction that has occurred. It must give support in the long term, because these people remain at risk of returning to their addictive habits.

Baroness Blackwood of North Oxford: The noble Baroness in her question has outlined her expertise in this. She is quite right that the evidence base for the effectiveness of methadone is robust. It is provided for by NICE guidance and UK drug misuse and dependence treatment guidelines. Those have recently been updated in the Orange Book, which provides clinical guidance to clinicians and was published in 2017. There is also an update coming to NICE guidelines on how to manage drug dependency, which will be published in 2021. Therefore, up-to-date guidance is available for clinicians which ensures that they are able to provide both therapeutic and dependency management to those on prescription but also on withdrawal treatment. I therefore reassure the House that this is being taken extremely seriously by the Department of Health and Social Care, and by all related departments.

Lord Forsyth of Drumlean (Con): My Lords, how can my noble friend say that it represents value for money if she does not know the cost? To go back to the question of the noble Lord, Lord Brooke, surely that cost has to be taken as an opportunity cost compared to other forms of treatment that do not continue with people being dependent on drugs.

Baroness Blackwood of North Oxford: My noble friend is quite right that we have to ensure that we prevent individuals getting addicted to drugs in the first place. That is why there is a wider drugs strategy, which ensures that we take action to reduce the number of people who become addicted in the first place, why the Home Office is holding a summit in Glasgow focused on tackling the problem of drug use, and why Dame Carol Black is working on the association between drug use and violence. However, we recognise that the use of methadone is an evidence-based and effective way to reduce the harm as cost-effectively as possible, which has been proven through extensive clinical and evidence-based trials.

Baroness Thornton (Lab): My Lords, the lack of local government funding for drug treatment, combined with a policy-driven emphasis on abstinence rather than harm reduction, has frequently been cited as a likely reason for the increased number of drug-related deaths. In 2016, the Advisory Council on the Misuse of Drugs advised the Government on how to reduce opioid-related deaths in the UK. Despite Ministers claiming to accept the recommendations made by the ACMD, funding for drug treatment services, including OST—opioid substitution therapy—has been cut across the UK. Can the Minister confirm that this is the case and explain why the Government are not following the advice of the ACMD?

Baroness Blackwood of North Oxford: We have accepted the recommendations of the ACMD and are very grateful for its advice, which is evidence-based and recommends the use of methadone. However, we recognise that services are under pressure and face a range of challenges, including the ageing cohort of drug users, which we believe is related to the increase in deaths. We are reassured by the 2017 PHE review, which, as I said, found outcomes that are as good as, or better than, international comparators, which shows that local authorities are delivering effectively even under that pressure. I am pleased, therefore, that the public health grant remains ring-fenced and will now increase in real terms. We will be focusing on how that can assist drug and alcohol services so that we can see them improve locally. This will be a particular focus for the Drug Recovery Champion, who will have an annual delivery plan and will be working with communities to improve the services available.

Local Authorities: Tourism

Question

2.56 pm

Asked by **Baroness Doocey**

To ask Her Majesty's Government what consideration they have given to granting local authorities more powers to manage their local tourism industries.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con): My Lords, the Government are not currently minded to give local authorities new powers to manage tourism. As the noble Baroness will be aware, the Government have given a great deal of thought to how we can best support the tourism industry, hence the recent publication of the *Tourism Sector Deal*. The action outlined in the deal addresses the challenges facing the sector, with a focus on growing productivity. The deal envisages a role for local authorities in managing tourism zones.

Baroness Doocey (LD): I thank the Minister for her response. Will the Government agree to use the tourism zone pilots to trial a tourism levy, with money raised ring-fenced for the visitor economy? Does she agree that this would provide an evidence-based assessment of the value of tourism taxes to local economies?

Baroness Barran: I recognise that the noble Baroness has done a great deal of work on and thinking about these issues. The Government share her broader aim to give local authorities, businesses and other stakeholders a real voice in the local tourism strategy. Our view remains that it is a matter for the Treasury to review the tax regime, and we have no plans to introduce any kind of local taxation.

Lord Hunt of Kings Heath (Lab): My Lords, the noble Baroness will know that the intention in Scotland is to allow Edinburgh to go ahead with a tourism tax.

Under debate on the Birmingham Commonwealth Games Bill, why was not Birmingham given the opportunity to at least pilot a tourism tax, which would have paid for the city's contribution to the costs of the Commonwealth Games? Does she further share my disappointment that the Liberal Democrats would not support that move when we debated it at that point?

Baroness Barran: On the Scottish approach, we will clearly be watching developments there closely and aim to learn from them. In relation to the Birmingham Commonwealth Games, I have been reassured that my honourable friend the Minister in the other place had confirmation from Birmingham City Council that there is no need for additional taxation: it can meet the cost of the games.

Lord Cormack (Con): My Lords, if the DCMS believes in tourism, why does it not stand up to the Treasury?

Baroness Barran: The noble Lord has more experience than I have of standing up to the Treasury. The DCMS absolutely believes in tourism: that is why we were so committed to working for a sector deal, which has been universally welcomed by all parts of the industry and gives us exciting opportunities to develop it, particularly outside London.

Lord McNally (LD): My Lords, your Lordships' Select Committee that looked at seaside towns identified the concentration of social and other problems in former hotels which had become houses in multiple occupation and were often exploited by landlords. Is there not a very strong case for giving local authorities in these areas bespoke powers to deal with abuses of this kind?

Baroness Barran: I fear that I may have to consult my colleague in the Ministry for Housing, Communities and Local Government about houses in multiple occupation. Perhaps I may write to the noble Lord.

Lord Stevenson of Balmacara (Lab): My Lords, I recognise that Birmingham is rather far from the sea but could we return to those sunny shores? In the discussions referred to by my noble friend on the Birmingham Commonwealth Games, we received from the then Minister, now the Chief Whip, the assurance that Birmingham City Council was undertaking detailed work and taking expert advice on various options for revenue-raising to offset the costs of the Games, including the use of existing powers on the introduction of a new tax such as a hotel tax. He went on to say that:

"Her Majesty's Treasury await the conclusion of that analysis and stand ready to look at the details of any proposals put forward by the council".—[*Official Report*, 24/7/19; cols. 784-85.] That does not seem to square with what the noble Baroness said. Is that still the Government's position? Further, when will we hear the results of those discussions?

Baroness Barran: The Government's position is that we are still in discussions. I understand that my honourable friend the Minister for Sport has been in discussions

with Birmingham City Council very recently and that those conversations are continuing. As we said originally, we will review its suggestions.

Housing: Rental Market Question

3.01 pm

Asked by **Baroness Gardner of Parkes**

To ask Her Majesty's Government what proposals they have to regulate websites such as Airbnb; and what assessment they have made of the impact of such websites on the availability of housing for rent.

Baroness Gardner of Parkes (Con): My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare my interests as set out in the register. The Question is appropriate given that it follows the last one on a similar issue.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Viscount Younger of Leckie) (Con): My Lords, the Government have no current proposals to regulate short-term platforms. We welcome the efforts of the Short Term Accommodation Association to improve standards. With the support of my department, the Minister for Tourism will soon host a round table on short-term lets with senior industry stakeholders. Short-term lets account for a fraction of the dwelling stock in England and there is little evidence to suggest that the availability of housing for rent has been adversely affected.

Baroness Gardner of Parkes: I thank the Minister for that Answer, but I believe that it would be desirable to reintroduce licensing rights for local authorities so that they have powers in this area. The whole of London has recently been damaged by the fact that there are no arrangements whatever for rubbish to be put out. On the day people leave such lettings, they just dump their rubbish outside the property. The Government's response has been that local authorities are entitled to collect a special amount in this respect, but there is no one at the property from whom to collect the money because they have already gone. I ask the Minister to look seriously at ensuring that local authorities are now given more control, as they had before they were lost in the 2015 Act, over licensing and inspection, and in particular to check whether owners have the legal right to let their property.

Viscount Younger of Leckie: On the subject of possible registration, we welcome Airbnb's plans to hold a national discussion on this matter and we are engaging with it and other similar stakeholders on their proposals. Perhaps I may say that local authorities already have powers to take action against issues such as noise, anti-social behaviour or the accumulation of rubbish, as my noble friend has pointed out, that may arise in relation to short-term properties. I would urge anyone

[VISCOUNT YOUNGER OF LECKIE]
with such a complaint to take it to their local authority. We want to encourage responsible short-term letting where hosts behave in accordance with the law and with respect for both their guests' safety and their neighbours' peace.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I refer the House to my relevant interests. Is the noble Viscount saying that he does not accept that there is a problem here which needs to be dealt with?

Viscount Younger of Leckie: No, I am not saying that there is no problem. We take the view that we welcome the voluntary approach. We are encouraging the Short Term Accommodation Association to drive up standards. Its self-regulatory measures to date include the Safe, Clean and Legal accreditation scheme in partnership with Quality in Tourism, its collaboration with Westminster City Council to develop and promote the considerate short-term lets charter and its members' voluntary imposition of checks to help enforce the 90-day limit in London only.

Lord Bird (CB): If thousands of houses are taken out of the housing market in London, does the Minister not agree that that would have an effect on the price of rents and on homelessness?

Viscount Younger of Leckie: I said in my initial Answer that the increase in Airbnb lettings is not having an effect on houses to rent. But on the noble Lord's point about prices paid by rental tenants in the UK, prices rose by only 1.3% in the 12 months to September 2019, a rate unchanged since May 2019.

Lord Palmer of Childs Hill (LD): My Lords, the Minister replied very blithely to the question asked by the noble Lord, Lord Bird, but Airbnb has become very profitable. Does the noble Viscount not agree that there has been a big decrease in properties for long-term rent and purchase, despite the percentages in his answer, and that the vast increase in short lets is not how to build communities?

Viscount Younger of Leckie: I can only quote the figures that I have given noble Lords, which show that there is an increase but it is not having an impact on private rented property. As I said, we want to continue to follow the advocacy for self-regulation and to support local authorities. In 2018, the Short Term Accommodation Association implemented the considerate nightly letting charter with Westminster City Council. With the fines that have been imposed—I have the details of those—it seems to be working. As I said, we are determined to follow the voluntary approach at present.

Lord Whitty (Lab): My Lords, a few months ago, I asked Ministers what they were doing about the situation where leaseholders and tenants of social housing were subletting to Airbnb and equivalent bodies, and the Minister indicated that it was not their problem but it was local authorities' problem. I now ask about an

issue that clearly is central Government's problem: how many of the 80,000 odd premises that are let to Airbnb in London are registered for business rates, business for profit tax or VAT, because this form of tourism is detrimental to a lot of areas in central London where people live and where housing is in very short supply?

Viscount Younger of Leckie: As I said earlier, we think it is right that local authorities remain responsible for this area. Westminster City Council has investigated or is in the process of investigating over 1,500 properties for unlawful short-term letting. In one case earlier this year, a fine of over £100,000 was imposed. But the noble Lord is right that those who let out their properties for Airbnb must pay taxes. That is something that local authorities should look at. Of course, when they register, local authorities can find out who the hosts are and whether taxes have been paid or not.

Lord Best (CB): My Lords, the Government decided, very wisely, to establish a regulator for property agents—for estate agents, letting agents and managing agents of leasehold property—but have decided at the moment not to include in that the organisations that provide these very short-term lets such as the Airbnbs of this world. In view of the misgivings that abound about Airbnb and others and the campaigning work of the noble Baroness, Lady Gardner of Parkes, over so many years, might it not be a good idea for the regulator's remit to include these organisations as well?

Viscount Younger of Leckie: We welcome the report by the working group on regulation of property agents chaired by the noble Lord. It was published in July this year and extends to some 24,000 words, with 53 recommendations. Since then, I reassure the noble Lord and the House that officials have begun an extensive programme of evidence-gathering with over 30 interviews with key stakeholders either already or soon to be conducted. That will form the careful consideration that we will give to the point he raised. While we are open to following the evidence, it is not government policy to support regulation of short-term lets at this time.

Baroness Bennett of Manor Castle (GP): My Lords, the Minister may not be aware—the discussion thus far has focused on London—that in York the number of Airbnb and HomeAway listings is growing at 12% per quarter, not per year. Since 2016, there has been a 300% increase in the number of entire homes advertised in York. The Minister referred to councils acting on the law. Will he consider how councils can be assisted with laws and regulations and resources to enforce the 90-day change-of-use rule?

Viscount Younger of Leckie: The 90-day change-of-rule applies to London alone. York is a wonderful place to go, and it is a good thing that Airbnb operates there because short-term lets allow households to boost their income, which in turn promotes economic growth through tourism, although I agree that a balance has

to be struck with impinging on the business of local hotels. Hull, which is not too far from York, appreciates having extra accommodation during peak times. During its year as City of Culture it ran an initiative with Airbnb called “Everyone Back to Ours” to help attract more people to the city, so there is a balance to be struck.

Northern Ireland: Devolved Government Question

3.11 pm

Asked by **Lord Lexden**

To ask Her Majesty’s Government what progress they have made towards the restoration of devolved government in Northern Ireland.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy and Northern Ireland Office (Lord Duncan of Springbank) (Con): Getting Stormont back up and running is my right honourable friend the Secretary of State for Northern Ireland’s absolute priority. The parties remain engaged and are demonstrating a willingness to find solutions to the remaining critical issues. However, a renewed determination to find agreement will be needed if an Executive are to be formed. I urge the parties to work with the Secretary of State and the Tánaiste to do what is right for the people of Northern Ireland.

Lord Lexden (Con): Can there be any doubt that the EU withdrawal agreement has made political progress in Northern Ireland even harder to achieve? Do not all unionist parties, not just the DUP, have grounds for concern about the actions of this Conservative and Unionist Government? Will the Prime Minister, who has given himself the title of “Minister for the Union”, be at the forefront of continuing efforts to secure political progress and to strengthen our union, in the interests of all our fellow country men and women in Northern Ireland?

Lord Duncan of Springbank: My right honourable friend the Prime Minister has declared that he will be the Minister for the union. The union is composed of four nations. Northern Ireland is an integral part of that union. We must deliver for the people of Northern Ireland but so must the politicians there, who have an obligation to reform the Executive.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, will the Minister give careful consideration to whether it would speed up the restoration of devolved government in Northern Ireland if we were to stop paying them until they sat again?

Lord Duncan of Springbank: Yes.

Lord Bruce of Bennachie (LD): My Lords, how many more times will the Government watch a failed attempt to bring the Northern Ireland Assembly and Executive back into being before they find the kind of initiative that might break the deadlock and give the people of Northern Ireland what they need, which is local politicians capable of delivering and willing to deliver so many things which are hanging undone, unfinanced and undelivered?

Lord Duncan of Springbank: The noble Lord is correct. He will be aware that last week there was an attempt for the Assembly to sit, but it was unable to do so because it could not be done on a cross-community basis. We must ensure that each element of the treaties which we are obliged to meet, not least the Belfast agreement, is met in full, but in reality the parties in Northern Ireland have that responsibility and they must answer to the people sooner rather than later.

Lord Hay of Ballyore (DUP): My Lords, Northern Ireland has now been without a Government for more than 1,000 days. I know the Minister continually comes to the House to update it on the progress of those talks. With the current round of talks with the political parties in Northern Ireland ongoing, can he tell the House whether we are getting any closer to a working Executive and Assembly being formed in Northern Ireland any time soon? If not, I question the whole process the Government and the parties are involved in because it is certainly not delivering devolution for Northern Ireland.

Lord Duncan of Springbank: The noble Lord is correct. There have been 1,000 lost days for the people of Northern Ireland. This cannot go on, but I have said that many times. The reality remains very simple: the parties are remarkably close, as only a few issues divide them, and it is time to resolve those few issues.

Lord Caine (Con): My noble friend has very clearly expressed the deeply held and legitimate concerns shared by a number of unionists right across this United Kingdom about aspects of the withdrawal agreement. Does the Minister believe that the prospects of restoring devolved government are improved by an agreement that places a de facto border between Great Britain and Northern Ireland? What further assurances can he give this House that the agreement will not seriously undermine and weaken the political and economic integrity of the union?

Lord Duncan of Springbank: My noble friend would, rightly, question my veracity if I said that Brexit had no influence in Northern Ireland. Right now, it is important to ensure that we are able to seek and deliver a withdrawal agreement that works for all parts of Northern Ireland. That will be the final test. However, I hope that the parties of Northern Ireland do not wait for that to happen but resolve to bring themselves into an Executive.

Baroness Smith of Basildon (Lab): I do not think that the Minister quite answered the question that was asked of him on that point. However, after this Question, we shall move on to the next business—the Historical Institutional Abuse (Northern Ireland) Bill. If anything, it is a really poignant reminder of what is happening in Northern Ireland: how the people there are waiting for decisions to be made. I have previously raised the issue of the hyponatraemia inquiry. I commissioned it all those years ago when I was a Minister and we are still waiting to go through the recommendations.

[BARONESS SMITH OF BASILDON]

Noble Lords will have noticed that at the moment the Prime Minister is spending a great deal of time talking about an election of Members of Parliament to Westminster. Can the Minister tell us how much time the Prime Minister has had left over to talk personally to the political parties in Northern Ireland? How much is he involved in trying to get Stormont and the institutions up and running again, or is he too busy focusing on a withdrawal Bill that is doing more damage than helping in getting those institutions up and running?

Lord Duncan of Springbank: Regarding hyponatraemia, I will, as I have said before, commit to working to deliver against that—it is long overdue. As to the question of the commitment of my right honourable friend the Prime Minister, he is absolutely committed, but right now the person taking the lead on that is the Secretary of State for Northern Ireland. He has redoubled his efforts to bring the parties back to the table. That they have not done so remains a disappointment for him and for the people of Northern Ireland.

Lord Cormack (Con): No doubt my noble friend knows that progress has been made when Prime Ministers—Sir John Major, Tony Blair and Gordon Brown—have become involved. Why does the Prime Minister not go to Northern Ireland and invite all Members of the Assembly, duly elected and still being paid, to Stormont to talk to him about these things?

Lord Duncan of Springbank: When I next meet the Prime Minister, I will take the point raised by my noble friend and hopefully we can start a discussion about it.

Fixed-term Parliaments Act 2011 (Repeal) Bill [HL] *First Reading*

3.17 pm

A Bill to repeal the Fixed-term Parliaments Act 2011; to make provision about the dissolution of Parliament and the determination of polling days for parliamentary general elections; and for connected purposes.

The Bill was introduced by Lord True, read a first time and ordered to be printed.

Rented Homes Bill [HL] *First Reading*

3.18 pm

A Bill to amend the Housing Act 1988 to abolish assured shorthold tenancies; to extend the grounds upon which landlords of residential housing may recover possession; and for connected purposes.

The Bill was introduced by Baroness Greender, read a first time and ordered to be printed.

Divorce (etc.) Law Review Bill [HL] *First Reading*

3.18 pm

A Bill to provide for a review by the Lord Chancellor of the law of England and Wales relating to divorce and judicial separation and to the dissolution of civil partnerships and the separation of civil partners.

The Bill was introduced by Baroness Butler-Sloss, read a first time and ordered to be printed.

Video Gaming Health and Wellbeing Strategy Bill [HL] *First Reading*

3.19 pm

A Bill to provide for the Secretary of State to develop and publish a video gaming health and wellbeing strategy and to provide for the Secretary of State to develop health advice on video gaming.

The Bill was introduced by Lord Brooke of Alverthorpe, read a first time and ordered to be printed.

Schools (Mental Health and Wellbeing) Bill [HL] *First Reading*

3.19 pm

A Bill to amend the Education Act 2002 and the Academies Act 2010 to provide for schools under those Acts to promote the mental health and wellbeing of their pupils.

The Bill was introduced by Baroness Tyler of Enfield, read a first time and ordered to be printed.

Victims of Crime (Rights, Entitlements, and Notification of Child Sexual Abuse) Bill [HL] *First Reading*

3.20 pm

A Bill to make provision for specifying new statutory rights and entitlements for victims of crime under the victims' code of practice; to require elected local policing bodies to assess victims' services; to increase the duties of the Commissioner for Victims and Witnesses; to grant victims the right to request a review of a decision not to prosecute; to establish reviews into homicides where no criminal charge has been made; to create an obligation on professions to notify cases of possible victims of child sexual abuse; and for connected purposes.

The Bill was introduced by Baroness Greender (on behalf of Baroness Brinton), read a first time and ordered to be printed.

Historical Institutional Abuse (Northern Ireland) Bill [HL] *Second Reading*

3.21 pm

Moved by Lord Duncan of Springbank

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy and Northern Ireland Office (Lord Duncan of Springbank) (Con): My Lords, this month the people of Northern Ireland saw the political impasse breach 1,000 days—1,000 days without a functioning Executive, and 1,000 days without progress in education, health, infrastructure and many other areas of devolved competence.

The impact of this impasse has been acutely felt—perhaps most of all by the victims and survivors of historical institutional abuse in Northern Ireland. The Northern Ireland Executive established an independent inquiry into historical institutional abuse in Northern Ireland in 2012. The inquiry’s report was published the same month as the collapse of the Executive. As a consequence, the Northern Ireland Executive never considered the report and it was not laid before the Northern Ireland Assembly.

The victims have been left hanging for seven long years. This wait must now come to an end. That is why the Government committed in July to introduce legislation in Westminster by the end of this year, and why today we have made a fresh commitment to implementing the legislation and ensuring that victims and survivors receive an initial “acknowledgement payment” as soon as possible following the Bill’s passage.

Lord Hain (Lab): I am grateful to the Minister for allowing me to intervene so early in his speech. I very much welcome this Bill and his urgency over it. Can he give the House any guidance as to how quickly this will get through? Many of us would support an accelerated programme, especially in view of the possible general election. It would be tragic for the victims of abuse if it were somehow to stall in a parliamentary logjam.

Lord Duncan of Springbank: I welcome the noble Lord’s intervention so early in my speech, and I ask all those speaking today to speak in similar terms. With that assurance, I believe that I can move this forward very swiftly indeed. I believe that the usual channels will be consulted to that end, to ensure that we are not caught in the limbo of difficulty that might follow the announcement of a general election. I have no desire to see this carried over; I would much rather that it was done as quickly as possible.

I return now to the Bill. This legislation sets out the necessary legal framework to deliver two of the key recommendations from the historical institutional abuse report. The first is for a historical institutional abuse redress board to administer a publicly funded compensation scheme for victims in Northern Ireland. This will be a panel composed of a judicial member and two health and social care professionals. Appointments to the board will be made by the Lord Chief Justice and the Executive Office of the Northern Ireland Civil Service. The second is for the creation of a statutory commissioner for survivors of institutional childhood abuse for Northern Ireland, who will act as an advocate for victims and survivors and support them in applying to the redress board.

As noble Lords will know, providing redress for the victims and survivors of such abuse in Northern Ireland is a devolved matter. The Government are acting on

behalf of the head of the Northern Ireland Civil Service and the Northern Ireland parties to enact the legislation here at Westminster. Crucially, the Bill has been drafted by the Northern Ireland Civil Service at the request of, and based on a consensus reached by, all of the main Northern Ireland parties. Sadly, Westminster is simply the only available vehicle for the delivery of the Bill at this time.

I have spoken to colleagues across the House and, in reference to the remarks of the noble Lord, Lord Hain, I believe that the message has been received loud and clear, both in this House and in the other place. If noble Lords can give the assurances that I seek, I will be in a strong position to ensure that we are able to make very rapid progress indeed on the Bill.

In relation to the payments themselves and the speed with which they can be made, Clause 14 of the Bill contains provisions to allow the redress board to make an initial acknowledgement payment of £10,000 to eligible claimants before the full consideration of their claim. Clause 7 also allows the redress board to take a flexible case-management approach to claims, to ensure that those who are elderly or in severe ill-health are considered as a priority. That means those who are in the greatest need of redress will get their payments more quickly. Clause 6 allows claims to be made on behalf of a deceased person by their spouse or children. Crucially, the Secretary of State has tasked officials and the Northern Ireland Civil Service to look at options for implementing this legislation as soon as it becomes law. We cannot lose a single day on this matter.

Regarding the ability for applicants to request an oral hearing—an issue that I know certain noble Lords have raised—the Bill includes provisions for oral hearings, at the discretion of the redress board, where it is necessary in the interests of justice. The provision ensures that oral hearings are available when required but will not act as an unnecessary delay to those cases in which oral evidence is not required.

On the criteria that the redress board will consider, it will consider a number of factors—including, importantly, the duration of an applicant’s stay in the institution—when reaching a final compensation decision. Each application will be decided on its merits on a case-by-case basis. Finally, on the role of the commissioner, Clause 25 enables the commissioner to make representations to any person about matters concerning the interests of victims and survivors, including the redress board.

In conclusion, the victims and survivors of historical institutional abuse have waited too long. Let us get this done. I commend the Bill to the House.

3.27 pm

Lord Bruce of Bennachie (LD): My Lords, there is complete support for the Bill right across the House. It is very welcome, but it is of course shocking that we are talking about generations of abuse and decades of waiting for the potential to resolve what has happened. The range of abuse shown in the report covers the entire gamut, and obviously the legacy of abuse for those who have survived, and those who sadly did not survive, is clearly long-lasting. Siblings have been split up, sometimes never to see each other again, or perhaps

[LORD BRUCE OF BENNACHIE]

only meeting very much later in life. Parents and children have lost touch, and people have suffered psychological and physical trauma that has made them handicapped for life and, in many cases, deprived of the opportunity to fulfil their potential.

I welcome one or two specific matters in the Bill. In particular, I was pleased to note the explicit role of the commissioner, which is not just to publicise the scheme and advise, support and give help to people in applying for it. It is much more than money that we are talking about here, and the role of the commissioner in both providing general counselling services for those who have suffered, who maybe have not had them up to the point when they present themselves, and providing practical help with literacy, numeracy, education, employment, training and opportunity—particularly for those who are not so far advanced in life, as we are talking about the later years covered by the Act—to have some chance to make some positive development, in spite of the abuse that they have experienced, is welcome. I hope that the commissioner will be really active in involving people in that.

My other point is about the finance, the speed and the timing. I would be grateful if the Minister could clarify the position, both for me and for the benefit of those who may be taking advantage of the legislation. The specifics are that it will be financed out of the budget of the Northern Ireland Executive and Assembly, which are of course not functioning. It will require consent across the board, and it will have to compete with other services for funding. Many noble Lords have mentioned funding. The noble Lord, Lord Empey, for example, has highlighted how seriously underfunded things such as health and education are. One can see a problem here, unless some of this money is ring-fenced. It would be a travesty if, having got the mechanisms in place, the funding was not really there to deliver the scale. After all, we are talking about the possibility of somebody getting an award of up to £100,000 in addition to the extra services that they may require. That is not an insignificant sum of money, so I would be grateful if, in winding up, the Minister could share: first, some indication of what money will be put in in the beginning to get the process started; and secondly, anything positive he can say about how we can ensure it will be funded. The last thing we want is to be back here in a few years' time complaining that we set up a wonderful scheme but people found it was slow and tedious, and they did not really get the resolution they had hoped for. Let us be clear: many people have died and many failed to get the support and recognition they needed in the time that they had.

That said, along with all Members who have taken an interest in this subject, the final point I would make is that, in this context, Northern Ireland is leading the way, ironically. Credit is due to the Ministers, civil servants and parties for that, but we have to be realistic. This kind of abuse was not confined to Northern Ireland. We know it happened in Scotland, England, the Channel Islands and of course the Republic of Ireland; that is not our responsibility, but nevertheless there is a legacy there. That being the case, let us hope that this proves to be a beacon, if you like, of how it can be done and that it is taken up by the other

components of the United Kingdom to deliver redress for all those who have suffered institutional abuse, not just those in Northern Ireland.

3.31 pm

Lord Browne of Belmont (DUP): My Lords, I welcome the Bill before your Lordships' House and congratulate the Minister and officials on their efforts in preparing this legislation and moving forward quickly with this process. In these deeply fraught and uncertain times, when there are different views and opinions on a wide range of issues, I trust that there will be common ground and unanimity today in our efforts to deliver for victims of historical abuse. They have waited far too long.

I wish to take one moment to pay tribute to the work of the late Sir Anthony Hart, who chaired the inquiry which began this process. It investigated and revealed the depth and scale of the systemic abuse which was rife in our society. We must also acknowledge his expert team of officials, who worked efficiently and diligently during the Hart inquiry. The inquiry resulted in some key recommendations for redress, and that work was a vitally important step in the process of getting us to this point today.

For many victims of abuse, the Hart inquiry was the first time they had told their stories publicly. It must have been an incredibly challenging and difficult experience for them, and we should recognise that. After their bravery, many have been left without the much-needed assistance and support that they require. Sadly, a number of victims have since passed away without seeing any justice. It is therefore right and proper that their families should receive financial and mental health support, as families have suffered too.

Victims have shown great courage and bravery and extraordinary patience during their long campaign for redress. Lives have been destroyed, and some of their stories are harrowing. These victims have patiently continued to engage and interact respectfully with the Government and Members both here and in the other place. It is welcome that an interim advocate is in place. In reality, however, victims' groups and families have done much of the work on their own for many years, without any additional funding or administrative support.

There is an understandable sense of frustration among victims and the wider public at the length of time this process has taken. Since the report and the initial findings three and a half years ago, this has been a long, uncertain process. This matter should have been addressed by a functioning Assembly, but, regrettably, the institutions were collapsed before a resolution could be found. For the victims who have suffered, this process was always about the truth. Regrettably, the report sat for too long before this process moved forward. The legislation is vital in getting some justice for those who have suffered. There is a huge amount of cross-community and cross-party support for progressing the Bill quickly. To do so would be an important step for the victims, who have waited long enough.

When one looks at international examples where similar schemes have been introduced, the institutions involved have taken responsibility and borne some of

the considerable costs. One key example can be found in the National Redress Scheme in Australia. Through the Australian redress model, churches and other organisations responsible for institutional abuse opted in at an early stage to join the regular compensation scheme for victims. This was heralded by victim groups in Australia as a significant development. Also, in the Republic of Ireland, property owned by the responsible institutions has been expropriated. Can the Minister please confirm whether similar steps will be taken to adopt a group and institution opt-in approach to compensating victims, where costs would be contributed to by named institutions and groups involved? I would also be extremely grateful if he provided some clarity regarding the timetable for the rollout and introduction of the redress scheme.

These victims should be a top priority for Parliament. Many of them have lived for decades with mental and physical scars from childhood. This has been a long wait for justice. Today, we have an opportunity to stand up for them. We must progress this legislation, here in your Lordships' House and in the other place. If Parliament can pass other measures relating to Northern Ireland in short order, as it has, surely it can swiftly pass this highly important legislation. Given the circumstances, the sooner we progress this, the sooner the redress scheme will be up and running for the victims. My party and I fully support the Bill.

3.36 pm

Lord Empey (UUP): My Lords, the Minister will be aware that I have been a frequent critic of Northern Ireland legislation coming to this House under accelerated passage, given that, in some cases, we knew a year in advance that it needed to be done at a particular time. However, like other speakers, I believe that there is an opportunity here not only for the use of that process, but to ensure, as pointed out by the noble Lord, Lord Hain, who is not in his place, that this legislation does not get caught up in any possible wash-up or changed and therefore lost. Our minds must be focused on the victims and their families, who would be dealt a cruel card if, having come to this stage, it was all snatched away again at the very last minute. I hope that, using the usual channels, it will be possible for the Minister and his right honourable friend in the other place to ensure that this legislation is dealt with. I believe that that is the wish of the House and I am certain that it is the wish of all the political parties in Northern Ireland, and in this House.

Sadly, Sir Tony died earlier this year and has not seen the rollout of his recommendations. That is a shame but, to support the point just made by the noble Lord, Lord Browne, I have absolutely no doubt about the role of some of the institutions that were involved and the need for them to take some responsibility. They and their insurers should not be allowed simply to get away in the smoke with the taxpayer taking up all the liability. I believe that the Minister and the Secretary of State have got that message.

It is sad that Stormont is not in a position to deal with this, but there we are. Parliament now has a responsibility to fill the vacuum and ensure that this is done. There are very few occasions when there is

unanimity at home in Northern Ireland. Indeed, by the look of things around here, there is very little opportunity for unanimity here as well. However, the fact remains that this is an opportunity for that to happen. Let us make it happen and do something for the victims. Let them feel that they have been heard at last, and that the system is for once working for them, not against them. I support the Second Reading of the Bill.

3.39 pm

Lord Cormack (Con): My Lords, I shall certainly not disturb the unanimity, but may I say that it is heartening to note that the Secretary of State is following our proceedings? We hope that this will give added impetus to a very important Bill. It is a scandal that it has taken so long. It is very sad that it is over two years since the Hart report was published, and that Sir Anthony is no longer able to see what we are seeking to achieve on his behalf.

The biggest scandal of all is that this matter, which affects a number of extremely vulnerable people in Northern Ireland, has not been debated in full in the Assembly because the Assembly has not sat in the period since the publication of the report that is the foundation of this Bill. I pay unreserved compliments to my noble friend Lord Duncan, who has been indefatigable. Earlier this afternoon, he welcomed my suggestion that it would be very good if the Prime Minister went to Stormont and summoned all the Members of the Assembly there. As he has styled himself Minister for the union, let him tell them how keenly he feels for the union, and how important it is that they cast aside their differences and come together as an Assembly, with an Executive, to exercise the power that this Parliament has conferred on them. It is extremely important that this should happen; it is disgraceful that it has taken so long.

When my noble friend introduced the Bill, he made a very powerful, short speech, in which he said that he wanted to feel that he had the support of your Lordships in all parts of the House. I think he now knows that he has that support. I hope he and the Secretary of State will ensure that the Bill receives Royal Assent and becomes an Act of Parliament before any election day. There is a will for this to be done. There is unanimity in this House and in Northern Ireland, and it is crucial that we act.

3.42 pm

Baroness Doocoy (LD): My Lords, like all other speakers, I am entirely supportive of this Bill, and believe that we need to get on with it.

I have some questions, which I hope that the Minister can answer at the end of the debate. All the evidence about child abuse, whether physical, sexual or emotional, is that it is much more prevalent than people imagine. Revelations about past cases often lead to more people coming forward. The new abuse redress board and commissioner will likely shine a light on the tips of many new icebergs. Exposing the whole edifice of historical institutional abuse is a process which will take years, not months. Collecting the evidence will be a long and complex task, requiring detailed research

[BARONESS DOOCEY]

and investigation. Yet the Bill is rather vague on how the board and the commissioner will be funded in the long term. I entirely agree with the points made by my noble friend earlier, but what is the Government's estimate of the funding required to ensure that the board and the commissioner can function properly? Can he confirm that they will be given resources equal to the task of meeting the needs of the victims?

Clause 23 enables the commissioner to appoint an advisory board of victims of historical abuse. This strikes me as essential, but it is equally critical that the advisory board is diverse and properly representative of the different groups of victims. The House should consider whether such a requirement should be hardwired into the Bill. Clause 21 sets out the process of appointment of the commissioner, which is left in the hands of the Northern Ireland Executive Office, which will also have to approve the annual budget. Can the Minister reflect on how we ensure that these two provisions do not undermine the independence of the commissioner in carrying out their work? We have to ensure that the commissioner is well resourced, well advised and able to operate without fear or favour.

Meanwhile, a successful commissioner and a successful compensation scheme will be judged by the breadth of victims who seek to secure remedies and by the perceived fairness of the decisions taken in these cases. Can the Minister therefore look at the Bill's provisions on who can make claims, and when they can be made? This is about two things. First, the Bill says that the claim must be made within five years of the scheme being advertised. It strikes me that because of the likelihood of one set of victims coming forward leading to another set being revealed, and because many of the victims are now in Australia, this might be too tight a timescale. How was the five-year position arrived at, and will the Minister look favourably at allowing claims for a longer period, perhaps at the commissioner's discretion?

Secondly, the Bill accepts in principle that where a victim is deceased, a partner with whom they have cohabited should be able to claim on behalf of the estate; but it stipulates that the cohabiting partner must have lived with them immediately before their death. It is always difficult to legislate around family life, but has the Minister considered the possibility that some cohabiting partners may have lived with somebody for the majority of their lives—decades, perhaps—but for one reason or another had not in the days immediately before their partner's death? Should the cumulative time together not be a factor in these difficult cases?

Finally, I want us to consider the role of the Independent Inquiry into Child Sexual Abuse and the impact its recommendations should have on the Government and on the commissioner's work. Can we have some reassurance that the commissioner will draw on the huge body of evidence collected by this inquiry and, in turn, that the Government will look again at the strong case for mandatory reporting?

Getting the Bill done and getting it right could scarcely be of greater importance. Out there await, tragically, thousands of people whose lives have been wrecked by abuse in their childhoods: people who told

the Truth Project that they felt safer in police cells than at home; people who said they tried to tell social workers about what had happened to them but had never been believed; and people who have said that the lasting damage inflicted on them by rapists and abusers leads them to a daily dilemma between living with what happens in their heads and killing themselves. We owe those thousands of people whatever measure of justice we can now attain for them after decades of being ignored.

3.47 pm

Lord Caine (Con): My Lords, as has been made clear during the debate so far, this is hugely important legislation for a great many people in Northern Ireland, in particular those many young and vulnerable people who suffered at the hands of those who they should have been able to trust, whether in state-run or other institutions. I therefore have no hesitation at all in giving the Bill my fullest possible support. I know that it has cross-party backing from political parties across the community in Northern Ireland. My great regret, however, along with that of many other Members of this House, is that it has taken us so long to arrive at this moment. I will say a bit more about that shortly.

I commend the previous Northern Ireland Executive, under Peter Robinson and the late Martin McGuinness, for establishing the inquiry under Sir Anthony Hart in 2011-12. I echo my noble friend Lord Empey in paying tribute to Sir Anthony. I am by instinct not naturally drawn towards public inquiries but the Hart inquiry was widely regarded as a model of how a public inquiry should be run—in this case, efficiently, forensically and with great authority, along with compassion and deep sensitivity. Along with the former Secretary of State, Karen Bradley, I last met Sir Anthony at Hillsborough in May of this year to try to chart a way forward. At that meeting, one could not have been other than impressed by the sense of duty he had towards those who had suffered, his determination to do right by them and his frustration that, over two years after the publication of his report, the recommendations had still not been implemented. As my noble friend Lord Empey said, Sir Anthony sadly passed away in July. I hope that this legislation will be a worthy legacy of a kind and decent man.

Most of all, we should have nothing but admiration and support for the victims of historical institutional abuse in Northern Ireland, who have campaigned over the years with such determination, resilience and enormous courage. Their dignity, composure and bravery has been quite remarkable. That it has taken so long for this legislation to give redress to be introduced is unforgivable. As one who served in the Northern Ireland Office throughout this period, I am profoundly sorry for that. It is on those delays that I wish to very briefly comment.

As has been pointed out, the Hart report was delivered to the Executive in January 2017, a short while before the Executive fell. The Executive therefore had no opportunity to consider properly its recommendations. As a result, like so many other pressing matters in Northern Ireland, it fell into a kind of limbo, awaiting the re-establishment of devolved government.

I am a very strong supporter of the Belfast agreement and believe that we should do everything possible to uphold the devolution settlement. It was therefore understandable that, in the immediate aftermath of the collapse of Stormont, Westminster did not immediately rush in and some time was given to see whether the devolved institutions could be re-established. But we should not have left it as long as we did. Indeed, I felt that sometimes the issue was deliberately used by some as a form of leverage on the Northern Ireland parties to go back into government. Just as infuriating were the arguments put forward by some that, by acting in Westminster, we might somehow create a dangerous precedent. That was just wrong.

As I have said on many occasions, when people are suffering and seeking redress—whether it be the victims of historical abuse or victims of the Troubles awaiting some form of payment—they really do not care whether an issue is reserved or devolved. They rightly just want government action, particularly when there is no Assembly or the immediate prospect of its return.

I welcome the fact that the Northern Ireland Civil Service, under the leadership of David Sterling, was able to draft legislation. I am pleased to see the current Secretary of State here, following our proceedings, and pleased that his predecessor, Karen Bradley, was able to take this forward with the local parties. She was unfairly accused of stalling the legislation earlier this year and was subjected to vicious and totally unjustified media attacks. I can testify that nobody was more frustrated with the delays, or more determined to achieve the right outcomes for victims, than she was. However, she was keen to ensure that the legislation had the widest possible support, so that once it was brought before either Westminster or Stormont it could proceed apace, with little or no amendment. I strongly hope that that is the case with this Bill that the Government have now introduced. People have waited for far too long and the last thing they want is a protracted parliamentary process.

If there is a general election, and this legislation falls as a result, I hope that there can be some kind of cross-party agreement that, whatever the outcome, the Bill will be quickly brought back and fast-tracked through both Houses of Parliament. The victims deserve nothing less.

For many people in Northern Ireland, this legislation has come too late, and I totally understand and share the frustration and anger over the delays. The key now is to get on with it, and as quickly as possible, so that victims can receive the redress they both expect and deserve. I am pleased to support this Bill.

3.53 pm

Lord Hay of Ballyore (DUP): My Lords, like other Members of this House, I support the Bill before us this afternoon. I welcome the fact that the Minister is very aware of the urgency in dealing with this issue. There is unanimity around the House on trying to get this Bill over the line sooner rather than later. Some of these victims have lived for over 70 years with the abuse they suffered at the hands of these institutions. Some 30 victims have already died, and every day more are dying. It is very important that this House deals with this.

There was relief after agreement was reached by the main Northern Ireland political parties that the issue be dealt with here at Westminster. Some noble Lords have mentioned the Assembly and the Executive. Sad to say, this issue should have been dealt with by our local devolved institutions in Northern Ireland. As I said earlier, when the noble Lord, Lord Lexden, asked his Question, I have continually questioned the process which the Government and the parties have been involved in for almost three years and which has not delivered devolution for Northern Ireland. We all question that process.

For the survivors, this is about much more than monetary compensation; that is secondary to an apology from the state and the institutions responsible. This package enables them to move on with their lives in a better way and includes appropriate healthcare and support for the future. As some noble Lords have already said, the chair of the inquiry, Sir Anthony Hart, recommended compensation, a memorial and a public apology to abused survivors. It is sad that Sir Anthony did not live to see the victims get their compensation. I would go further: for years, he was the only voice that many victims had to highlight their plight.

I join other noble Lords in paying tribute to the Minister and his officials, and to David Sterling, head of the Northern Ireland Civil Service, and his officials, in getting the Bill thus far. It is their work that has enabled this issue to be dealt with in this House this afternoon. My noble friend Lord Browne spoke about the responsibility of the institutions and the contribution they need to make to the victims. He gave examples from across the world—of institutions in Australia, Canada, America and the Republic of Ireland having taken on this responsibility. I hope the Minister can give the House some commitment that the institutions will pay their contribution to the victims.

I understand that some 500 victims have come forward so far; I am told that there are about 2,500 victims altogether. What steps can the Government take to identify the victims who have not yet come forward to the inquiry?

Once again, I welcome the Second Reading of this Bill. I hope that it can be processed very quickly and become law sooner rather than later.

3.58 pm

Lord McCrea of Magherafelt and Cookstown (DUP): My Lords, in September 2011 the Northern Ireland Executive announced that there would be an investigation and inquiry into historical institutional abuse in Northern Ireland between 1922 and 1995. That announcement was welcomed, and the inquiry allowed the voices of those who were so grievously abused over many decades finally to be heard. Sir Anthony Hart, who was commissioned to chair the inquiry, was one of the most respected and distinguished judges of our time. The final report was published in January 2017 and, although it was debated on the floor of the Northern Ireland Assembly, it was never actioned, because of unnecessary political events that intervened. Although an election was held on 2 March 2017, Sinn Féin remained unwilling to permit the Executive to be formed and the Assembly to function.

[LORD MCCREA OF MAGHERAFELT AND COOKSTOWN]

However, six Stormont party leaders wrote to the then Secretary of State, Karen Bradley, asking her to legislate to compensate victims of historical institutional abuse. She decided to make the HIA payment an item for the Stormont talks. Sadly, that did not resolve the matter. She has since departed her post—we thank her for her service—but the present Secretary of State, Mr Smith, promised the HIA victims that he would progress the legislation with urgent priority. For more than a decade, campaigners have lobbied for compensation for victims of abuse in children's homes. The inquiry exposed serious sexual, physical and emotional abuse over decades in children's homes under the control of religious orders, charities and the state, and up to this moment justice has been denied. Many of the victims are now elderly, some are in poor health and others have passed away carrying the scars of their experiences to the grave.

Although the late Sir Anthony Hart pleaded with politicians to act on his recommendations and provide financial, social and educational support as a matter of urgency, it is only now that we have this legislation before your Lordships' House. Action is urgently required and we must not allow anything—including a possible election—to hinder the passage of the Bill. Let us collectively determine to get this done, and let this deep injustice be rectified without delay. Indeed, our so doing will be a timely and lasting tribute to the late Sir Anthony, of whom it was said, "It was Sir Anthony who believed in victims. It was Anthony who delivered the truth when others failed".

I do not believe that we should allow an election to intervene. Therefore, I ask the Minister three simple things: first, to assure us that accelerated passage will be used to progress the Bill; secondly, that the finances and funds are available to make the initial payments and the payments made whenever the final awards are made; and lastly, that the institutions responsible for this abuse are made to take responsibility, not only in words but by contributing to the funds to be distributed.

I thank the Minister and the Secretary of State for Northern Ireland for their commitment to getting this matter resolved, and I wholeheartedly support the Bill's Second Reading.

4.02 pm

Lord Alderdice (LD): My Lords, like other noble Lords, I am grateful to the Minister not only for bringing this legislation to your Lordships' House but for taking the trouble to make clear to many of us in advance his personal wish, on behalf of the Government, to see the Bill go through as quickly as possible. It is very clear that all noble Lords are of one mind on this matter, and I do not intend to detain the House for any length of time. I mark what the noble Lord, Lord Caine, said in paying tribute to the First and Deputy First Ministers, Peter Robinson and Martin McGuinness, and Sir Anthony Hart, for their contributions to making this report possible. It is a matter of distress to us all, most importantly to the victims and their families, that it has taken so long, but we are moving forward and that, at least, is positive.

I also note what the noble Lord, Lord Hay, said about victims and about money. The noble and right reverend Lord, Lord Eames, knows very well the dangers of money being mentioned in terms of adverse events and experiences that people have had, and how it can do damage to a report if people get the wrong sense of it. However, it is clear that this report is not setting some arbitrary limit; it is trying to move as quickly as possible for those whose time is shorter, and then the rest can be dealt with later. That is a positive way forward.

The noble Lord, Lord Hay, also mentioned the victims. I want to flag up, from my experience as a psychiatrist in Northern Ireland, that while we think about those who have been abused as the victims—and they absolutely are—the consequences go way beyond this. When one of my colleagues, James Gilligan, a psychiatrist on the eastern seaboard of the United States, did work in prisons and institutions for the criminally insane, he discovered that the overwhelming majority of those who engaged in dangerous psychotic violence had themselves experienced some kind of abuse or violence. So many of the families and others with whom victims will have come into contact will have found themselves adversely affected because, while some victims end up working to protect others from any abuse, a substantial percentage become abusers of others. The consequences of all this are absolutely enormous—much greater than we know.

In that respect, I also want to note something mentioned by my noble friend Lord Bruce of Bennachie at the start of this debate; he said that, in a sense, in this whole tragic business Northern Ireland is taking a lead, and that the rest of the United Kingdom ought to pay attention. I remember learning as a young psychiatrist that there was an Egyptian psychiatrist in Northern Ireland who published a paper at the end of the 1950s in which he identified instances of sexual abuse in Northern Ireland. A number of people read this and said, "Well, we're not too surprised about that happening in Northern Ireland, but of course it doesn't happen over on this side of the water". Not long after that, they began to discover that it was happening here in an enormous way. That has gone on to open up over the years in a catastrophic fashion. I wish to mark what my noble friend has said because it is entirely possible that this is the Northern Ireland instalment of something that may come to haunt people on this side of the water. We must be ready for that.

The financial consequences for Northern Ireland and beyond are extremely significant. The Minister will be aware that, in another completely different situation in Scotland, it is going to become apparent that public funds to pay for the amount of disadvantage that women have faced in employment practices there will be difficult to find. The consequences of that will be enormous, and it is quite possible that the financial consequences of this report will be much bigger than people imagine. So it should be for the victims, but that has knock-on consequences, as my noble friend pointed out.

No Bill is perfect, particularly one dealing with such a difficult situation. My noble friend Lady Doocey pointed out that there are issues to be raised, and I am

sure the Minister will respond to them, but we should never, particularly in these circumstances, make the ideal the enemy of the good. We have to move forward with this as quickly as we possibly can.

It will be a very difficult and challenging business for those who work in the office of the commissioner. Dealing with these kinds of things will be a difficult process for the counsellors, therapists and civil servants who deal with the problems. They find themselves having to experience profound discomfort and difficulty. It may be wise for many of them to stay in the work for only a relatively short period because of the adverse consequences on their emotional lives of working with the degree of disturbance that they will experience in working on this.

However, I value the fact that the commissioner will be given responsibility not only for dealing with the mechanical, administrative and financial aspects but for ensuring that the victims receive the proper psychological, as well as social and physical, care that they desperately need. For many it will be only some kind of supportive assistance—the damage done is too great ever to be resolved—but at least there will be recognition of the pain and damage that they and their families have suffered. For that at least we should be grateful to the Minister and the Government, and for bringing this forward in what we all hope will be an accelerated passage.

4.08 pm

Lord Murphy of Torfaen (Lab): My Lords, just under 20 years ago it fell upon me as the then Secretary of State for Wales to make a Statement in the other place on the north Wales child abuse inquiry, which had been chaired by another distinguished judge, Sir Ronald Waterhouse. It uncovered the worst example at that point of institutional abuse known in our country and eventually led to 72 recommendations, including the appointment of a Children's Commissioner for Wales, which were then echoed in every other part of our nation.

Today, unhappily, we are considering very similar events. I, with many other Members of your Lordships' House, pay tribute to the late Sir Anthony Hart, for the tremendously difficult job that he and his colleagues undertook. They oversaw and reported on a total abandonment of trust between adults and young people, and the destruction of innocence and, sometimes literally, of lives. It is a tribute to the then Executive and Assembly that they decided to set up this inquiry in the first place. There is an idea that the institutions in Northern Ireland were not working properly, but this alone indicates that they were. Together, they looked at a serious problem and decided to institute an inquiry upon it. It is not in front of us today, but part of Sir Anthony's recommendations included a proper full public apology—I gave one on behalf of the people of Wales two decades ago, and, obviously, it should be done again—and the erection of a memorial somewhere on the estate in Stormont. That would be a truly proper recognition of the suffering of all youngsters over all those years.

Today, however, the House is charged specifically with agreeing to the appointment of a commissioner for survivors of institutional child abuse, the establishment

of the historical institutional abuse redress board, and a proper system for compensation of the victims of abuse. Of course, the Opposition entirely, wholly and fully support the Government on this Bill, but I ask the Minister to consider some issues with regard to the detail. He might be able to do it now or at a later stage—but not too late, as we have indicated in this debate.

There should perhaps be a look at an immediate acknowledgement payment of £10,000 to those who meet the criteria, followed by a larger redress payment when full details have been clarified. Some have argued that there should not be an upper limit of £80,000, or £100,000 in the Australian case, because there may be some truly exceptional cases which require more, although I understand the constraints on the public purse. The Bill should allow applicants for compensation to request an oral hearing if they desire it—I hope the Government can consider that matter—and should require the redress board to have due regard to the advice that is given to it by the commissioner himself or herself. Finally, the criteria regarding the severity of abuse should take into account the duration of the stay in what were undoubtedly harsh environments.

I entirely agree with all the points your Lordships have made with regard to telescoping the Bill, because we live in unusual and difficult times. On the one hand, of course we need to raise the points I just mentioned and others by way of scrutiny—frankly, we have not had enough scrutiny of Bills in Parliament over the last number of weeks. However, I very much take the point that if we are on the edge of the dissolution of Parliament and a general election, we do not want the Bill to fall. Therefore, the Opposition will absolutely agree with anything the Government can do to ensure its swift passage in this place and in the other place.

The other reason, as a number of your Lordships have mentioned, is that some of the victims to which this applies are now old men and women—as old as me, because they go up to over 70. It is important to realise that, because of ill health and so on, we should deal with these matters as swiftly as possible, not simply because of the progress of the Bill but because some people might die before they can be compensated. We owe it to them and to society in Northern Ireland, as well as in the United Kingdom, to pass this admirable Bill. As I say, the Government have our full support.

4.14 pm

Lord Duncan of Springbank: My Lords, it was remiss of me not to pay tribute to Sir Anthony Hart at the outset of my remarks, and I should like to correct that now. Without his labours in this area, we would not be where we are. We all owe him and his memory a debt of gratitude.

We can move this forward quickly. Now, more than ever, it is essential that we do so, depending on what happens in the other place—perhaps even later today. It would be a useful legacy of this Parliament to deliver on historical institutional abuse in Northern Ireland; that would be an inherently good thing to do.

Specific points were raised, and I shall address them at the outset. On the question of the role of the institutions themselves, and sometimes their wider

[LORD DUNCAN OF SPRINGBANK]
sponsoring bodies, we need to look at how they will be involved. That was one of the elements of the original report, and we will not lose sight of it. The Executive Office will indeed look at it very carefully.

On the question of adequate resourcing, we cannot move this forward without certainty of resource. That is a commitment that we can give here. The money will be met through the Northern Ireland block grant, it will be a statutory obligation and it will be entirely adequate to take this matter forward. The noble Baroness, Lady Doocey, asked how much would be set aside for this. Although it is difficult to say without knowing the full number of victims who will come forward, current estimates of the cost are around £243 million, which will be found for this issue. But that cannot be a cap; it will depend on the number of individuals.

The noble Baroness asked a number of other questions which I shall take in turn. The five-year time limit was a direct recommendation of the Hart report—recommendation 90—and agreed by all parties in Northern Ireland. It is important to note, however, that there is no limit on how long the redress board will function to process all the applications thereafter. However, she is right to point out that it is difficult to ensure that all victims can come forward. That is why one of the key roles and responsibilities of the incoming commissioner will be to use every resource at their disposal to ensure that they identify and promote opportunities for them to come forward. The commissioner must recognise that purpose. The noble Baroness's more specific question about cohabitation is difficult because it touches on the wider question of family life. We have tried to ensure that the clauses as drafted broadly fit in line with other pieces of welfare legislation. We have tried to be straightforward—in simple terms, trying to ensure that we can do that which is expected under other legislation.

The noble Lord, Lord Bruce, asked whether this will be adequately resourced. I should like to assure him that that is fully appreciated and understood. To do otherwise would be, frankly, remiss of us.

The noble Lord, Lord Murphy, raised a number of specific points and said that I might need longer to respond to them. I do not: I can respond to each of them right now, I believe. An immediate acknowledgement payment will be made. The individual themselves, if they are eligible, simply has to present their credentials and the money will be paid. Thereafter, a thorough investigation will necessarily take place, increased as appropriate, case by case. Yes, oral hearings will be possible, but not in every case—only where requested by the individuals. We would not want the process to be slowed down by the notion of automatic hearings, but we will in no way try to prevent them when necessary. Will the redress board listen and heed the commissioner? Yes, that is critical. That is the purpose of the commissioner; he must be able to express his views directly to the redress board.

On the wider question of the redress board touched on by the noble Baroness, Lady Doocey, it is essential that the board is constituted in the most diverse and sensitive manner possible. For obvious reasons, this is

a challenging area and we must ensure that the individuals have full confidence in the board's composition, integrity and functionality.

The noble Lord, Lord Murphy, asked whether the duration of an individual's stay in one of the institutions would be a factor. Yes, it will; it will not be the only factor, but it will be taken into account as the consideration goes forward. On the question of an upper limit, at present it is set at £80,000, which can be adjusted on the basis of inflation. This helps us to try to encapsulate the overall costs, but I appreciate his point and I do not doubt that this issue will be revisited at some point in the future. I hope that the noble Lord accepts these responses as being adequate for his purposes, but if not, I will be very happy to write to him to provide the full clarification that may be required before we meet again. I do not want there to be any suggestion that our ultimate progress will be interrupted.

Perhaps I may bring the debate to a relatively straightforward conclusion. I think that there is unanimity in the House on this matter and that I have given adequate responses to all the questions which have been asked. On that basis, I believe that we can move forward using the expedited procedures to try to ensure that we bring together all the elements for the series of stages as quickly as we can. I will be in touch with noble Lords through the usual channels to determine how that shall be so, but it will be done as quickly as humanly possible. For obvious reasons, I would like the matter to be taken care of before the entanglements of any impending or future election. It is right that this is done now, and now we must pass the completed Bill down to the other place as quickly as we can so that it, too, can act with the same expedition as this House.

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

Essex: Major Incident

Statement

4.21 pm

Lord Bethell (Con): My Lords, with the leave of the House, I shall repeat a Statement made in another place by my right honourable friend the Home Secretary. Before I do so, it might be helpful before our debate to set out our advice on what would be covered by the sub judice rule under which the House abstains from discussing the merits of a dispute about to be tried or decided in a court of law.

In the case of the major incident in Essex, the following parts of the sub judice rule are relevant: cases in which proceedings are active in a United Kingdom court shall not be referred to in any Motion, debate or Question. Criminal proceedings are active when a charge has been made or a summons to appear has been issued. This means that Members should not discuss the criminal charges laid against Maurice Robinson in respect of the 39 deaths in the lorry found at Grays, Essex. The charges are manslaughter, conspiracy to traffic people, conspiracy to assist unlawful immigration and money laundering. The other investigations, under

which three people have been released on bail, one of whom is being investigated by the Gardai, are not sub judice, nor are the wider policy issues of trafficking, port security et cetera. If noble Lords need any further advice, they should not hesitate to contact me. The Statement is as follows:

“Mr Speaker, I would like to update the House on the investigation into the tragic deaths of the 39 migrants discovered last week in Essex. This morning, the Prime Minister and I visited Thurrock in Essex to sign the book of condolence and to pay our respects to the 39 individuals who died in the most appalling circumstances, trying to reach the United Kingdom. These were people’s sons and daughters, friends and family. They were the victims of brutal and unscrupulous criminal gangs and they paid the ultimate price.

We have been confronted with a stark reminder of the evils of people smuggling and human trafficking. This trade is a blight on the modern world. For the sake of these victims and for millions like them, we must do all we can to stamp it out. I would like to pay tribute once again to the outstanding professionalism shown by all our emergency services, and in particular the swift and professional response by the East of England ambulance service, Essex County Fire and Rescue Service and the Essex police, who are leading on the ongoing criminal investigation. I thank also our operational partners who are working round the clock to assist the investigation, including the NCA.

The families of the victims, at this incredibly difficult time, are in all our thoughts and have my full sympathy. Nothing can ever undo the loss that they have suffered. We owe it to them to identify those responsible and ensure that they face the full force of the law. And I want to work with those families to ensure that they can bring forward any evidence that they may have to help solve this appalling crime. With their help, we can bring the perpetrators to justice.

I also remind colleagues that this is a long and meticulous ongoing investigation. It will, as I heard from Essex police last week and today, involve working with partners overseas and with foreign law enforcement agencies, to unravel a threat of criminality that could stretch half way across the world. We are already working with a range of operational partners to piece together information. Essex police will need to be given the time and space to do just that, while respecting the dignity of those who have died and of course the privacy of their families.

The process of identifying the victims is continuing, and I stress that their nationalities at this stage have not been confirmed. On Friday, three further people were arrested in connection to the incident. A 38 year-old man and a 38 year-old woman from Warrington were arrested in Cheshire, while a 46 year-old man from Northern Ireland was arrested at Stansted Airport. All three were questioned on suspicion of manslaughter and conspiracy to traffic people and have now been released on bail.

The driver of the vehicle was 25 year-old Maurice Robinson, from Northern Ireland. This morning, he appeared at Chelmsford magistrates’ court via video link, charged with 39 counts of manslaughter, conspiracy to traffic people, conspiracy to assist unlawful immigration

and money laundering. He has been remanded in custody and is due to appear at the Old Bailey next on 25 November.

Following the devastating discovery of the lorry at Tilbury, the Home Office set up a dedicated team to co-ordinate an immediate and long-term response to this tragedy. I can confirm that Border Force is also increasing its presence in Purfleet, and it too is working with Essex police to gather further information regarding this incident. The Home Office will also accelerate its joint intelligence-led operation between the police, the National Crime Agency and immigration enforcement, which aims to disrupt and deter organised crime gangs that use refrigerated and hard-sided lorries to smuggle clandestine immigrants.

I stress once again that the nationalities of the victims have not been confirmed at this stage. But work is under way to co-ordinate the international response to this incident. I have already spoken to my Belgian counterpart, Minister De Crem, to invigorate the work that is taking place across both countries. I can confirm to the House that, as of today, I have received agreement from the Belgian authorities to deploy extra UK immigration enforcement officers to Zeebrugge. I have also been in contact with other international partners to offer assistance to any foreign nationals who may have been affected by this tragedy.

Last week’s tragedy was the culmination of a broad, more general rise in global migration, but also of organised criminality. It is one of the most pressing issues for the UK and our international partners. Illegal migration fuels organised crime, erodes public confidence and, most importantly, endangers the lives of desperate people. The perpetrators conduct their activities under a cloak of secrecy. The motivations that lead people to try to cross borders illegally are also broad and complex. They are often the most vulnerable people and then of course they are further exploited. It is clear that we and all our partners must enhance our response.

All areas of government have a role to play, whether it is in strengthening our borders and eliminating the pull factors in this country, or in addressing the root causes to suppress demand for illegal immigration. We already have an illegal migration strategy in place, but as the tragic event in Essex last week has shown, there is much to do—much, much more to do.

I will be working across government this week to plan how we can strengthen and co-ordinate our response to the wider migration crisis that led these victims to try and enter the UK. The organised criminals who drive this practice are dynamic, unscrupulous and highly adaptable. But failing to confront them comes with a terrible human cost. We must now be ruthless in our response”.

My Lords, that concludes the Statement.

4.30 pm

Lord Rosser (Lab): My Lords, I thank the Minister for repeating the Statement made earlier in the House of Commons. I endorse what it said about the professionalism of our overstretched and understaffed emergency services. It is almost too awful to imagine

[LORD ROSSER]

the hell that the 39 people who died must have been through or the grief that families on the other side of the world and fearing the worst are now experiencing. Our thoughts are very much with them.

The callous, criminal people traffickers must be caught and brought to justice. I have two points to make. First, can the Government give a categorical assurance that departure from the EU will not lead to any weakening of our links with or our partnership and co-operation arrangements with the EU and any of its agencies which we now use and work with to combat people trafficking? Secondly, why do we apparently not have control of our borders at our recognised ports against illegal entry, whether trafficked or otherwise, as the Government have previously maintained is the case? How was a container with such a large number of people inside able to get into this country, apparently on a recognised shipping route through a recognised British port of entry, without being detected and stopped? Surely one way of putting pressure on the traffickers using recognised shipping routes would be the near certainty of detection. I note that the Government are now—belatedly, it seems—increasing the stretched Border Force presence in Purfleet. How many people do the Government think may have been trafficked into this country through a recognised British port of entry in the last 12 months for which figures are available, and how many people have been prevented from entering this country at the port of entry through which they were being trafficked over the same 12-month period?

Baroness Hamwee (LD): My Lords, from these Benches, I, too, thank the Minister. This is a tragedy for so many people. In putting on record our thanks to the emergency services, we need to recognise how difficult it is for them to respond to such a situation. I trust that this—I do not like to use the word “incident”, because it seems to trivialise it—will not be a catalyst for statements about having tougher immigration arrangements. We want to see fair, compassionate and effective immigration rules.

The Independent Anti-slavery Commissioner—I acknowledge that we do not know that these people were trafficked—has recently published her strategy. Her priorities are:

“Focusing on prevention, working with the private sector, encouraging the role of the public sector, raising public awareness”—sadly, that has certainly been done—and “preventing victimisation”. Can the Minister assure the House that all her priorities will be better than adequately funded?

My other point takes up in a little more detail that made by the noble Lord, Lord Rosser. The political declaration regarding our leaving the EU sets out a “framework” for our future relationship and deals with issues that are not in the withdrawal agreement, one of which is security. They are dealt with in the political declaration in language such as:

“The Parties should consider further arrangements ... The Parties ... will ... work together to identify the terms for ... cooperation via Europol and Eurojust ... The Parties should consider further arrangements appropriate to the United Kingdom’s future status for practical cooperation ... with the view to delivering

capabilities that, in as far as is technically and legally possible, and considered necessary and in both Parties’ interests, approximate those enabled by relevant Union mechanisms”.

I am sure noble Lords will understand my emphasis on the rather conditional wording. Do the Government recognise that replicating all our current law enforcement arrangements without any hiatus, which I have heard suggested, is of immense importance, and that will be helped if we make it clear that we regard the EU and its member states as our friends, colleagues and partners?

Lord Bethell: My Lords, this is an incredibly moving incident to talk about at the Dispatch Box. It is also a very sensitive live investigation, so I hope that noble Lords will understand if I do not talk about the nature of it in detail. However, perhaps I may share with the House that one of the most impressive and interesting aspects of the briefing was the incredible amount of international collaboration that is clearly occurring to tackle this horrible crime. I can update the House with the news that an international co-operation agreement has been signed—Belgium having been the first to have signed it—and a joint investigation team is being put together, with input from many countries. This is very much the spirit in which the investigation is being put together.

As I am sure the House knows, this form of crime begins many thousands of miles away and then comes to our doorstep at the channel, but there is no way of investigating it properly if you do not look at all its elements. An incredible amount of work is going on involving many different agencies, and that characterises this Government’s approach to security—putting first the interests of the people of this country and solving crimes. We have put together a deal around Brexit that seeks to protect and even strengthen that spirit, and that is why we are pushing to get it signed.

On the controls at Purfleet, it is a sad fact that the investment of time and money in challenging people-smuggling across the channel has led criminals to be more adventurous, ingenious and reckless in their efforts to escape detection. We saw in last week’s events how reckless their efforts have been and what a huge human cost that brings. None the less, the Government are committed to new resources for the 62 minor ports and will work hard to close the loopholes.

In terms of the anti-slavery commissioner and the Act, the focus on human trafficking has borne fruit. Prosecutions have gone up dramatically in the past year, and I can assure the noble Baroness that the necessary resources for the commissioner will be made available.

4.37 pm

Viscount Hailsham (Con): My Lords, I recognise the difficulties that the Border Force experiences in searching more vehicles passing through points of entry. Can more be done to search vehicles while they are on the ferries, where there would be more time? It might be possible in appropriate cases to use the staff of the ferries to carry out some of those searches and thus expand the search force.

Lord Bethell: My noble friend has put forward a creative and interesting suggestion but I do not regard myself as qualified to judge it on its merits. All I can

say is that a large amount of the police work done in this area is intelligence-led. Searching the millions of vehicles that cross the channel is a very tough challenge. Many of them are securely fastened before they go on to the ferries and, as we know, many have freezer components that prevent them being opened easily. However, I will take away my noble friend's idea and make sure that it is sent up the line.

Lord Hannay of Chiswick (CB): My Lords, perhaps I may trespass on the fact that I was the chair of your Lordships' sub-committee that went into a lot of this business, such as the Protocol 36 negotiations, led by the former Prime Minister. I am afraid that the noble Lord has not answered the question that the noble Lord, Lord Rosser, and the noble Baroness, Lady Hamwee, put to him about the consequences of our leaving the European Union for the sort of co-operation that is going on. Is it not a fact that if we were outside the European Union, we would not be able to set up the joint investigation team the Minister referred to, because it is an instrument of the European Union alone? Is it not true that in the prevailing circumstances, we would not be able to use Europol or Eurojust, which we can use because we are still in the European Union and will continue to be for the next few months? These are important questions.

Can the Minister tell us with some precision what the situation will be during the standstill period—the implementation period, or whatever one likes to call it—up to the end of 2020, should the Prime Minister's deal be approved, and if, by that time, the security arrangements in the political declaration referred to by the noble Baroness, Lady Hamwee, are not yet in place? We need precision on this. I am not just talking about the exchange of intelligence, which I know perfectly well normally happens on a different basis and does not go through EU enforcement activities. However, the things that I am talking about matter just as much as the exchange of intelligence.

Lord Bethell: The noble Lord raises understandable concerns, particularly when we have a crime such as this on our hands. Our concern is very much to seek to solve that crime and find justice for the victims. I do not recognise the characterisation that he puts forward regarding Europol and Eurojust. It is perfectly possible for third-party countries that are not members of the EU to have working arrangements and collaborations with both Europol and Eurojust, and to create the kind of JIT that was created earlier today. An example of how America works with both Europol and Eurojust has been cited in another place.

Regarding the standstill agreement, I can reassure the noble Lord that it is very much the attitude of this Government to collaborate closely. We cannot speak on behalf of other countries. I suspect that the kind of precise reassurance that he seeks can be found only in the capitals of other countries where they will make their own decisions on some of these matters. Regarding the security arrangements going forward, these will be subject to negotiation during the standstill period and I look forward to their being successfully pursued.

Lord Mackenzie of Framwellgate (Non-Affl): My Lords, I welcome the Minister's mention of the co-operation agreement that has been signed; this is obviously very helpful. I also associate myself with the comments of the noble Lord, Lord Hannay; the European Union connections are clearly very important and I hope that we can replicate them. In the light of the evidence that has been accumulated so far, does the Minister think that the scale of the smuggling operation—if that is what it was—and the geographical area from which those people likely to be among the deceased come, illustrate the existence of a very large tip of the iceberg in relation to trafficking?

Lord Bethell: The noble Lord will forgive me if I do not speculate on this investigation in the way that he invites me to do. The nationality of the victims has not been confirmed. Although there is widespread press speculation, it is up to the coroner to indicate the nationality for the coroner's own purposes. We will wait for that to be done formally rather than speculate. However, he is right that international people trafficking is a massive business. It is ingenious, clever, ferocious and reckless. We have seen in this instance its horrible costs and the Government are determined to crack down on it.

Lord Sterling of Plaistow (Con): My Lords, when all this happened, I remembered like yesterday the 58 Chinese people who died. Noble Lords might remember that at that time, in July, around 2000, the outside temperature was 96 degrees Fahrenheit. When these trailers come over—in this case, it was on a P&O ship coming from Zeebrugge—of course, they do not have any drivers at all. Let us think of that heat when the air conditioning broke down; I want to comment not only on what we are talking about now but on the fear factor. When the doors were opened, those people had been fighting; they had torn their clothes off in fighting to get to an area around 18 inches deep.

If you want to go back to an even earlier example of the fear factor, in the Nazi days they experimented on people's reactions. In Auschwitz and so forth, if you think that people just died in five minutes, they did not. That fear factor has been huge. When I saw everything that had happened the other day, I thought to myself, "For goodness' sake, these people froze to death, but not immediately".

I would like to ask the Minister to ask the Justice Secretary that we can be assured that whoever is caught for trafficking—instead of putting them up against the nearest wall and shooting them, to put it bluntly—is given the highest possible sentence?

Lord Bethell: My noble friend speaks very movingly about an incident that many in this House will remember, and the image that he describes is difficult to imagine. One does not like to think about the similar situation in Purfleet and the circumstances in which the victims of this horrible crime died. It is very moving indeed. One can only hope that there may be some kind of positive outcome and that the renewed focus and determination of the law enforcement bodies to track

[LORD BETHELL]

down the perpetrators of this crime will lead to an improvement in the circumstances for those seeking asylum and refuge in Britain.

The Lord Bishop of Durham: While I understand that the Minister does not wish to speculate, it is possible that there are people already in this country who may have been illegally trafficked here and will know the identity of those people when it emerges. In order to fully understand the depths of the depravity that leads to this kind of evil, will consideration be given to offering immunity to those who are here illegally at present who can offer good, solid evidence that will help us to understand and bring people to justice? Will immunity be considered for those who are already here, perhaps illegally?

Lord Bethell: The Secretary of State has spoken in another place of her determination to track down the perpetrators of this crime. When asked a similar question, she communicated her determination to use whatever routes or opportunities she had, including the kind described, in order to achieve that objective.

Lord Vaux of Harrowden (CB): My Lords, while I acknowledge that we do not yet know the nationality of the people concerned, it seems likely that they were from Vietnam. As someone who lived for some years in that wonderful country, my heart goes out to both the victims and their families. However, these 39 are just the tip of the iceberg. I understand from press coverage that at least three lorries may have been involved in this incident, and we know that somewhere between 18,000 and 40,000 Vietnamese people are trafficked or smuggled every year along these routes.

People smuggling and trafficking from Vietnam has been well documented for some years now. If we are to prevent further tragedies, we need to resolve this problem at source. What work have the Government been doing in recent years with the Vietnamese authorities to stop the people traffickers? What level of co-operation have we been getting from the Vietnamese Government? What plans do we have now to increase assistance to that Government to prevent future tragedies?

Lord Bethell: The noble Lord will forgive me if I refrain from speculating about the nationality of the victims of this crime. That is for the coroner to decide. Until the coroner does, I am afraid my hands are tied.

Lord Paddick (LD): My Lords, does the Minister not agree that action needs to be taken before containers leave Europe? By the time they reach the UK, it may be too late. Has the overall number of Border Force officers deployed at British ports increased or decreased since June 2000 when, as the noble Lord, Lord Sterling, has just said, 54 men and four women died in similar circumstances?

As the noble Lord, Lord Hannay, and my noble friend Lady Hamwee said, bearing in mind that security and policing arrangements after any transition period are not contained in the withdrawal agreement, if the UK does leave the EU, will co-operation with our

European neighbours to tackle this issue become easier or more difficult? Will such incidents become more or less likely as a result? And is it acceptable for the Government to say simply, “Well it depends what deal we can negotiate after we have left”?

Lord Bethell: The Government’s migration strategy, which was agreed in 2015, has three basic principles: to encourage migrants to seek protection in the first country they reach; to strengthen international adherence to legal frameworks that distinguish between refugees and economic migrants; and to uphold the rights of all states to control their borders, while taking responsibility to accept the return of those nationals. The principles of that British strategy were endorsed at the United Nations General Assembly in 2016 and the “whole route” approach that the noble Lord refers to is very much at the centre of our approach. I do not have at my fingertips the figures on the total number of enforcement officers at the ports, but I would be glad to share them in a letter.

Lord Hogan-Howe (CB): My Lords, when tragedies happen, there is always an opportunity to review what we can learn from these terrible events. I guarantee that there will be intelligence in the system on this, and that someone might have noticed that this was happening. This is a mass movement of people, involving many different parts. Whether it is the people who put the migrants in the lorry or those who took the money from them, or the places where they arrived or changed lorries, there will be a trail and someone will have noticed something unusual. I urge the Government to review the gathering of intelligence across Europe, because this event has happened despite our present arrangements and not because of a future lack of them. I suggest that in this country and across Europe we review again how we gather intelligence and find out who is responsible. I am fairly sure there will be intelligence in the system that could have predicted this.

Lord Bethell: The noble Lord has considerable expertise in this area and his advice resonates with authority. I have little doubt that there will be intelligence in the system on this. I reassure him that huge resources are going into this investigation, from the British Government and from Belgian, French, Dutch, Greek, Chinese and Vietnamese agencies. The vivid image of the victims’ plight has clearly electrified enforcement bodies around the world and they are very focused on tracking down those responsible. I very much hope that the intelligence will be developed quickly and the perpetrators apprehended.

Lord Tugendhat (Con): My Lords, I recognise that there are limits on the extent to which my noble friend can commit the Government, but I urge him to take very seriously the points made by the noble Lord, Lord Hannay, and others about the nature of the withdrawal agreement and the other negotiations we will have with the EU. It is absolutely essential that when the legislation comes before this House and the other place there is detail on how the arrangements

with the law enforcement agencies across Europe will not be diminished by our withdrawal but hopefully enhanced. I recognise that my noble friend cannot give assurances now, but the point made by the noble Lord, Lord Hannay, will loom large in the examination of the Bill in Committee.

Lord Bethell: My noble friend is very reasonable to ask this in the way he does, but I hope he will forgive me. Being in my position and knowing the detail of the large amount of collaboration that is happening, and the positive efforts that are being made by partners on all sides of the Channel and in many different countries on many different continents, it is reasonable to focus on that spirit of collaboration. We should pause for a moment in dwelling on the fears of an unknown threat on the horizon.

Lord Hope of Craighead (CB): My Lords, can the Minister assure the House that the enforcement officers at all the ports vulnerable to this kind of traffic have the equipment they might need to conduct a search of these very sophisticated vehicles? I think particularly of refrigerated vehicles; I think he mentioned that they are sealed and cannot readily be opened. The enforcement officers therefore face a closed container. Thermal imaging equipment might be available. If I am right about that, is enough of that equipment available for the enforcement officers in all these vulnerable ports?

Lord Bethell: The noble and learned Lord asked the question that all of us are asking ourselves. A police investigation, Operation Rulles, has been running for at least two years to look specifically at the techniques, hardware and intelligence necessary specifically for refrigerated lorries, which clearly present a massive technical challenge. They are heavily lined, temperature control means that heat-sensing equipment does not work in the same way, and they are sealed emphatically to prevent the goods transported being spoiled. That is why people smugglers are using them. There is clearly a technical challenge that we have not yet solved. I hope very much indeed that one of the outcomes of this tragic incident will be renewed focus on figuring that out and, if necessary, further investment in the right kind of technology.

Lord Kerr of Kinlochard (CB): I listened very carefully to what the Minister said in reply to the noble Baroness, Lady Hamwee, and the noble Lords, Lord Hannay and Lord Tugendhat. Will he look at what the European Union has said about the implications for co-operation with Europol of our position on the Court of Justice? If he were to find that he has inadvertently in any way misled the House, would he correct the record?

Lord Bethell: Yes, I would.

Viscount Waverley (CB): My Lords, following on from the point made by the noble and learned Lord, Lord Hope, I remember the multiple occasions that I have been through Tangier port, which uses a mixture of high-tech and dogs, and frankly does a very thorough job. I have first-hand experience of it. Are the Government

satisfied that sufficient high-tech solutions, particularly for the minor ports—I think that the noble Lord mentioned 60 ports in the UK where these unfortunate people could come through into the UK—are sufficiently resourced with high-tech solutions?

Lord Bethell: The noble Viscount clearly has more recent experience of Tangier than I. I remember it being an incredibly romantic and low-tech port when I used to travel through it many years ago. That is a very interesting piece of advice and I will make sure that it is passed up the line.

Shared Rural Network

Statement

4.58 pm

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con): My Lords, with the leave of the House, I will repeat a Statement made by my right honourable friend the Secretary of State in the other place. The Statement is as follows:

“Mr Speaker, with your permission, I would like to make a Statement to the House about connectivity and our recent announcement about the shared rural network. Last month the Government announced £5 billion to accelerate the rollout of the highest-speed internet across the country, including our rural heartlands. The money is being targeted toward the hardest-to-reach areas of the UK, so they will not have to wait for their homes and businesses to be connected to fast, reliable broadband. They will be given connections capable of download speeds of 1 gigabit per second, to take advantage of everything the next generation of new technology has to offer.

Connectivity on the go is equally important. Mobile phones are revolutionising our day-to-day lives and are crucial for businesses as they compete and grow. Half of adults say that they would miss their mobile phone the most of all their devices, and one in three now says that they never use a computer to go online.

Yet there are too many areas of the country still waiting for high-quality mobile coverage. Today, only 66% of the UK land-mass has geographic coverage from all four mobile network operators, and 9%, largely in rural areas, has no coverage at all. So I am pleased to inform the House that last week the Government announced support for a shared rural network programme, subject to binding legal agreement being concluded. This proposal has been brought to the Government by the four UK mobile network operators: EE, Vodafone, Three and O2. It sets out their ambition to collectively increase 4G mobile coverage throughout the UK to 95% by 2025.

Under this proposal, areas which have coverage from only some providers—known as ‘partial not-spots’—will be almost entirely eliminated. This means that you will get good 4G signal anywhere, no matter which provider you are with. It also promises to deliver greater coverage in total not-spots—areas that currently have no mobile phone signal at all. The network will

[BARONESS BARRAN]

result in 95% of the UK getting coverage, including additional coverage to 16,000 kilometres of roads and 280,000 premises.

The biggest improvements will be felt in Scotland, Wales and Northern Ireland. The four operators will commit up to £530 million to get rid of the partial not-spots, but we recognise the difficulty of building infrastructure in remote locations, so the Government are sharing the cost and are prepared to provide a further £500 million to eliminate total not-spots, too. The Government's investment will provide new digital infrastructure in areas that are not commercially viable for operators, to ensure that this new service provision continues for at least 20 years. It will also cover the cost of upgrades to the emergency services' infrastructure, making it available to commercial operators. This announcement is great news for consumers and a big step forward from the mobile network operators. It will be underpinned by legally binding commitments from each operator to reach more than 92% UK coverage by 2026.

The mobile network operators will adopt new coverage obligations within their existing spectrum licence conditions to ensure that the outcomes will be delivered. If they cannot demonstrate that all reasonable efforts have been made to comply with these obligations, there are penalties for the operators, with a maximum fine of up to 10% of their annual turnover.

Although 2025 is the target date, many consumers will feel the benefit of the programme long before its conclusion. Annual coverage improvement targets will be published, and Ofcom will report regularly on the shared rural network's progress in its *Connected Nations* publication. The UK has a vibrant telecoms industry and we are keen that the shared rural network proposal reflects that. This programme would be delivered jointly by all four mobile network operators, but it is expected that organisations across the industry would have the opportunity to get involved in the delivery of the programme at various levels of the supply chain, building the required infrastructure in an open, fair and transparent way.

The mobile network operator proposal is conditional on Ofcom removing its proposed coverage commitments, which were included in the design of the original auction. I have written to Sharon White, chief executive of Ofcom, setting out the Government's support for this programme, subject to a binding legal agreement being concluded. It is for Ofcom to decide on how it wishes to proceed with the auction. This morning, Ofcom opened its consultation on an alternative auction design without coverage obligations. I have also made it clear to the mobile network operators, and to Ofcom, that the Government retain the right to support the original Ofcom auction if a final and legally binding agreement on the shared rural network is not reached.

I have considered the shared rural network proposal carefully, along with my right honourable friend the Chancellor of the Exchequer, and I am satisfied that the proposal improves on the coverage obligations set out in Ofcom's proposed auction and should deliver good value for money. However, until a final agreement is reached, I have made it clear to the mobile network

operators that the Government's support does not make a legally binding arrangement or contract, and does not create any expectation that the Government will act in this way. In the coming months the DCMS, Ofcom and the mobile operators will work to finalise the legal agreements so that we can get on with the important job of improving mobile coverage. The operators share our ambition and I am confident that this proposal is the answer. I expect to be in a position to update this House early next year.

This is a world-first deal that means consumers will be able to rely on their own provider's network to use their mobile phones, wherever they are. It will make patchy coverage a thing of the past and mean that more people in rural areas can benefit from the speed and efficiency of coverage on the go. This Government are committed to giving rural areas the digital connectivity needed to flourish and to making the UK a world leader in new 5G technologies. That is what this landmark investment will do".

My Lords, that concludes the Statement.

5.07 pm

Lord Stevenson of Balmacara (Lab): My Lords, I am grateful to the Minister for repeating the Statement made in another place. Before I start on a detailed response, I should say that I find it hard to work out exactly what has been announced today. The money that the Minister was talking about was already announced. I am not in any sense accusing her of simply repeating a previous announcement, because there is a focus to it that was not there before. However, if the money was already available and there was nothing new in it, the arrangement seems conditional—this sounds a bit like Brexit—on a legal agreement being established in an uncertain timeframe, with uncertain consequences if it is not so done. It is therefore a sort of precursor, or perhaps a preheating, of an announcement yet to be made that an agreement has been so made.

The agreement that is being announced is one that the operators seem to have come to themselves. As was clear from the Statement, it has caused a bit of a problem. Rather unusually, it has caused the Government to suggest to Ofcom that the previously announced spectrum auction, which it has been working on for six to nine months, has to be changed at rather late notice to ensure that there are not unfortunate geographical restrictions placed upon it. If it does not all come together in an appropriate timescale, and if we do not get the solution from the operators that the Government are clearly signalling, then the whole thing goes back to square one. We will be back where we were before, with a patchy and not very satisfactory solution despite the money. I am sounding downbeat about this because, while I want to welcome it, I am a bit confused about the overegging that appears to be happening here of what is a good idea but which certainly has not yet been delivered. It is rather unusual for the Government to take steps this way forward. Perhaps there is an election coming and they wanted to get some news out. Maybe that is what it is, so perhaps I am being silly about this.

To roll back a little, we are starting from a very bad place. As the Statement makes clear, coverage from the four operators in the United Kingdom is about 66% of the UK's geography. That translates to figures I have seen showing that about 90% of UK parliamentary constituencies are not getting complete coverage: there are, right across the country, places for which no coverage at 4G level is available from any operator, let alone more than one. We are starting from a very bad position.

We went through this in some detail when dealing with the Digital Economy Act. As Members on the Bench opposite will recall, we suggested that the Government were hopelessly unambitious in their targets and that the USO of 10 megabits should be replaced by a target of 1 gigabit for the provision of basic services through wi-fi, linked with mobile operation, to make sure that 100% of the country was covered. Under this plan, which as I understand it is skewed towards a solution which will allow for the more rapid rollout of broadband, we will get to only 95% geographical coverage. That will, of course, be much less in terms of the number of properties covered and may not reach the individuals and SMEs in rural constituencies who need these services. Nevertheless, it is certainly an improvement.

I hope, however, that the noble Baroness will explain the difference between the current ambition for a 4G solution and where the Statement ended up, saying that this is to prepare the way for the country's 5G. As I understand it, a 5G solution to the problems we face will require probably five or 10 times as much infrastructure involvement. Is that included in this process, or is this yet to come? Are we really talking about a 4G solution?

In welcoming this, we should recognise that industry coming together to come forward with a proposal has done us all a great service. At the heart of this is the rather coy announcement that if you have a contract with an operator—as is the norm; you tend to have only one mobile phone and one operator servicing it—you will receive coverage, wherever you are. My rather naive technological brain suggests that that must include some form of roaming connection. Can the noble Baroness confirm that the Government have finally grasped this nettle and that a solution to the problem faced only by Britain—on the continent, you are linked up immediately to whichever operator has the best service available—will now be embraced? She seems to pose as a solution that, if coverage is everywhere, we will get rid of not only partial not-spots but also total not-spots, and that that can be done only if all the operators work together. If that is true, then I welcome it; it is the answer to the questions we have been posing for some time.

Finally, can the noble Baroness confirm that there will be targeted figures to measure success against? Consumers need to know that the solution proposed today will work. Some sorts of targets are needed, because it is a long time until 2022. If we could have some sense of what those markers will be and how they will be met, that would be helpful.

Whether it is 5G or 4G—and 4G is at least a step forward for most people—it is important to know the benefits available. The ability to access it while travelling on the railways and motorways is key to future development. Can the noble Baroness confirm that that will be part of the proposal? Can she say whether the funding available, which is conditional on a legal contract, will still be available if, at the end of the day, a deal does not go through and we do not have the legal construct to allow us to continue? Can she tell us that that money will not be lost?

Lord Foster of Bath (LD): My Lords, on these Benches, we welcome the Statement in so far as it goes, but we also note that it is not yet a done deal. I had the privilege to chair your Lordships' Rural Economy Committee. We very quickly discovered that, on connectivity, rural areas have been left way behind. The Government told the committee that they have always recognised the need for rural areas to benefit as much as anywhere else from digital infrastructure to transform the economy. Yet, as the Statement acknowledges, it is rural areas that have really lost out. There has perhaps been recognition of a need, but so far there has been no action to cater for it.

This Statement, as some other recent Statements have done, suggests a welcome, if belated, change of heart. But it will take until 2026 to eradicate partial not-spots and reduce the total not-spot land-mass from 7% to 3%—way longer than was originally promised by the Government. Will the Minister continue to look at the option of mobile roaming in rural areas to provide at least an interim solution to help with the partial not-spots?

The shared rural network deal includes dropping the coverage requirement in the forthcoming auction of the spectrum that is to be used for 5G. Given that this deal has not yet been signed, can the Minister explain why Ofcom has today announced the start of a consultation on a new auction arrangement that does not include any coverage obligation? What will happen, for instance, if this deal does not get signed? The Minister says that she is satisfied that this deal improves on the originally proposed coverage requirements. What is the Government's analysis of future 5G coverage? If we are still going to go by percentages, will she at least acknowledge that, if we eventually get to 55% 5G coverage, rural areas will still be losing out? Surely it would have been better to include a "rural first" requirement, so that rural areas do not get left behind?

The Statement also refers to the rollout of high-speed broadband. Since rural areas also lag behind with this form of connectivity, and so will be most reliant on the broadband universal service obligation, why will the Government not follow the advice of your Lordships' Rural Economy Committee and increase the paltry upload and download speeds in the USO?

Finally, government efforts to mandate fibre to the premises on most new housing developments are welcome, but developments of fewer than 30 houses seem set to be excluded. Since such small developments are

[LORD FOSTER OF BATH]

often in rural communities, is this another example of rural areas losing out? Will the Government think again? That said, we welcome the shared rural network deal and hope that it comes to fruition.

Baroness Barran: My Lords, I am grateful to both noble Lords on the Benches opposite for their welcome for this announcement, despite the numerous questions raised. I was expecting one noble Lord to raise the subject of coverage in your Lordships' House, where we all struggle with the signal, but maybe that will come later.

The noble Lord, Lord Stevenson, asked why we were going ahead with this plan and about the implications for the auction. The noble Lord is right that the money had already been committed. In fact, more money has notionally been committed for the original auction plan. We are pleased that we are going to get better coverage at a lower price with this approach and with a real priority for rural areas. I am sure that the noble Lord will concur with that.

I may have misunderstood but, given the very low population density in the 5% of areas that will not get coverage at the end of this, the percentage of homes covered will be higher than 95%, even though the percentage of the country covered will be lower. But we can argue about the maths of that later.

Both noble Lords asked about the link with 5G. As I am sure they are aware, its deployment will rely heavily on the use of the existing 4G infrastructure, so the shared rural network is essential for paving the way to a 5G future. Having a robust 4G infrastructure will be a major asset as we introduce 5G in the coming years.

Both noble Lords asked about our plans for roaming. We do not intend to introduce roaming; this plan will introduce shared infrastructure. The noble Lord shakes his head, but my understanding is that there is a much greater risk of calls being dropped with a roaming system and that the quality of the connectivity and the customer experience will be much better with the approach that we are putting forward.

Both noble Lords asked about targets. We are expecting mobile network operators to come up with some very detailed plans in the coming months, and I am more than happy to update that House on those when they become available. Clearly, targets are important within this.

Both noble Lords questioned our ambition in terms of the universal service obligation. This is really a safety net guaranteeing provision early next year, but obviously we are much more ambitious and have made a number of announcements about investments in broadband. We are making a start with that and will build to gigabit-level connectivity as quickly as we can.

5.21 pm

Baroness McIntosh of Pickering (Con): My Lords, I thank my noble friend for repeating the Statement this afternoon. I stress my disappointment at the timetable—it could perhaps be a little more ambitious.

Will my noble friend clarify one remark she made? I understood her to say that commercial mobile phone networks will have access, when this new procedure is in place, to the emergency service infrastructure. I pleaded that the North Yorkshire Police mobile phone communications system could be made available to the commercial phone networks, and I was told that was not possible because of the security implications. Can my noble friend put my mind at rest in that regard? She will appreciate that North York Moors is one of the most sparsely populated rural areas and has now achieved the nomenclature “super sparse”. Much like the noble Lord who chaired this House's Rural Economy Select Committee, next door we had a number of reports from the EFRA Committee pleading with the Government to improve connectivity. There is a safety aspect: there are now no fixed phones—they have all been removed by BT—so we are entirely dependent, in these rural areas, on mobile phones.

Baroness Barran: I thank my noble friend for her question. She describes the North York Moors as “super sparse”; I would say they were super beautiful when I was last there. On using the emergency services infrastructure, I will write to my noble friend if my understanding is incorrect, but where she is absolutely right is that the priority in terms of the use of emergency services infrastructure is for emergency services personnel. Nothing we are planning should interrupt that and there should be no disruption to the emergency services network as a result of this proposal, but we believe that, where it is possible and appropriate, that infrastructure should be made available to share with commercial operators to deliver the coverage improvements that are needed.

Lord Aberdare (CB): My Lords, the noble Baroness remarked that the impact on your Lordships' House had not been raised. I would like to raise the impact on my house—I declare an interest in having a property on a hillside in Wales with very limited mobile coverage provided by, I think, one company, and very poor internet coverage. I very much welcome this Statement and I share the concerns raised by the noble Lords, Lord Stevenson and Lord Foster, about the detail of how this is going to happen.

I am not at all clear whether this is just about mobile phone coverage and a gigabit of that, or whether it is meant to solve the broadband problem as well, because that is equally crucial. Secondly, I am not terribly happy about having to wait until 2025, which I think is much longer than was originally thought. Is the Minister considering some sort of interim targets between now and then? Thirdly, I am extremely worried about finding myself in the 5% and not benefiting from this at all when it happens. Can the Minister say what the Government plan to do about that remaining 5%—even if it is only 3%, as she says—because I may be one of those people?

Baroness Barran: I will try to clarify those issues for the noble Lord. This Statement is purely about mobile coverage in rural areas. The Government have made a number of other important Statements on broadband

investment, again focusing on those parts of the country least well served today, but the two are separate. On interim targets, I can only repeat what I said earlier: we will be getting detailed plans from the mobile operators, and when we have them we will be working to agree targets. I am afraid I cannot give the noble Lord particular hope on the final 5%; there are currently no plans to cover that because of the costs involved.

Lord Clement-Jones (LD): My Lords, the Minister leads me very neatly on to my question. It is important that we remember previous pledges, one in particular about broadband. When standing for the leadership of the Conservative Party, the Prime Minister described the previous Prime Minister's pledge to have full-fibre broadband in all homes by 2033 as "laughably unambitious". That appears to have been completely dropped. Do we now consider that the Government's policy is still laughably unambitious?

Baroness Barran: On this side of the House—obviously, I cannot regulate other sides—we certainly do not think it laughably unambitious. Superfast broadband coverage reached 96% of premises in April this year, which is up from 45% in 2010. That means that over 5 million additional homes and businesses have superfast broadband available, thanks to the Government's investment in the superfast broadband programme. We have talked about the universal service offer and I hear noble Lords' reservations, but it means that from March next year customers will be able to request broadband connections. In addition, we have announced £5 billion of funding for the next stage of the Government's broadband buildout. I see that as anything but laughably unambitious.

Baroness Neville-Rolfe (Con): My Lords, I have often nagged away about this subject because it is vital to international competitiveness and modern public services. I welcome the Statement, our industry's initiative and the mast sharing that seems to be implicit in what we have heard today. However, can I press my noble friend on what coverage we can expect both from broadband, which she touched on—how many people will actually have it on a reasonable timescale and at reasonable speeds—and from mobile? Who and where are the 5% in the figures she announced—or 8% if you want connectivity to the big four, which I think most of us probably do—and who will miss out? Is it people and businesses, in which case I would like to know what numbers we are talking about, or just remote rural fields, the tops of mountains and certain rooms in the Palace of Westminster? It would be good to understand a little more clearly what the scale of the problem is and how quickly we can tackle it, because of the overall importance of this initiative, which the Government have rightly grasped.

Baroness Barran: I think I will need to write to my noble friend with some of the detail on her questions. I understand that the areas that will miss out are genuinely those which are both extremely sparsely populated and look more like the top of a mountain—that is, from a physical engineering point of view, the

challenge of building the infrastructure is great. However, I am happy to write to my noble friend to clarify if I have misled her in any way.

Lord Inglewood (Non-Aff): My Lords, I declare an interest as chairman of the Cumbrian local enterprise organisation, which probably contains a lot of tops of mountains. The area will probably be, according to independent analysis, the most affected by Brexit of any part of Britain. One of the themes of our efforts to reinvigorate the economy, after what will on any measure be a setback, is proper digital connectivity. Therefore, while I welcome the announcement, perhaps I might press the noble Baroness to commit to the House that there will be a target to cover the entire county of Cumbria with appropriate digital and mobile coverage, so that people there can fulfil their full potential commercially.

Baroness Barran: I hear the noble Lord's extremely valid concerns about the county of Cumbria. I cannot confirm 100% coverage from the Dispatch Box today, but I am happy to confirm that in writing. However, I stress that those areas of the country which historically have had much poorer coverage, in particular Scotland, Wales and Northern Ireland, will be the greatest beneficiaries of this investment.

Lord Liddle (Lab): My Lords, may I follow up on some of the previous questions? As I understand the proposal, the idea is that, in return for this commitment to spend money, mobile phone companies should no longer have coverage obligations imposed by the regulator. I declare an interest here as a Cumbria county councillor. Despite the efforts that have been made in our county to improve broadband coverage—they have been considerable, and I myself have been a beneficiary of them—unacceptably large numbers of people are still not covered either by broadband or proper mobile access. That is of economic significance because, if we are going to get new business into these areas, as the noble Lord, Lord Inglewood, said, they have to have this degree of coverage. So what obligation will the Government impose on the operators? When Royal Mail was introduced in the 19th century, it was given a universal service obligation; when radio and television were introduced, there was a universal service obligation; when electricity was nationalised after the end of the Second World War, a universal service obligation was imposed on the companies. Why should these companies be completely free of a universal service obligation?

Baroness Barran: I am concerned that I may have confused—I hope I have not misled—the House, so I will try to correct any confusion. The companies will have individual service obligations. Each operator will be at 92% individual coverage by 2025, with a combined footprint of 95%—I hope that the noble Lord has the Venn diagram in his mind. Part of the increase in coverage comes from the mobile operators, part comes from the investment of the Government in total not-spot areas, and part comes from the use of the emergency services network. So there will be individual commitments,

[BARONESS BARRAN]

there is an aggregate commitment, and a greater aggregate footprint, with coverage in areas that today have none whatever.

Lord Haselhurst (Con): My Lords, I declare an interest as someone who lives in a very rural area and who is familiar with the many deficiencies that have been described already. It is hard to describe today's Statement as unhelpful or unwelcome. However, when I hear my noble friend refer to the fact that the big four will be encouraged to subcontract or delegate some of the work to assist the coverage, I am minded of what has happened with broadband. Companies have come along and got bespoke contracts to fill in the gaps but, unfortunately, they have been extremely dilatory, playing around with promises now stretching back five years, with no actuality of service as a result. We would not want such a thing to happen again in the mobile telephony field: therefore, some stick should be put behind any such arrangements.

Baroness Barran: My Lords, I understand that it is particularly in relation to the supply chain that we anticipate the involvement of other organisations. As regards there being a stick, there is a very major one for mobile network operators in the sense that they can be fined up to 10% of their turnover, which is pretty hefty, if they fail to deliver this by 2026.

Lord Alderdice (LD): My Lords, I declare an interest as someone who has a home in the Glens of Antrim. In that part of the world, the broadband and mobile strength has been very poor. Indeed, not only has it not been extended: a couple of years ago we were advised that it would be cut back. This is a very serious problem, because in this area there are a lot of tourists and rural farmers, and it is common in situations of that kind for there to be emergencies, particularly when there is snow or whatever. It has been suggested that such areas do not matter terribly much. In fact, it is often much more important that there is mobile connection in those areas than in the middle of a city, where people are easily able to access emergency arrangements. Therefore, whether it is for tourists, farmers or walkers, I appeal to the Minister to emphasise to these companies that it is absolutely crucial for emergency reasons that adequate mobile coverage is sustained and developed.

Baroness Barran: All the commitments being made are minimum commitments. Clearly, if there is the opportunity to deliver more, the ambition is there—but we do not want to overpromise at this stage. A lot of the investment will go into areas such as those the noble Lord described, which today have no coverage—including, I hope, close to where he lives, and certainly more widely across Northern Ireland.

Lord Reay (Con): My Lords, I have a property on the North Lancashire/Cumbria border, and we are serviced by a small community broadband provider which provides the fastest download speeds in the UK—so we get full fibreoptic provided by B4RN,

known as Broadband for the Rural North. Unfortunately, the former Chancellor took away EIS tax relief last year, which has made it more difficult for the company to raise money, but over the past five years it has put together a service for about 5,000 properties. The speeds it provides are far greater than anything BT can provide at the moment. So I urge the Minister, when determining policy on broadband rollout, to communicate with the leaders of small broadband providers, who are providing a valuable service throughout the country for the most isolated communities.

Baroness Barran: My noble friend gives an interesting example of some of the creativity going on in this area in our rural communities, and I shall certainly share that with colleagues in the department. We have made a start in trying to build rural gigabit connectivity with a £200 million programme that is upgrading public sector buildings to act as gigabit-capable connectivity hubs—that is rather difficult to say—and trying to make them as attractive as possible for investors to encourage further deployment beyond the hubs. I will certainly share my noble friend's thoughts with colleagues.

Lord Browne of Belmont (DUP): My Lords, in the absence of an Economy Minister in Northern Ireland, can the Minister confirm that the additional £155 million allocated by the Government to improve broadband in Northern Ireland can be released in the years 2020-21 and 2021-22?

Baroness Barran: I apologise, but I should hate to get that wrong, so I should like to confirm that to the noble Lord in writing.

Baroness Noakes (Con): My Lords, I note that the Statement concentrated on geographical coverage for mobile. Can my noble friend say whether anything is being done about the quality of mobile coverage? I am sure she will be aware that many of us who live in rural areas nominally have mobile coverage but, in practice, we have a high incidence of dropped calls and otherwise patchy service. I believe that quality has not previously been specified in coverage obligations, but it should be.

Baroness Barran: My noble friend makes a good point. My understanding is that this proposal will address both quality and coverage, but I will correct that if it is incorrect.

Northern Ireland (Executive Formation etc) Act 2019: Section 3(5) *Motion to Take Note*

5.41 pm

Moved by Lord Duncan of Springbank

That this House takes note of the *Report pursuant to section 3(5) of the Northern Ireland (Executive Formation etc) Act 2019*, which was laid before this House on 23 October.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy and Northern Ireland Office (Lord Duncan of Springbank) (Con): My Lords, this is the third report published in line with our obligations under the Northern Ireland (Executive Formation etc) Act 2019.

I start with the issue of Executive formation. The Secretary of State was disappointed to extend the period for Executive formation to 13 January 2020. The parties have still not been able to reach agreement. We will continue to do all we can to bring about the formation of a sustainable Executive.

With regard to abortion, the duty under Section 9 of the Northern Ireland (Executive Formation etc) Act 2019 is now in effect. As a consequence, Sections 58 and 59 of the Offences Against the Persons Act 1861 have been repealed, and no prosecutions and investigations that were under way under those sections can be continued, regardless of when the offences were committed. We will be consulting on the new legal framework shortly, with regulations required to be in place by 31 March 2020.

We will continue to engage with health professionals in Northern Ireland, the political parties, and wider stakeholders over the coming days and weeks—including to ensure that the appropriate services can be established in line for the new legal framework to be in place.

On the issue of the presumption of non-prosecution and Troubles prosecution guidance, last year the Northern Ireland Office consulted extensively on the Stormont House Agreement proposals, the results of which revealed wide support for the broad institutional framework of the SHA and consensus among the main parties that the UK Government should push ahead with legislation. The consultation process also revealed areas of public concern regarding the detail of the proposals, including the independence of the institutions and how they would interact, as well as questions over the overall timeframe and costs.

The UK Government firmly believe that we must move forward with broad consensus. Central to this will be demonstrating that any approach we take is fully compatible with facilitating independent effective investigations into Troubles-related deaths and providing Northern Ireland with the best possible chance of moving beyond its troubled past. In this regard, the principles of the Stormont House Agreement—facilitating independent investigations while promoting reconciliation—provide the best framework for making progress in the most effective and efficient manner possible. The UK Government remain committed to working with all the Northern Ireland political parties and the Irish Government to this end.

Regarding victims' payments, on 22 October, the UK Government launched a consultation on the legal framework for a victims' payment scheme. The consultation will run for five weeks, and the UK Government will welcome views from all, including from noble Lords. As we have said previously, the legislation will be laid by the end of January 2020 and will take effect by the end of May 2020.

On political donations, the issue of retrospection remains sensitive, as we explored when we discussed this issue only two weeks ago. The Government will consult on this matter with the Northern Ireland

parties in due course and will formally report back to the House. Any decision on the creation of a university in Derry is primarily one for universities themselves, as I stated last week.

On same-sex marriage and opposite-sex civil partnerships, as the 21 October deadline has passed, the Government are now under a duty to deliver same-sex marriage and opposite-sex civil partnerships in Northern Ireland. We will make regulations which will mean that civil marriage between couples of the same sex and civil partnerships for opposite-sex couples will be lawful in Northern Ireland from 13 January 2020. The first civil marriages should be able to take place in the week of Valentine's Day. We plan to consult on religious ceremonies and religious protections and the conversion of civil partnerships to same-sex marriage and marriage to opposite-sex civil partnerships, and therefore there will be a short delay before we make regulations related to these issues, and these issues alone. I hope that this update has been of value.

5.45 pm

Lord Alderdice (LD): My Lords, the main requirement for politics anywhere, but particularly in Northern Ireland, is stamina. It appears that not everyone who asked for these regular reports has quite the stamina of some of the rest of us who have to read through and comment on them. That is equally the case for the Minister, who is very committed, energetic and shows stamina.

I would like to raise three issues with regard to this report. First, it points out that the only extension permissible under the Act takes us to 13 January 2020 when the Secretary of State would have to consider the question of an Assembly election. We have brought this up again and again and now we are bringing it up again, and we will continue to do so. At the other end of the building, a great deal of time, effort and energy are being devoted to the question of whether we have a Westminster election when it is not legally required, whereas an Assembly election, which is legally required, keeps being postponed. Is there any reason, if a date is not fixed for the Westminster general election, that the same date might not be used for an Assembly election so that we could get on with the business? We hear fine words about how the Secretary of State will have to consider the question, but it seems to be pretty endless.

The Minister also referred to the question of a university campus in the north-west, a matter I raised the last time we had such a debate. This report notes that on 17 October, the Secretary of State met the vice-chancellor of Ulster University, Paddy Nixon, along with John Kelpie and Jim Roddy, as well as local political representatives. He suggested in his opening remarks that no permission or other agreement by the Government is necessary for the University of Ulster to move forward with a postgraduate medical faculty. Is that the case? If so, can he give us some guidance as to the content of the discussions those representatives had with the Secretary of State? Is there any indication that they will be able to move ahead with this, as I mentioned last time? It is not the sort of thing that can be done at the drop of a hat because it takes a long time not only to get the staff together, but to interview candidates and so on so that a course can move ahead.

[LORD ALDERDICE]

The third issue is the RHI report on the inquiry conducted by Sir Patrick Coghlin. It is now quite some time since that inquiry finished its hearings. As of July, we heard that it had sent out letters to all those who might be named in the report, but apparently we still have no indication of when the report might be received. The Irish news suggests that it might be November, but it is not clear which November because the issue seems to keep being pushed on into the future. Can the Minister give us any indication of when that important report will come out? The homework for it seems largely to have been done by the journalist Sam McBride in his book, but we would like to see the report, given that the hearings themselves quite properly generated enormous interest and concern among the people of Northern Ireland.

Lord Hay of Ballyore (DUP): My Lords, perhaps I may pick up on the issue of the university. This goes back to the early 1960s and the whole expansion of the university in the city of Londonderry. A strange situation seems to be developing now around the medical school, which is really part of the wider city deal. We are continually being told that the business plan is complete, we are moving forward, and of course there has to be a year before the intake of students can begin to come into the university. However, although the meetings are continuing, I am being told that a local Minister needs to be in place to take this issue forward. That seriously worries me because of the fact that it is part of the wider city deal.

Lord Alderdice: I agree entirely with the noble Lord. Indeed, I raised exactly this question in the last debate. I pointed out that historically the placement of the university in our second city of Derry is a sensitive political issue and that it is not just a matter of economics or even of education. That is still the case because this is a live issue for people, and that is why I asked the Minister whether ministerial approval was needed. We were told before that a devolved Minister needed to be in place but we are now advised by the Minister that such approval is not required and that it is simply a matter for the university to move ahead.

I hope that the Minister can clarify the position in this debate. If not, perhaps he will write to me and to the noble Lord, Lord Hay, who has a long-standing interest in this issue, to clarify whether ministerial approval is needed, and if so, why is it being held up?

Lord Hay of Ballyore: I should say to the Minister that there is total political support in the city for this scheme.

5.51 pm

Lord Empey (UUP): My Lords, the Northern Ireland (Executive Formation etc.) Act 2019 almost overcomes the reality of where we are. The Government have said repeatedly that they have a process and that their number one priority is to restore the Executive. However, the reality is that there is no process. Ad hoc meetings take place at regular intervals with regular intensity, but there is no proper process. If it is left to this ad hocery, one obstacle after another will arise and we

will never get anywhere. No pressure will be applied. It is always, “Oh, we can’t do it because of Brexit”, “We can’t do it because of this”, and “We can’t do it because of that”.

The Assembly met last Monday, but I have to say that it did not cover itself in glory. It was a most depressing, aggressive, nasty meeting and it is as well that the proceedings ended when they did and that there was no second attempt the following day because more harm would have been done had it persisted in the way that it was going.

Initially, I was opposed to the ideas put forward on both Benches opposite about some form of interlocutor being identified to assist the process, but the time has come to revisit that. But it needs to be done within a structure and I have to say to the Minister that his department has got itself into a rut over the last 10 to 15 years. We were told when the Minister came into the department three years ago that we were going to think outside the box. Well the box has proved to be much stronger and less able to be escaped from than we thought. We have not thought outside the box: we are still in a rut.

One of the reports that I asked to be included was on the mitigation of welfare reform. That report is due to be received on or before 1 December. However, if events in the other place, whether today or tomorrow, overtake that, will the Minister identify what will be done if we are in the middle of a general election before 1 December? Those mitigation measures would need to be addressed well in advance of the end of the financial year. I would be most grateful if he could help us in that direction.

I have secured a small Private Member’s Bill on health. The objective is very simple. Out of a population of 1.8 million, apart from there being over 280,000 people waiting for a first appointment with a consultant, of those 280,000 people, 109,000 are waiting in excess of 12 months. The Nuffield Trust and Professor Deirdre Heenan produced a report a few weeks ago. The chances of an individual being on a waiting list for over a year in Northern Ireland for a first appointment with a consultant is one in 16. There is a one in 16 chance of being on a waiting list for over a year in Northern Ireland. The equivalent figure in England is one in 48,000, so you are 3,000 times more likely to be on a waiting list for over a year in Northern Ireland than in England.

As a Parliament, we have an obligation to protect our citizens which supersedes parties and all issues. I believe that we are allowing citizens to be harmed by the failure to resolve this particular issue. A number of noble Lords in this House know more about medicine, both physical and mental, than I do, but the one thing that any citizen knows is that delay can be fatal—literally. People are waiting, even for some basic operations, for three or four years, and that is to say nothing of the mental health issues that we have.

I appeal to the Minister to think outside the box and persuade his right honourable friend in the other place that, on humanitarian grounds—not political grounds—we need to get a Minister involved in health. That requires the power to be taken back here. It would instantaneously go back to Stormont on the

formation of the Executive, so there is nothing to be lost. I know that a Minister will not solve the problems overnight, but we cannot have any manpower planning when we are working on a hand-to-mouth budget. That has to be done over time. We are thousands of nurses and hundreds of consultants short. All of these problems can in part be assisted by having somebody there to take decisions, but we cannot leave this at it stands to a Permanent Secretary, however capable—and we are fortunate that we have a capable Permanent Secretary in that department.

I appeal to the Minister to ensure that he and his colleagues revisit this issue not only about getting proper talks in a structured format but also to look at the damage that has been done to the population by some of the health statistics that I have drawn noble Lords' attention to.

5.57 pm

Lord Cormack (Con): My Lords, I begin by underlining the importance of what the noble Lord, Lord Empey, has just said to the House, and I ask my noble friend on the Front Bench: can he not discuss with the Secretary of State and the Prime Minister the location of a Health Minister—even if it means appointing an extra one to the department—who will remain in Northern Ireland to supervise the disturbing situation, which the noble Lord has described, until the Executive is restored?

As the noble Lord, Lord Empey, has said, we need to think outside the box and bear in mind what the noble Lord, Lord Alderdice, said about an election. I was one of those who supported deferring an election, and I believe that the noble Lord, Lord Alderdice, was also—he assents. But we cannot go on and on like this. I have urged my noble friend the Minister, of whom I am an admirer, many times. I know that he has done a great deal, but I urge that we must have an interlocutor. I will go further and try to be specific. Who are the two people from the UK Government who did most to bring about the Good Friday agreement? Sir John Major and Mr Blair. Should we not see whether they could play a role? Neither of them is a Member of either House, and they both maintain their commitment to the United Kingdom and to Northern Ireland. I suggested earlier this afternoon that the current Prime Minister should summon all Members of the Northern Ireland Assembly and talk to them in Stormont. Could this not be a follow-up? We must come up with ideas, and we have got to try to do something to break this logjam.

In January, which is quite near, we will have had Northern Ireland without an Executive or a functioning Assembly for three years. That is why we are having these regular debates. What progress have we made? The answer is precious little. My noble friend has come to the Dispatch Box and said that talks are going on. They have been intermittent, but they have also been unproductive. If Northern Ireland is going to continue to have a devolved Administration, it must have an Administration and an Assembly that meets. I do not wish to see a return to direct rule, but we are now in the worst of all worlds because we have Civil Service rule without direct answerability either in the

UK as a whole or in Northern Ireland. This is not in any way criticising individuals who are seeking to do their jobs. Politicians in Northern Ireland have got to realise that unless they can come together, direct rule is inevitable. We do not want it, so can we not try to get an interlocutor or interlocutors to go to Stormont and remain there—a locked room has a great deal to recommend it—until we have some agreement?

It goes without saying that I have mentioned the names of two former Prime Ministers without consulting them, and they may be horrified when they read about it tomorrow, if they do, but they are two men who have done an enormous amount for our United Kingdom and for Northern Ireland in particular. I think they will both be deeply distressed if what they achieved between them comes to an end, so give them a chance at perhaps ensuring that it survives. If not, let us have somebody else and let us set an absolute time limit—31 January seems to be a favoured date at the moment—and let us try to make some real progress.

My noble friend has tried extremely hard. His heart is absolutely in the right place. I paid tribute to him earlier this afternoon in the context of another debate, and I pay tribute to him again, but will he please undertake after this debate to have an immediate meeting with the Secretary of State to discuss what has been said in your Lordships' House, where we believe passionately in the union and in Northern Ireland remaining part of it?

6.03 pm

Lord Eames (CB): My Lords, there is an age-old phrase which runs like this: if you are not careful, perception can become reality. As I listened to what has already been said in this debate and in the previous debate—where again we were talking about the results of victimhood, although in a specialised form—I was reminded of that statement because the world in which I live and in which I have tried to serve in a particular capacity for most of my life is learning yet again that perception can become the reality. I know that we have had repeated assurances that all the efforts you can think of are being made to restore local government to Northern Ireland in an Assembly and an Executive, but I have to say to the Minister that on the ground, in everyday life and among everyday people, the perception is that we are taking second place as a community, in the eyes of the mother of Parliaments and the Government, to other considerations.

People think that Brexit was a golden opportunity to give us a reason for not pushing us too far and getting the result we needed. People believe in their hearts and, as they look at the constancy of the statements and reassurances that all is being done by Her Majesty's Government to restore our Executive and our Assembly, people are saying "We hear that so glibly now that we no longer believe it". I reiterate what has been said constantly in this House and pay tribute to the Minister's efforts as a Minister to further our interests, but I have to say to him that that perception has gained tremendous ground of late. There has been criticism of the performance of successive Secretaries of State in Northern Ireland. Some of that criticism has been politically based rather than based on reality,

[LORD EAMES]

but I ask the Minister whether there is any way in which the urgency of the situation in Northern Ireland demands the involvement, contribution and leadership by Her Majesty's Prime Minister. We believe that there has been a levelling off in the activity which could be brought to try to create a situation whereby a new Assembly and a new Executive appear.

I have often addressed the House on the legacy of the Troubles, and I want to touch on that again briefly. The consultation that is about to take place on the way in which legacy issues are dealt with has thrown to the surface an issue that I believe will gain momentum and cause tremendous heart searching. I refer to the question of when we define the beginning and end of the Troubles—the beginning being in the 1960s and the so-called end of the Troubles coming with the Good Friday agreement. Immediately my mind goes back to a situation such as the Omagh bombing and the many, many families affected by that bomb, either directly or indirectly by its consequences. If the suggested period by which we judge the Troubles comes to pass, Omagh will be excluded.

Of course we can argue that the Belfast/Good Friday agreement—to which many Members of this House contributed—marked a watershed, and no one knows that better than the former Secretary of State the noble Lord, Lord Murphy. It was a watershed. We had such hopes for the future—some of them realised, some of them shattered—but if we go so far as to select a historical point as the end-point when we no longer consider the needs of people, we will court trouble. My mind is not wise enough to give noble Lords a solution, but I warn the Minister that there is trouble ahead over the question of how we define the extent of victimhood. I urge him to consider that with his colleagues, for I believe that, no matter the urgency of the matter that we stress in this House, there will be a long-term grievance for many people.

The other point that I want to make is that I believe the day will come when we look back at the period in which we are living and say that one thing that we omitted to recognise was that the situation in Northern Ireland, with the lack of government at Stormont, was saying to the House and to the United Kingdom things of immense importance about the theory and practice of devolution. Devolution works when there is agreement—when the centre recognises and trusts what the limbs of devolution are doing and understands why they are doing it. However, if the limbs do not work, there are questions that the centre has to answer. One, I believe, is the question of how we deal with the theories of devolution when, for some reason, one of the limbs does not work.

I say to the Minister that I believe that the day will come when people—perhaps not those who are with us at the moment but another generation—will say, “Why were they not awake to the lessons of the theories of devolution that were staring them in the face?” One, of course, is the matter of dealing with our legacy. The noble Lord, Lord Empey, has given us frequent reminders about the situation in our health service and hospitals, and to that I would add the situation in our schools. Teachers have to buy toilet rolls so that their school can stay open and they have

to make sure that meals are provided—in some cases that I know of, out of their own pockets. Why is that? It is because no one is taking responsibility at a government level on the hill at Stormont.

That leads me to one conclusion. Apart from technical detail and political consideration, there is a moral issue at the centre of the devolution structure that says that we, centrally, have a duty to do something when a limb of devolution fails and does not exist. Therefore, I ask the Minister, with his genuine concern for us, to take seriously what has been said this afternoon not just about the political need but about the needs of the ordinary people—the men, women and children—who live with the legacy of our Troubles.

6.13 pm

Lord Bew (CB): My Lords, I thank the Minister for presenting this report, and I add my support to those who have spoken against the continuation of direct rule.

The noble Lord, Lord Alderdice, raised the question of whether there should be an election next year—I think that he is right to raise it, although I do not know the answer—and the noble Lord, Lord Empey, made a very important point about health. However, what worries me about the report is that there is a slight sense that we are on the right path. It is noticeable that the Stormont House agreement is mentioned but not its date. It is now five and a half years old. That is a telling little omission. We are told that it has principles that help with reconciliation and so on. It is not the fault of the Stormont House agreement as such, but I cannot see how the principles in it promote reconciliation. I have said in this House before that I do not think the proposals for independent investigation will promote reconciliation. Of course, the consultation that has been carried out shows that, at some level, people in Northern Ireland still want independent investigations. But the hard truth is that they want independent investigations into the other side's doings rather more than as an abstract reality.

The consultation shows no sign of what was almost a majority of opinion the last time this House debated the issue of legacy. Many in the House who spoke that night had long service in Northern Ireland and had lived there. The majority opinion was tending towards drawing a line under this by some means. Parliament itself seems also to have indicated at various points that that is the majority opinion and could be gained some time next year if this becomes the issue.

Perhaps more important is the Irish language question. I want to say one thing. We have been told, quite rightly, that Brexit was stopping a deal or an accommodation. That is a perfectly correct point; it has made things very difficult. But a no-deal Brexit, which was the most destabilising prospect for the talks, has now virtually disappeared. We have Second Reading. I know that some like to think that no deal is still there but, in the real world, it has disappeared. I well understand the objection to the approach to Brexit that the Government are taking but, for good or ill, as an issue interfering with the talks early next year, it should not be a problem in the way that it certainly has been in the last few years.

Equal marriage and abortion are other divisive issues that are now resolved. These issues were creating huge problems in the talks. Many people will be unhappy with the way that they have been resolved but, for good or ill, as I have said, they have been resolved. Irish language is the remaining great issue along with legacy issues. I am not convinced that the resolution of legacy issues is a precondition to getting the Executive established but I think that the Irish language is. Once again, this Parliament has the capacity to resolve that. The St Andrews agreement seems to say that that is the job of this House. Certainly, the framing language around the St Andrews agreement suggests a moderate reform, if we look at the way it is couched, for the prospects for the Irish language.

Lord Caine (Con): My noble friend has mentioned two issues. I raise a third: the sustainability of institutions, so that we cannot go back to a situation whereby one party can pull down the whole edifice.

Lord Bew: I absolutely accept the wisdom of that point. Indeed, this is an important subject for conversation and dialogue in the lead-up to the talks. We cannot have a repeat of what has happened over the last 1,000 days. I am simply saying that the Government have had little choice but to allow things to drift for these 1,000 days, but next year there will be a new political context creating new opportunities. I am not committed to any of these solutions. The noble Lord, Lord Alderdice, might be right or wrong on the election; that is not the point. I might be right or wrong on the Irish language. What I am sure of is that we cannot go on drifting. The Government should be aware that a break is coming. A new situation will be coming about early next year and there will have to be new thinking. We cannot go on talking about the Stormont agreement of 2014.

6.18 pm

Baroness Lister of Burtersett (Lab): My Lords, I am speaking in the gap to raise an urgent issue mentioned by the noble Lord, Lord Empey, which I spoke about in the Queen's Speech debate—to no avail, to the disappointment of members of Northern Ireland's civil society gathered at the Law Centres' annual conference last week.

Because of Northern Ireland's special circumstances, a mitigations package to soften the impact of certain elements of "welfare reforms" was agreed up to March 2020 by the Northern Ireland Executive. A joint report by the Work and Pensions Committee and Northern Ireland Affairs Committee recommended that it be extended beyond next March, stating that, "the UK Government must act quickly to end the uncertainty".

It argued that the circumstances were sufficiently exceptional as to override questions of devolved competence, with,

"a potentially drastic impact on vulnerable people and no Assembly to extend the legislation".

The response I received to a Written Question was that the Department for Communities was responsible for the delivery of the mitigation schemes and a decision to extend beyond March 2020,

"would be a matter for an incoming Minister for Communities in a restored Northern Ireland Executive".

I am sorry, but, as I said last week, that is simply irresponsible given that there is no certainty that the Executive will be restored in time. It is like waiting for Godot.

The Department for Communities has itself made clear that, in the absence of a functioning Assembly,

"it is considered that the only viable option for providing the legal authority for the Department to make mitigation payments beyond 2020 would be for the Westminster Parliament to bring forward appropriate legislation".

The response that I received in the debate was that the Secretary of State for Northern Ireland did not have the power to instruct the Northern Ireland Civil Service. But this is so unhelpful. I understand that it is quite within the power of the UK Government to legislate in the absence of a restored Executive, provided that they are willing to amend existing legislation that prevents it.

This is what is being called for—not that the Secretary of State instructs the Northern Ireland Civil Service. As Nigel Mills MP pointed out to the Secretary of State in the Northern Ireland Affairs Committee, the Government,

"have legislated for quite a few devolved matters ... it would not be unprecedented to do so for this as well".

I know that the Minister cares about such issues. I cannot believe that he would wish for around 35,000 low-income households to be made worse off overnight because the UK Government refused to use their powers in this way. According to the Department for Communities, the average estimated weekly loss due to the bedroom tax would be £12.50 and the benefit cap £42. Anxiety among tenants, social security claimants and advice workers is growing. There is a clear civic and political consensus in Northern Ireland that the mitigations must continue beyond March 2020. Following the pressure put on him at the Northern Ireland Affairs Committee, the Secretary of State agreed to reflect. I implore the Minister to add his weight to do what he can to impress on the Secretary of State the importance and urgency of taking legislative action now.

6.22 pm

Lord McCrea of Magherafelt and Cookstown (DUP): My Lords, I join other noble Lords in thanking the House for the opportunity to speak in the gap concerning the issues before the House. People say, "Here's another report"—but a report on what? In fact:

"The Secretary of State shall make a further report".

It is not if he wants to; he is ordered to make that report, and that is why we are having this debate in the House today.

I have to challenge some of the remarks made by the noble Lord, Lord Bew. He said that the issue of abortion was now resolved. That is not so. That issue was not resolved in Northern Ireland, and if anyone in this House thinks that it is, they had better come to Northern Ireland and find out what the people of Northern Ireland think. In fact, there is at the present moment a request that a referendum should be held in Northern Ireland concerning the issue of abortion. It is a running sore. Until the people of Northern Ireland have a right to have their voices really heard, instead of

[LORD MCCREA OF MAGHERAFELT AND COOKSTOWN] this House overriding the will of elected representatives who were elected by the people, that will not be resolved.

The noble Lord also said that same-sex marriage was resolved. Those are easy words to fall off a person's tongue. In fact, it would be very popular in this House—but it is not the reality. As for an election on 31 January, if that is what the Secretary of State decides, so let it be. It is right that the people of Northern Ireland are tested on their will, and I have no doubt whatever that my colleagues in the party that I represent will once again be endorsed by the people of Northern Ireland as the leading unionist voice.

I was interested at Question Time in how the Minister seemed minded to withdraw salaries from Assembly Members. That is something for him and his colleagues to make up their mind on—but they should remember that the majority of those Assembly Members want to have a functioning Executive and want to get back into the Assembly to carry on their work. But one party is stopping them from doing that. I would be interested to see if the Minister would be as quick to rise to his feet and tell us about the millions of pounds over the years that have been claimed by Sinn Féin in expenses for not coming to the other place and representing their people and letting their voices be heard. That is a challenge to the Minister, because that issue is not going to go away either.

Will the Minister make it clear that, if Sinn Féin continues to block the restoration of devolved government at Stormont, he will no longer allow the intolerable drift in policy-making? The noble Lord, Lord Empey, mentioned health, and the noble and right reverend Lord, Lord Eames, mentioned education. Those are vital issues that are detrimentally impacting the lives of the people of Northern Ireland, as well as the future well-being and prosperity of the young people in Northern Ireland. This House was able to take the powers concerning same-sex marriage and to bring in the law concerning abortion, but there seems to be a reticence to take other powers. If there is to be no return of Stormont, the present situation cannot continue, and if direct-rule powers must be used, they will have to be brought back into operation.

The report also talks about veterans and those who have served in Northern Ireland. It seems to be that the Government have tiptoed around that issue. There was clear evidence of lawbreaking and illegal activity that was known to the authorities. In a recent television programme regarding the Troubles, Martin McGuinness put together a bomb and trained children how to load a gun, with no fear of arrest. He had no mask on and it was in open daylight, yet there was no prosecution. One has to ask the question: why?

6.26 pm

Lord Bruce of Bennachie (LD): My Lords, we are here because the Government have been mandated to provide regular updates and reports. I think we all want to thank the Minister for the conscientious way in which he has consistently brought these reports forward, and indeed for the progress that has been made in the absence of Ministers with full responsibilities,

a functioning Assembly and a functioning Executive. However, there is an underlying frustration that clearly will have to be addressed.

I want to address two or three practical issues. My noble friend Lord Alderdice mentioned the renewable heating initiative. An independent energy consultant, Andrew Buglass, has been appointed to look at hardship cases but it is not entirely clear what the timescale is. We hear from the Ulster Farmers' Union that farmers are selling stock, selling land and making all the adjustments they can, yet they face the real possibility of going out of business. Can the Minister indicate, now or in the future, whether these issues will be addressed in time, which is a matter of concern?

Lord Lexden (Con): On that point, I remind the Minister that back in March, I think, he promised a Statement indicating how the cases of hardship would be examined and dealt with. I believe we are still waiting for that Statement.

Lord Bruce of Bennachie: I take note of that. Obviously, there is real concern out there.

Regarding the medical school in Derry/Londonderry, it would be good if we could establish that there is freedom to pursue this idea. Many of us have engaged in different ways. The university tells me that it is in a position to do this, if it is possible to do it. It would still be matter of getting its hands on the money—we know that—but it has a building and a clear plan and it feels able to press ahead. It is always good to see something that takes us forward, rather than leaving us stagnating.

I turn to the situation with political donations, which the report simply says is the same as it was. I suggest to the Minister that we are facing a general election for the UK with a huge lacuna in Northern Ireland, where money can be channelled without it being published. I accept that people have notification that it may eventually be published, and clearly, if anything illegal has been done then at some point or other, they will face prosecution. However, I wonder whether it would be better if the law was enacted now, so that people had to declare it and there was no danger of it being retrospective. I say that because evidence of wrongful raising of money from improper sources has been identified and was used to promote the distortion of a referendum, the consequences of which we are all living with. Yet there has been no action. The reality is that you have to stop it. It is too late afterwards when the result has been manipulated by the misuse of funds. I ask the Minister: is there anything more that can be done or said about that?

My noble friend mentioned an election. There are two things to be said here. The noble Lord, Lord McCrea, said it would be fine to have an election at the end of January. He is confident that his colleagues would get elected. On the other hand, if there was an Assembly election at the same time, under a different electoral system, it might show a slightly different mix of opinion in Northern Ireland. We have had two elections this year and there has been a noticeable, identifiable shift of political opinion in Northern Ireland.

Lord McCrea of Magherafelt and Cookstown: To clarify, I was talking about the Assembly election and having it on 31 January. We are very happy for that to take place.

Lord Bruce of Bennachie: I am glad to have that clarification. At the end of the day, the point is that the Assembly, which has been dysfunctional for three years, ultimately loses any kind of legitimacy if its mandate is not renewed. It is perfectly likely—as may well be the case with a general election for the House of Commons—that the result will not be that dissimilar to the previous result, and the deadlock will remain unresolved. Nevertheless, if the argument is that we have to have an election to resolve the deadlock in the House of Commons, it is slightly obtuse to say that we do not have to have one to resolve a deadlock in the Northern Ireland Assembly. The idea certainly seems to be becoming more pertinent.

We have not heard the Northern Ireland voice on Brexit in any kind of direct way. Yet we have a potential agreement put forward by the Prime Minister which was denounced by him and denied by his predecessor. It is what the EU asked for in the first instance, which we have wasted three years saying we did not want. Much more to the point—as I am sure noble Lords from the DUP and their colleagues would be quick to point out, and as I pointed out last week—it drives a coach and horses through the Conservative Party's claim still to be a unionist party. It is absurd to suggest that this agreement, if it goes through, does not create a major division between the activities taking place in Northern Ireland and in the rest of the United Kingdom. As somebody who supports remain, I would prefer to live in Northern Ireland rather than the mainland, under these proposals. It is certainly not a single solution for a single referendum that is UK-wide. Ultimately, that is its fatal flaw, and it may make it very difficult to reach that agreement.

The tragedy of all this is that many of the details concerning how Brexit will impact on Northern Ireland should have been debated in the Northern Ireland Assembly and considered by the UK Government, and the people of Northern Ireland should have been represented. My final parting shot is this. Whether with an interlocutor, other initiatives or whatever, how and when can we get to a point where this derelict, defunct Assembly becomes active and relevant? It is impossible to go on for much longer without direct rule being the outcome. I have to say to the noble Lord, Lord McCrea, that if that is the case, precisely the same same-sex marriage and abortion rules that have been passed by this House would stand. Direct rule means direct rule. Most of us want to avoid it and we want the people of Northern Ireland to have their say, but three years is long enough and I am not sure that we can go on much longer like this.

6.33 pm

Lord Murphy of Torfaen (Lab): My Lords, I hope we can go on, but it is a rather gloomy situation. The noble Lord, Lord Alderdice, referred to stamina. When he and I first met to deal with these issues, I was 48 years of age. As I approach my 71st birthday, the definition of stamina completely changes.

I say to the House that a lot of very interesting points have been made today regarding issues other than the restoration. In particular, the noble and right reverend Lord, Lord Eames, talked about legacy. Other noble Lords mentioned the university in Derry and the noble Lord, Lord Empey, and others raised the health service. In my remarks, I want to concentrate on the restoration of the institutions, because all of those other issues depend on this. The difficulty we now face—and there are always difficulties—is that Brexit still divides. The noble Lord, Lord Bruce, made the point very well indeed. The issues of the backstop and Northern Ireland in relation to the negotiations with Europe were central to what has happened in the United Kingdom over the last three years. Had there been a restored Assembly and Executive, I am convinced that they would have worked together and resolved the issues about Northern Ireland. However, it did not happen, and there has been no Northern Ireland voice. That is the great tragedy of this.

Of course, the other issue is whether Parliament will be dissolved in the next week or so. In my experience, every single time these obstacles are raised—the council elections, the Assembly elections, the European elections, the general election—people say they hold up progress in Northern Ireland, but they did not in the past. There is no reason to suppose that they should do so now, but, to be perfectly honest, I wonder whether the obstacles become excuses. The difficulty we face is that the longer we do not have devolution, the more difficult it will be to establish it again. In the words of a number of Members of your Lordships' House this evening, we drift towards direct rule. The imposition of direct rule, which might or might not be inevitable over the next few weeks or months, tragedy though it is, will make things infinitely more difficult to restore and we are back at square one.

I make no apology for repeating the points that I and others have made about how we think the talks can progress. We raise the issue of an independent chair or interlocutor in every single one of these debates. The noble Lord, Lord Cormack, has prayed in aid previous Prime Ministers. Others have mentioned a previous President of the United States, Bill Clinton. We could think of people such as Jonathan Powell, for example, who played a huge role in the Good Friday agreement. There are undoubtedly people out there who have sufficient weight and experience and who could be called upon to act as this independent person, so long as the parties agree of course—I understand that.

The talks have no structure or shape to them. It seems that we have to get back to a very tight structure and a proper plan, with an independent chair or interlocutor and a proper agenda on the table. I am not convinced we have, although there have been improvements in the last few months. I repeat that I think the present Secretary of State is doing his level best to try to ensure we get into a better situation, but it has been haphazard. It has been on and off. It has not been consistent or had the ring of proper talks about it. If we do not think or believe that these talks are serious, people in Northern Ireland will not believe that they are either.

[LORD MURPHY OF TORFAEN]

Another crucial aspect of this is the role of those at the very top of government. Sir John Major and Tony Blair played an enormous role because they were there. They talked to people all the time, constantly, even in the locked rooms. There has been no evidence at all over the last three years of prime ministerial engagement from either Dublin or London. There has been a bit, but it does not amount to much. Frankly, you need that level of experience and gravitas to move people in Northern Ireland.

There is a role for Parliament, too. The noble Lord, Lord Bew, has consistently made the point that the St Andrews agreement indicates that this Parliament could put the Irish language Act on the statute book. Last Saturday, after Wales nearly defeated South Africa, I watched all of Arlene Foster's speech. It was an interesting day on the television. I thought that it was very interesting that she was making an overture regarding a new culture Act—or language Act, if you like, because they would be part of each other. If that olive branch is there, people should grab it. The noble Lord, Lord Bew, is right: whatever we think about the abortion or equal marriage issues—they are very controversial and difficult, and I understand all that—in a sense this would take it off the table as regards obstacles that other parties put in the way of getting around the table to talk. A huge amount of experience, not just here in this Parliament but in Wales and Scotland, could be drawn on to deal with a language Act. A commission could even be set up before an Act is passed. It is not beyond the wit of parliamentarians to help out. The more we take off the table, the fewer excuses can be used not to establish the talks and therefore the institutions.

Ultimately, the issue is trust—it always was and always will be—but as co-guarantors, as a British Government with the Irish Government, and as a Parliament, including us in this House, we have to try to ensure that we help restore that trust. Otherwise, all the problems that your Lordships have mentioned will get worse. Worse than that, the progress that has been made over the past two decades in Northern Ireland could be put in serious jeopardy.

6.40 pm

Lord Duncan of Springbank: My Lords, these reports every fortnight give us an opportunity to touch on some of the bigger issues facing Northern Ireland. I will try to take on some of the specific issues raised today.

I will begin with the noble Baroness, Lady Lister. She raised very important points. We must speak very clearly on this. I have been told by my officials that the absence of Northern Ireland Ministers does not prevent a senior officer of a Northern Ireland department exercising a function of the department during the period of forming an Executive if the officer is satisfied that it is in the public interest to do so. If it is in the public interest to exercise that during the period, we must make sure that there is no diminution of that during that period. I will confirm that in writing to the noble Baroness.

A question was asked about whether these reports will continue. To be honest, I am not sure about that myself in terms of what is happening in the other place,

but if we do indeed enter into *purdah* there will be no Parliament here to debate the reports, so the reporting function would be in abeyance. However, I would instruct my officials that we will continue to draft such reports so that they might be available for a continuing or incoming Government, regardless of what happens next. It is important that this information is still actively gathered together.

The noble Lord, Lord Alderdice, asked about the founding of a university in Derry/Londonderry. The answer, in truth, is that it rests with the institution itself to put forward the case. To date, none has done so. If the university is indeed in such a position it should do just that and put together its case to initiate the proceedings, because nothing can happen until that has been completed. It is a matter of devolved authority but, none the less, the first step will necessarily be taking forward the examination of the business case for the initiation of the establishment of a university. If he were able to facilitate, I would be very happy to sit with the institution and discuss this further. I know that my right honourable friend the Secretary of State for Northern Ireland has already sat and discussed with it. I am not privy to that conversation but, if it was not on that point, I am very happy to initiate and have that very clear discussion with that institution if we can.

I will touch on the larger question that rests here today on the formation of an Executive. I am always drawn to the remarks of the noble and right reverend Lord, Lord Eames, on these matters. As some noble Lords will be aware, I am also a fan of poetry from Ireland:

“Things fall apart; the centre cannot hold;
... everywhere
The ceremony of innocence is drowned”.

Those noble Lords who know their Yeats will know the bit I missed out. I had to check the exact words, because I always remember the part I read out. The rest of it says:

“Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed”.

That is what it means if we get this wrong; the bit I left out is the problem. It is easy to talk about the other bits; it is the bit in the middle that causes us the problem. This is where it becomes very difficult, because I am running out of words to say that no stone shall be left unturned. I am out of clichés about what is going on in Northern Ireland and I want to stop using them.

It is critical that the parties in Northern Ireland come together. If they do not, then in the new year there will need to be an election. I do not know what the result will be. I have no crystal ball. My fear is that it will lead us to where we are now, and thereafter we will take that journey down the path down towards direct rule, spoken of by the noble Lord, Lord Empey. As the noble Lord, Lord Murphy, has said on more than one occasion, once we enter direct rule, we do not get out of it. I think that the truth is that the people of Northern Ireland are crying out for change, whether it be in health, education or welfare. They are crying out and no one is hearing them. It is a silent cry for change to come.

I cannot make the parties do more than they are doing. The question has been asked: what is the Prime Minister doing? The Prime Minister met the parties in July. However, there is no point in equivocating around the truth that we sit in the fog of Brexit. I make no excuses for that, and I make no explanations around that. That is where we are: becalmed in the fog of Brexit, waiting for the winds of change to pick up and take our vessel towards that promised land which will be change in Northern Ireland. Yet here we wait. We listen to the remarks of the noble Lord, Lord Empey, about the situation with health in Northern Ireland, and are reminded of exactly what it means to get this wrong. We cannot be becalmed and wait for this to pass. That is the shocking and sad thing about it.

I take a slight issue with the points raised by the noble Lord, Lord Murphy. There is a structure to the talks. We have brought in independent facilitators—although not an overarching, high-profile one—to bring the parties to that point from which we believe that the next step can be taken. If I could quantify it in a meaningful way, I would say that we are 95% there but, like jumping over a chasm, 95% does not get you to the other side. It is that magic 5% that needs to be met, and it rests in the areas with which I am sure noble Lords are very familiar: rights, culture and language, issues which can unite us. The poetry of language can bring us together, yet it can divide us strongly as well. This is the part that remains undone—that remains to be stitched together. If we can find that compromise and way forward on the language matter—it seems in some respects so close, and would be so joyous to get right for all of Northern Ireland—the issues that have been stacking up could be addressed one by one. The greatest danger for an incoming Executive just now is too much to do and too little time. What shall the priorities for Northern Ireland be? How shall we try to establish whether it should be welfare, education or whatever else? Some of these issues have been left waiting to be taken forward not just since the downfall of the last Executive, but for decades preceding it.

I could go on in this regard, but I will not. I do not think that would be useful at this time. I wish I could say that when I come back here, those parties will have found a way forward. However, I do not think that I am going to be doing that in a fortnight's time, I am sad to say. There may be other reasons why I do not return here in two weeks' time; I am afraid that I do not know about that either. However, I believe that these reports are invaluable. They have provided us with a platform on which to have this serious debate. I hope that they are heard and listened to in Northern Ireland. I hope that the parties recognise them for what they are: a cry for something to be done, for change to come, for something to be resolved and for the Northern—

Lord Cormack: My noble friend made a helpful remark earlier. Will he discuss with the Secretary of State and the Prime Minister the question of the Prime Minister meeting Members of the Assembly and talking to them in Stormont?

Lord Duncan of Springbank: I do not get to meet the Prime Minister as often as I would like to, I am afraid, but I am very happy, on the next occasion when

we do meet, to raise this matter. I do not believe that one can claim to be the Minister for the Union without ensuring that one is doing all that one can to hold that union together. I will make that point very strongly when I next have an audience with the Prime Minister. I suspect that will not be for a little while but, none the less, when I have that opportunity, I will.

I commend these reports. I believe that they serve a purpose and will continue to do so. I hope that there will come a point when we can look back on them as having provided the foundation for the necessary restoration of a sustainable Executive.

Motion agreed.

Vocational Education and Training

Question for Short Debate

6.49 pm

Asked by Viscount Bridgeman

To ask Her Majesty's Government what steps they are taking to strengthen vocational education and training in secondary schools.

Viscount Bridgeman (Con): My Lords, I thank noble Lords who have put their names down at short notice for this debate. I was fortunate to be number one in the ballot for the QSDs following the Queen's Speech, so the opportunity has come rather earlier than I anticipated.

Your Lordships will be aware that on 6 September 2018, there was an excellent debate initiated by the noble Lord, Lord Aberdare. I am very pleased to see the noble Lord taking his place in this debate today. I mention in passing that we are both playing truant from a key pre-concert rehearsal of the Parliament choir, but there are priorities. I hope that this short debate will enable the Minister to bring us up to date on developments over the past year.

It is perhaps worth recalling the degree of skills shortages across a number of sectors. For this I am indebted to the Edge Foundation. In engineering, there is a need for over 320,000 people per year with Level 3 engineering skills. In the tech industry, there are an estimated 600,000 vacancies in the UK, a figure estimated to reach a million by 2020. The UK hospitality industry is twice the size of financial services, yet it is common for there to be more than 100,000 vacancies at any one time. Lastly, there is the best known one: the NHS is reporting shortages of 100,000 staff, representing one in 11 posts.

Against this background we find that in the 2016-17 academic year the number of students taking vocational subjects at secondary school was 33,000, compared with the 521,000 who took mathematics and science. In the light of the sector figures that I have just quoted, this is a depressingly low figure for vocational subjects. A review of post-18 education and funding, by an independent panel under the chairmanship of Dr Philip Augar, published in May 2019, found that career support is still underfunded. It recommended that career support should be rolled out nationally and, most importantly, that every secondary school

[VISCOUNT BRIDGEMAN]

should be able to be part of a careers hub, that training should be available for all careers leaders. Further, a new online platform should be created to enable young people to make choices about what to study, similar to the UCAS database for academic education.

A crucial inhibition is the lack of awareness of the various non-academic routes into employment. The Department for Education found that students leaving secondary education and entering levels 4 and 5 had difficulty in navigating the options on offer. The problem is not simply one of vacancies; the figures for various sectors should disabuse us of that. Evidence was given to the House of Lords Economic Affairs Committee that graduates from vocational courses came ill equipped in what one witness described as “soft skills”, such as teamworking and communications.

I would like to speak briefly about the new form of qualification, the T-level, whose crucial aim is to provide an alternative to the academic route into employment provided by A-levels and reduce the stigma attached to non-academic qualification. It will consist of 15 routes, based around occupations with shared training requirements, with some routes subdivided into what are called pathways. The T-level will be equivalent to a three A-level programme and will, on average, consist of 1,800 hours studied full time over two years—around 50% more than the average 16-19 study rate programme at present. All courses will follow the same framework of five features: a technical education; industry placement for around 45 days; maths, English and digital requirements; any occupation-specific requirements, for instance a licence to practise; and any further employability enrichment and pastoral provision, which I take to mean the soft skills that I referred to, and which in the past have been seen as weak spots in careers advice.

These T-levels will be delivered by a small number of providers in 2020. I understand that the Government’s aim is to have all 15 routes introduced by September 2023. It is fair to suggest that the profession has given a cautious welcome to the T-level initiative. However, I have heard of two reservations on which I should be grateful for the Minister’s comments. The first is that it gives less flexibility to students who have second thoughts on whether their careers should lie in academic or vocational skills. The second concern of which I am aware is that there are a number of outstanding courses, currently offered by institutions such as Cambridge Technicals and BTEC, which T-levels are expected to supersede. The profession does not want to see the baby going out with the bathwater.

I will refer only briefly to apprenticeships as I am sure that several noble Lords, who I know are experts on this subject, will be able to speak with knowledge and authority. I will make just two points on the eponymous clause known as the Baker clause, which was a landmark amendment to the Technical and Further Education Act 2017. First, in 2018 a report by the House of Commons Education Committee was highly critical. The publication *FE Week* found that only two of the 10 large multiacademy trusts which it

investigated were fully compliant with the new rules. Secondly, the committee’s recommendations were unequivocal. It said:

“We recommend that the Government, with Ofsted’s support, properly enforces the Baker clause. In its response to this report it should set out how it plans to do this, and what penalties will be imposed”.

I shall be interested to hear from the Minister what progress the Government are making in addressing this recommendation.

The speakers in this debate will, I hope, highlight the thoughts and initiatives from all quarters which are going into the careers of post-16 year-olds. Perhaps I may finish by wandering slightly off the theme of the debate. To put it starkly, for many children this is just too late. They will have entered secondary education three years previously; many will come from dysfunctional family backgrounds and be quite unsuited to academic education. There will be the usual temptations to follow the sadly well-trod paths into truancy, drug addiction, gangs and knife crime. The message to government should, I suggest, be that it is never too early to make provision at secondary school level for an introduction to—for want of a better word—the workbench; and the chance to take the first steps in learning a trade which for many of these young people could prove to be a life-changer.

I thank your Lordships who are participating in this debate and will be grateful to hear the Minister’s comments.

6.58 pm

Lord Young of Norwood Green (Lab): My Lords, I congratulate the noble Viscount, Lord Bridgeman, on enabling this debate on such a vital issue. I do that as a fellow cyclist; I am impressed by his two-wheel activities.

As part of our understandable desire to ensure what has been described as the knowledge economy, the aim is that 50% of the 18 to 30 year-old population should go to university. There is nothing wrong with that as an ambition. If one takes into account the nature of the fourth industrial revolution, it is probably a laudable ambition—laudable in terms of social mobility as well. Unfortunately, thanks to the law of unintended consequences, this policy has created the view that vocational education is a second-class route.

Despite the Baker amendment referred to by the noble Viscount, Lord Bridgeman, the majority of secondary schools still encourage their 16 year-olds to focus on the academic route. Alternative career paths are seen as an afterthought. That is doubly unfortunate because the academic route is unsuitable for many pupils; it may be suitable later on but, at that point in their lives, it is unsuitable. In addition, we desperately need the skills which require vocational education. Look at the demographics of the construction, engineering and tech industries—the statistics were given by the noble Viscount, Lord Bridgeman, and so I have no need to repeat them. Young people, teachers and parents need to recognise that these are worthwhile career paths. That is not what we are seeing at the moment. If you look at the demographics and at the number of vacancies, you will see that these skills are

desperately needed by our economy if we want to improve productivity and, dare I say it, face the challenge of apprenticeships.

It is not that the Government are not doing anything. I never like to enter a debate with a totally negative response, because that is neither fair nor appropriate. I like to take a constructive approach. Apprenticeships are clearly an important alternative career path. Under the apprenticeship levy, the Government's objective was for 3 million apprenticeships during the lifetime of this Parliament—however long that may be. I remember so many of us saying that it was not the quantity they needed to focus on but the quality of apprenticeships; that is what really matters. If we want to improve the perception of vocational education as a quality alternative career path and lift it up to the level of esteem seen in countries such as Germany, where it is considered to be just as good and necessary as the academic career path, the quality of apprenticeships is important.

I have always been a supporter of university technical colleges—the Baker Dearing concept—because of their ability to encourage young people to see the vocational skills we are examining this evening as a viable alternative that will not only create a possible career for them but could lead to a degree qualification as well. This is not an either/or approach.

A major part of the flagship programme that came about as a result of a number of reviews, including the Sainsbury and Wolf reviews, is the concept of T-levels. I am sure that there will probably be more strident criticisms of T-levels than I will utter this evening. I want only to express the worrying concern I have heard from a number of employers. They tell me that, although 45 days of work experience is a laudable objective for a vocational qualification, they do not know what the Government want them to do. Should employers focus on apprenticeships or T-levels? Some companies are telling me that they will not be able to do both. That is a serious challenge for the Government. The noble Viscount, Lord Bridgeman, said that we should be wary of throwing out the educational qualification baby with the bathwater. Some high-quality educational qualifications exist already. I know it is said that we have too many, but the real problem in establishing new qualifications is just that: establishing them when good-quality ones already exist. I do not want to damn T-levels, but I would welcome the Minister saying how he will deal with the problem that employers have raised with me.

I have only one little objection to what the noble Viscount, Lord Bridgeman, said. He referred to soft skills. I cannot help it: it is a reflex with me that when somebody talks about soft skills, I have to say that they are not “soft” skills but “essential” skills. Talk to employers and they will tell you that it is about not just the qualifications young people bring to them but about the basics of teamwork and turning up on time, and enthusiasm and creativity.

I welcome this vital debate. We still have not reached in this country a position where vocational education is seen as a high-quality, worthwhile route. As I have said on many other occasions, I look forward to the time when I can go into a secondary school and see an

honours board which honours not just the young people who have achieved a degree but those who have graduated from a high-quality apprenticeship.

7.05 pm

Lord Storey (LD): My Lords, I start by thanking the noble Viscount, Lord Bridgeman, for initiating this important and timely debate. As we all know, the Queen's Speech said that “all young people” will,

“have access to an excellent education, unlocking their full potential and preparing them for ... work”.

The phrases “all young people” and “preparing them for work” will require a major shift in our schools and our education service if this is to happen.

Currently, about 50% of young people have the capacity to follow an academic curriculum, but the other 50% are caught in a system which is like a straitjacket for their career and vocational aspirations. In schools we have a narrow curriculum, and the introduction of the EBacc is wholly unsuitable for these students. Because of the EBacc, schools have jettisoned other subjects, so we have seen another year in which non-EBacc subjects have dropped further; this time by 11.1%. This of course feeds into our A-levels and a further decline in availability. Design and technology, for example, has reduced by 7.5%.

Can somebody explain this to me? As a country, we have a thriving creative industries sector, which generates 5.5% for the UK economy. There are 2 million jobs in the creative industries, accounting for one in 10 jobs across the UK. By the way, the sector employs 700,000 more people than financial services. However, year by year, as we see this sector grow, creative subjects—music and drama—in our schools are being dropped. One would think we would want to nurture and grow this successful sector by ensuring that young people who have the vocational aspirations to enter it have the opportunity to do so. It is not surprising that school leaders prioritise the EBacc subjects: the other sting in the tail is that 70% of a school's league table score comes from the results in those subjects. Of course school leaders prioritise these subjects. No wonder Ofsted raised the issue of the narrowing of the school curriculum in a letter to the Public Accounts Committee last year. Its chief inspector said that there is:

“clear evidence of a decline in the quality of education in the narrowing of the curriculum in schools and an endemic pattern of prioritising data and performance results, ahead of the real substance of education”.

For many non-academic young students, a complete focus on end-of-year written examinations is wholly inappropriate. We surely want these students to blossom. Removing most coursework and non-exam assessment and just using end-of-course exams makes those exams extremely high stakes—which, by the way, is a contributing factor to poor mental health among students. Our school system is not vocational education friendly. When a student finishes at 16, schools try to encourage them to stay on in the sixth form—because each student is worth a pot of money—when, in many cases, a vocational course at a college would be more appropriate to their needs. As the House has already heard, the Baker amendment has at least slightly tilted

[LORD STOREY]

the balance. However, I have heard alarming tales of how schools try to get round the encouragement of vocational courses. Maybe Ofsted needs to look at this.

For the first time in decades we are beginning to see a realisation that if we do not prepare all school students for the world of work, and if we are to provide the skills that our country needs, then the dial needs to be reset. Is it too hopeful to think that we are seeing the beginning, the dawning of a new tomorrow in vocational education? The Secretary of State for Education has talked about vocational education being his top priority and additional resources have gone into the sector. The Augar review set out a vision for England's higher and further education that, if implemented, will rebalance spending on vocational and technical education. That report also described the disparity between the 50% of young people who do not go to university and those who do. The Augar review was welcomed. Perhaps, when he replies, the Minister will tell the House where we are up to on that and when it will be brought forward.

One of Mr Williamson's predecessors used to cite other European countries and international tables to bring about changes to education. If we want to see vocational education flourish, we need look no further than Switzerland or Germany or France. I have Swiss relatives and my cousin has two sons who were not academic but have thrived in their education system. Switzerland holds vocational education in equal esteem to academic education. Despite its size, Switzerland is an economic powerhouse. It ranks first in the Global Innovation Index and third in the World Economic Forum's human capital index. Switzerland's economy is one of the most inclusive in the world. Switzerland's vocational and technical education plays a crucial role in preparing young people for the world of work. Two-thirds of young people in Switzerland choose to go down the vocational route, typically at the age of 15 or 16, which involves signing a three or four-year apprenticeship contract. Under Switzerland's dual system, apprentices typically spend three or four days learning on and off the job at a host company, for which they receive a salary, and one or two days in general education. Pedagogically, the aim is not just to build technical skills but to develop students' capacities as active citizens.

We obviously cannot just import these ideas, yet there are policy lessons and principles that the UK would do well to consider. I hope that this debate will be the springboard for the renaissance of vocational education that we all hope for.

7.12 pm

Lord Baker of Dorking (Con): My Lords, I congratulate my noble friend Lord Bridgeman on initiating this debate. I have been in the House for 23 years and I can barely remember any debate on technical and vocational education. It is important, because the skills gap is large and growing. It is so large that the Government have stopped publishing it—and they have abolished the body that published it. It is very difficult to find out what the skills gap is so, as the chairman of Edge, I

set up a group of 20 people to assess the skills gap in various industries. My noble friend Lord Bridgeman referred to this. The gap in engineering is 203,000; there was no A-level in engineering this year. In digital technology it is 600,000; there were just 10,000 A-levels in computing, compared to 120,000 in maths. There should be as many computing A-levels as maths ones. In hospitality, there are 100,000 vacancies; there were only five A-levels in travel and tourism.

The reason for this is that the Gove curriculum, imposed 10 years ago, is wrecking the British education system and does not respond to the needs of the British economy. EBacc is a total and utter disaster. Mr Gove's successors never tried to challenge it; they could not say "boo" to a goose. I do not understand why the Labour and Liberal parties do not put this in their manifestos. Put some lead in your pencil and say you will abolish EBacc, for heaven's sake, because it will absolutely destroy technical education below 16. If you do that, you will not get apprentices at 16. Who is going to employ apprentices who have only done academic subjects? No one.

When it comes to apprentices, the Government will run out of money at Christmas. All the levy has been spent and apprenticeships are falling, so they are going to have to make some difficult decisions. Perhaps I may recommend one or two. They should stop offering apprenticeships to men and women who are 40, 50 and 60 years old: 60 year-olds apply for and get apprenticeships. Apprentice grandmas and grandpas—what are they learning, how to die gracefully? For heaven's sake, do something about that. Concentrate the apprenticeship movement on those aged 14 to 24. Bring back young apprentices at 14. All the great geniuses of the Industrial Revolution started as young apprentices at 14. We should bring back young apprenticeships and also abolish EBacc. I am glad to say that the colleges I have been working on now for 10 years—the university technical colleges—number 48, with 14,500 students.

What we are most proud about with these colleges is that they are quite different. They work from 9 to 5, the working day. I say to the youngsters when they join, "This is the beginning of your working life". For two days a week, from 14 to 16, they are making things with their hands, and they do academic subjects for the rest. The thing we are most proud about is that they have the best destinations of school leavers of any school in the country. In July this year, 42% of our leavers went to university, but 85% of them did STEM subjects—double the national average—and 31% became apprentices. The average for a normal school is 6%.

Why do Ministers not explain to people how much more apprentices can earn at 18? If you are accepted as a higher apprentice at Rolls-Royce, BMW or Network Rail, and all the qualifications you have are one A-level and one BTEC, you can earn up to £20,000. If you want to go to the Navy, it will pay £32,500—much more than a graduate will get after three or four years as an undergraduate. We must sell this positively if we are to get more people wanting to be apprentices.

We have 24% getting jobs. Why do they get jobs? Because our youngsters have the skills that employers want. They have all worked in teams. That no longer

happens in schools. They make things with their hands. That no longer happens in schools. The only lessons I remember from the grammar school I went to in 1945 was two hours of carpentry, making dovetail and tenon joints, which I can just about still do. All that has gone—disappeared totally. Our students can also deal with problem solving, which is no longer done in normal schools. A complete revolution is needed, and UTCs should expand.

The good news I have for noble Lords tonight is that three changes are now being made to UTCs which will mean that they will grow. The first of these is that we are now allowed to recruit at 11. Three years ago, we set up a sort of preparatory school at Leigh in Dartford, alongside the UTC, recruiting youngsters at 11 to 14. It was remarkable to go and see them. One of the first things we discovered was that we get many more girls than boys at that stage, which is good. I saw girls doing GCSE computing at the age of 11. I also saw girls doing basic engineering at 11. This is now considered to be such a success, even by the Government, that they are encouraging other UTCs to start at 11, and any new ones that come along will go from 11 to 18.

The second thing is that the present Secretary of State is the first Secretary of State who likes technical education. He has made it his principal responsibility, which he has done because he came from a manufacturing background and worked with businesspeople in factories. He went to visit the UTC in Plymouth about 10 days ago and was very impressed. The Navy supports the Plymouth one very strongly, so he saw naval ratings helping with the teaching in the college. Again, it produces higher apprentices at 18. When he left the college he said:

“We should never underestimate the importance and the power that technical, vocational qualifications have in terms of driving our economic performance. And UTCs like the one I visited at Plymouth today are a perfect exemplar of what more we need to be doing in the future”.

He is the first Secretary of State for 10 years who has said anything nice about UTCs.

Michael Gove was totally opposed to them; he did not believe in technical education below 16; the other three flitted over technical education. So that is very good and, as a result, we are going to be allowed to make applications for new UTCs. We have three going in next month, and one is opening in Doncaster this year. So the tide is behind me, the sun is actually not blinding my eyes, and I feel some sense of motion. I cannot say that it has happened entirely with the help of the department—but even it is now being helpful, because it realises that we have to do something quite dramatic in order to catch up with the rest of Europe and the rest of the world in technical education.

7.20 pm

Lord Aberdare (CB): My Lords, I too congratulate the noble Viscount on obtaining this debate, which I trust will not unduly harm our performance of “The Dream of Gerontius” with the Parliament Choir next month. It is also a great pleasure to follow the noble Lord, Lord Baker, with his unparalleled wisdom and experience on this topic, and whose comments I very much endorse.

One of the UK’s greatest current challenges is a shortage of key skills, contributing to our alarmingly low productivity. Some 93% of leaders of fast-growing businesses said in 2017 that their number one worry was the skills of students leaving school. For many young people, not least those from disadvantaged backgrounds, high-quality vocational education may provide the best route to gaining skills that enable them to fulfil their potential. Governments have been trying for years to improve vocational education so that it earns parity of esteem with the academic route, via university. There is still a long way to go and I will briefly talk about three areas in which improvement is needed: careers education and guidance, work experience provision, and awareness raising.

Significant progress has been made in careers education since the Government launched their careers strategy in 2017. There is now a clear definition of what good careers guidance in schools looks like, in the form of the eight Gatsby benchmarks. More than 3,800 schools and colleges are measuring themselves against those benchmarks. The Careers & Enterprise Company, responsible for co-ordinating delivery of the strategy, has created a network of more than 2,500 enterprise advisers to support schools in setting up links with employers. Every school must have a published careers programme and a named careers leader. The Government are funding training for 1,300 careers leaders and more than 40 careers hubs have been or are being set up around the country, covering about one-quarter of all secondary schools and colleges. There is clear evidence of progress against all eight benchmarks by schools across the country, with disadvantaged areas, encouragingly, among the best performers.

I hope the Minister will respond to some suggestions about where further effort is needed to ensure that all students benefit from these moves. First, as we have heard, the Augar review of post-18 education recommended that careers hubs should be rolled out nationwide so that every school would be part of a hub. Will the Government implement this, and how soon? Secondly, I hear some concerns about inconsistent quality across the network of enterprise advisers. How do the Government plan to monitor and assess the effectiveness of the network to ensure consistent delivery? Thirdly, the eighth Gatsby benchmark, concerning personal guidance, requires students to receive one face-to-face interview with a careers professional by age 16 and another by age 18. How are the Government addressing the current shortage of qualified careers advisers to meet this need?

One essential element of careers education is work experience. The fifth Gatsby benchmark calls for encounters with employers and employees; schools need to give students at least one such encounter a year from ages 11 to 17, seven in all. A major challenge is finding enough employers willing and able to offer high-quality work experience, especially among SMEs.

Recently I took part in a launch by the British Youth Council’s work experience action group—six young people aged between 16 and 25—of a toolkit for SMEs interested in offering work experience placements. This includes an excellent analysis of what constitutes good-quality work experience, as well as

[LORD ABERDARE]

guidelines on how to achieve it and a useful resource bank of sample forms, checklists and templates. Resources such as this should be made more widely available to, and easily accessible by, the SMEs which could benefit from them.

There are numerous other excellent initiatives providing tools and assistance both for schools and students looking for placements and for employers willing to offer them. The Workfinder platform developed by Founders4Schools is particularly ambitious in its scope and impressive in its use of online technology, enabling students to identify and set up their own placements, often with fast-growing, high-potential enterprises for which work experience is a crucial part of addressing the severe skills shortages they face.

Services such as these will become ever more important as demand grows, including, as we have heard, from T-levels. How does the Minister plan to address this need? Should there be an online directory to signpost the services and resources available? Would he consider offering incentives, financial or other, to encourage SMEs to offer placements? What about the often-touted idea of a UCAS-like portal for young people looking for suitable technical and vocational pathways?

The Education Secretary promised at the Conservative Party conference to,

“give my all to make technical and vocational education the first choice for anybody with the aptitude, desire and interest to pursue it.”

As the noble Lord, Lord Baker, said, that is a very encouraging statement for a Minister to make, but for it to happen there needs to be much greater awareness of its opportunities and benefits among students, teachers, schools, parents and employers. Many if not most teachers lack the necessary background and experience of business fully to appreciate what skills and attributes employers seek. What plans does the Minister have to provide them with training and support, perhaps through specialised work placements specifically designed for teachers? I have also recently heard of plans for a coalition for careers education to create online courses for teachers on the FutureLearn platform to enhance their digital skills and familiarity as well as their awareness of employer needs. What are the Government doing to encourage such initiatives?

Often the best champions of vocational education are young people themselves. There are no better ambassadors for apprenticeships, for example, than young apprentices such as those we often meet at events in Parliament. Might the Minister consider extending the Baker clause to encourage schools or even require them to allow recent former students to return to share their experiences of following vocational routes, which I know many have found it hard to do?

This Government have been prodigal in making bold promises about what they seek to achieve. I hope the Minister will be able to be much more specific about how they intend to deliver on those promises relating to vocational education in secondary schools.

7.27 pm

Baroness Bottomley of Nettlestone (Con): My Lords, I also congratulate my noble friend on securing this important and timely debate. The future success of the

UK depends on developing and sustaining a competitive, highly skilled, knowledge-based economy. This is clearly recognised in the industrial strategy, pioneered by the former Prime Minister and the former Business Secretary, Greg Clark.

In spite of our reassuringly high levels of employment, it is concerning that the latest OECD figures report a serious productivity gap between the UK and other advanced western economies. The House will be aware that in terms of GDP per hour worked, the UK was 22.6% behind the US, 22.8% behind France and 26.2% behind Germany. Helping young people develop the skills they need to do highly paid and highly skilled jobs is a key part of addressing this challenge.

It is well accepted in this House in particular that our academic education is highly acclaimed; it is a remarkable achievement, as Dame Carolyn Fairbairn said last week, that we have now reached the 50% mark of young people going on to university. In the QS World University Rankings 2020, British universities make up four of the global top 10. However, we have in no way reached that equivalent standard in providing technical education. This goes right back to the Education Act 1944. We have come and gone, stopped and started, but never really secured this prize. It is fascinating to me personally because my great-grandfather was the secretary and educational adviser to the Technical Education Board in 1893, working with the Webbs on setting up technical institutes all across London. His son, my grandfather, when 32 and a senior wrangler, became principal of Manchester College of Technology, which he led for eight years. This was all of course before the 1944 Education Act.

The time has now come for us not to have new initiatives and advisers but to be steadfast and tenacious. I am delighted that my noble friend Lord Baker mentioned the real and unequivocal commitment of the current Secretary of State to take vocational education seriously. Real progress is under way. The last Education Secretary, Damian Hinds, was a staunch and steadfast believer in vocational education. I commend also Anne Milton, who did a huge amount to promote vocational education and careers guidance. The noble Lord, Lord Aberdare, has a preoccupation with careers guidance; as he said in his maiden speech, careers education is,

“the bridge from education to employment”,—[*Official Report*, 26/11/09; cols. 505-06.]

and I think we would all agree.

The introduction of T-levels, which will be rolled out over the coming years, is a great step forward, framing advanced technical education as an alternative to the academic path but equal in value and esteem. There is the challenge. Informed by the models in other countries such as Norway and the Netherlands—the noble Lord, Lord Storey, referred to Switzerland, which I was also going to mention—at least we are learning from the evidence of others. The courses will offer longer teaching hours, higher standards and meaningful education placements, enabling students to strive for excellence within these disciplines. I would be grateful if the Minister could elaborate further on how the Government plan to deliver these substantial reforms in a managed way across the country.

The other person who deserves great celebration is the noble Lord, Lord Sainsbury, who set up the Independent Panel on Technical Education and has been involved in the development of the Gatsby criteria for careers guidance.

I particularly wanted to move on to praise my noble friend Lord Baker and provide evidence from a flourishing aspect of my life in Hull. For many years I was a Member of Parliament in a prosperous part of the country but, as many will know, for the last 14 years my preoccupation has been the well-being, employment and prosperity of the Humber and Hull. The Ron Dearing UTC there is the most remarkable success. I have been talking to Sarah Pashley, the principal, and what is being achieved is quite remarkable. Students have a longer day, as my noble friend is suggesting: a 40-hour week, 9.15 am to 5.15 pm. It is in its third year, and it will more than meet its targets regarding admissions, but of course the crucial fact—this goes back to the Baker clause—is that the college and the curriculum are employer-led. Smith & Nephew—I declare an interest as a board member, and as chancellor of Hull—KCOM, Reckitt Benckiser, Siemens, the Spencer Group, whose chairman is the chairman of the governors, and the University of Hull: all are actively engaged, and they design and deliver the curriculum in collaboration with the academic staff.

Students learn in lessons on real projects, and student behaviour is exemplary. The college is open plan; it looks and feels like a business environment, not a school. Students and teachers are on first-name terms, and appropriate professional behaviour is expected and received. The students are given responsibility. There are laptop labs where students help themselves; there is no theft to mention. I remind the House that Hull is not an area with low crime levels; it has a lot of difficulty in employment and the economy. Students are employed as IT technicians. The focus is not on STEM but on STEAM. The college believes that science, technology, engineering and maths are extraordinarily important but that so are the arts, and that creativity and design are integral to our competitiveness. I applaud and admire it.

The senior engineering director in advanced manufacturing at Smith & Nephew's wound care division sits on the UTC board. He is passionate about it and believes that it is unique. There is strong local business investment and involvement and the business leaders provide time and resources. This is a great initiative, and not common at all around the world. The curriculum is not just intended to get someone a job but is much broader, developing the whole person—and this is only the beginning. What is so exciting is that this is a plan which has delivered in practice. Even cynics and people on the margins believe that there is change to be had.

I hope that the House will agree that we need to make up for lost time since 1944. We have achieved massively in higher education. Now is the time, particularly with our new position in relation to Europe and the world, for us to invest in people so that they can have rewarding, skilled technical and vocational courses which are just as important as theoretical or academic courses and careers.

7.35 pm

Lord Crisp (CB): My Lords, it is a great pleasure to follow the noble Baroness, and I echo her last points about investing for the future. I also congratulate the noble Viscount, Lord Bridgeman, on securing this debate. I want to deal with one specific point, which is how this all relates to children excluded from school. Like him, I shall go slightly off target, as it were, and talk a little about primary as well as secondary schools.

The number of pupils excluded in the last year for which we have records, 2017-18, was 411,000 temporarily excluded from schools, but my real concern here is that nearly 8,000 pupils were permanently excluded. That is a slight rise, continuing the trend in recent years. Noble Lords will not be surprised to know that there were higher levels among pupils with special educational needs and some ethnic groups.

I recently visited two alternative providers for pupils excluded from school. Both were impressive. One was rural, taking about 30 children; the other was urban, with about 130 children. Both were providing for both primary and secondary children. At the country one, I saw an adult working one-to-one with primary school children who, in a sense, had not had a childhood. It was about play as much as education, I think: social skills, relating to adults, and opportunities to regress in ways that they needed to, but also to learn. At the urban one, the head teacher told me that the real issue with secondary-age pupils was to keep them coming back to the provider, not just disappearing—and when she said “disappearing”, I am afraid she meant it, becoming feral, as it were, in our society. “The real danger”, she said, “is that they mix with others here and become criminalised”. She talked to me about county lines drugs and prostitution.

Both heads were really impressive people. Both saw their work as building on strengths and helping children to succeed. Both told me about their successes, with children learning carpentry, joinery, making things and hairdressing—with one wanting to go on to become a midwife—and other practical skills. I was particularly struck by the head teacher at the urban alternative provider, who told me of a young girl she had met in the street who had recently been her in her care who said, “Miss, miss, I'm a taxpayer now”. What an extraordinary story of success. There cannot be many times in your Lordships' House that one hears of anyone being delighted to be a taxpayer, but what a great success that was.

Both those head teachers were scathing about the number of children being excluded from school: far too many, they said, which was unnecessary and putting children at risk. The reason for those large numbers, they said—and it appears to be true—was a lot of head teachers wanting to remove some pupils from their school because of their effect on the school's average on tests and exams. We are still waiting to hear from the Government what they will do to ensure that pupils excluded from schools are included in their results. Perhaps the Minister can let us know what is happening on that.

I also recognise the stress that a teacher must face if they have particularly disruptive pupils in their class. That must be very difficult to deal with. I know that

[LORD CRISP]

schools cannot remake the past for those children. It is not their responsibility to deal with all those problems—many of them need other professional input as well—but they need to meet the children where they are. These are children excluded from schools, but one could see it the other way round: they are children rejecting school.

This is where I link back to vocational education and what schools do in their culture and norms and curricula. As has been said, are we squeezing out the technical subjects and putting a greater focus only on academic ones—a point that has been made powerfully by many speakers in the debate? Are we trying to squeeze children through too narrow a gate? Should we not be more like the heads of those alternative providers, finding their strengths and talents, nurturing them and thus building up confidence and self-esteem?

I note that getting an award such as a BTEC is associated with pupils having lower absence rates, lower rates of permanent exclusion and lower fixed exclusion rates. Pupils with special educational needs support taking a technical award in state-funded mainstream schools also have lower absence, permanent exclusion and fixed exclusion rates when compared with similar young people with educational support. These are powerful additional arguments for why we should be providing more vocational and technical education and training. It is also important that we focus on children with special educational needs to make sure that they are given these opportunities.

What could be done on vocational, or at least technical, education for primary school children, thus helping them to avoid setting out on a lifetime of social exclusion and quite possibly crime? I am reminded of the observation made by my noble friend Lord Bird. He said that the average seller of the *Big Issue* has had £1 million of taxpayers' money spent on them. That is the case whether they have been in care for a few years, whether they have ended up in prison, whether they have addictions or ended up in mental and other hospitals. That is an enormous amount, so this is a massive issue for the whole of society. It is not just about not building up problems for the future; it is about lost opportunities for individuals in society. Of course, this is a systems issue with no single key; all organisations and policies need to work together. But I do believe that vocational and technical education, along with changing curricula at school in the way that has been so well described in the debate, is a substantial part of the solution.

Finally, I want to put three questions to the Minister. They go slightly off piste, so perhaps he might like to write to me on them. Do he and Her Majesty's Government agree that too many children are permanently excluded from school? If so, what more should be done by schools and others? Thirdly, and most pertinent to this debate, how could the principles being applied in vocational education and training be applied in primary schools?

7.42 pm

Lord Kirkham (Con): My Lords, perhaps I may remind the House of my registered interests as chairman of the trustees of the Duke of Edinburgh's Award and deputy patron of the Outward Bound Trust. There

can be no dispute about the crying need to strengthen vocational education and training in our secondary schools. In developing our obsession with widening university access, we have overly focused on academic qualifications. As a result, I believe that we have grown to seriously undervalue vocational education and training. But I must go further and point to the desperate need to ensure that our young people—all of our young people—leave school educated and trained in the basic life skills: the essential skills they need to enter the world of work and to develop into responsible citizens; to form successful relationships; to become capable mums and dads who know how to bring up their own children and help to keep our society cohesive.

I am aware that I am going a little off-piste, but this is the area on which I intend to focus. The world of work is experiencing a revolution and in order to keep pace, the way we educate and train our students needs to change too. Our young people need equipping to deal with the new challenges that they will encounter in the workplace, and we all need to recognise that there is so much more to life and to education than formulaic teaching in order to pass exams. Education should be about understanding, not just memory. Growing our wisdom and learning specific skills is clearly important, but of no greater importance than character development. So while we should undoubtedly encourage and support excellence in academia, and expand the opportunities to grow the prestige of vocational education, it is also most important to develop the key qualities and skills—essential skills, not soft skills; I agree with the noble Lord, Lord Young, about that particular term—that help to prepare our young people, whether they have followed an academic or technical route, for success and enrichment in every sense in life and in work. I am talking about the essential qualities that are vital in living a good life, but cannot be measured by academic markers: self-confidence, self-discipline, adaptability and resilience, resourcefulness, emotional intelligence and caring for others. They are all key qualities that ultimately have a much greater bearing on happiness and fulfilment than exam results.

There is little point in preparing a child for the world of work with straight A grades and a fine degree if they have the wrong attitude: no self-belief, minimal communication skills or any real understanding of the work ethic. Many secondary schools and academies strive to provide a balanced, rounded education, but there is undoubtedly a serious and important need to strengthen the focus on robust, enhanced vocational and life skills programmes in secondary schools. In order to achieve that efficiently, effectively and speedily, the future has to involve partnerships in education between businesses, local and national government, our entire educational services and, I contend, external skills providers such as Young Enterprise and the Duke of Edinburgh's Award—and there are others. Indeed, the Duke of Edinburgh's Award is already involved in some way with around 75% of secondary schools. These are charities with long track records of proven success and the necessary links and connections with business and industry to provide hands-on, real-life experiences. They are organisations with unparalleled expertise in preparing young people for the world of work and in developing life skills.

Our neglect in providing access to personal development has resulted in many youngsters leaving school or even university with no idea of what employers expect of them and no idea how to speak to a potential employer. They have no idea how to accept a subordinate role as a new starter in an organisation or how to interact with the mix of generations whom they will encounter as their colleagues. They have no financial acumen and little idea of how to manage the money they earn or how best to handle cash, credit cards and loans. In short, for many, the final step off the academic ladder and the transition to actual work come as a very rude shock indeed. Far too many of our young people, who may well have achieved the right exam grades, demonstrate a serious deficiency in these basic life skills.

Thankfully, a no-risk answer is at hand. To inspire, encourage, energise and involve all those necessary in actioning the process simply requires the Government to ease budgetary restraints a little and commit the necessary resources to schools to provide the reliable funding needed to enable them to choose external providers such as the Duke of Edinburgh's Award, Young Enterprise, or any other expert they prefer, to partner with business and work directly with schools to teach the right life skills and promote social competence and well-being.

I am not standing here presenting an advertisement for the Duke of Edinburgh's Award, proud as I am of all its incredible achievements over the past 64 years. Rather, it is to emphasise the skills that it teaches and the positive attitudes it encourages—subjects that should be core and standard in every school curriculum if our goal really is to shape and prepare a more rounded, confident and capable generation with the character and attitude to benefit families, community and the country alike.

7.48 pm

Lord Inglewood (Non-Aff): My Lords, I rise to speak in the gap to make a short comment from my own perspective as chairman of the Cumbria Local Enterprise Partnership and, as a result, a member of the NP11, which was a sponsor of the Convention of the North held in Rotherham a few weeks ago. Some noble Lords may remember that, in his contribution to that convention, the Prime Minister raised the question of devolving certain aspects of policy development and implementation to the regions.

As all the speakers have said, skills are very important. They matter for the prosperity of parts of Britain—and I speak from Cumbria, which has a poor record on productivity although that is partly to do with the actual metrics deployed. But equally important, they matter to the development of the people who live in this country in enabling them to have worthwhile and fulfilled lives.

What is clear from this debate is that the relationship between schools, training, further and higher education, charities and the needs of employers is multifaceted and can be calibrated in variety of ways. It is part of the role of LEPs to drive the skills agenda forward. In response to the policy enunciated in Rotherham by the Prime Minister, I call on the Government in delivering

this devolved approach to ensure, first, that it is genuinely devolved and secondly that it gives those on the ground a proper degree of discretion because there are horses for courses and different things pertain in different places. That will enable us most effectively, within the essential criteria of safeguarding and standards, to deliver what central government wants us to do.

7.50 pm

Baroness Garden of Frognal (LD): My Lords, I join in the thanks to the noble Viscount, Lord Bridgeman, for initiating this debate on a topic very dear to my heart. The Government have decided to rename vocational qualifications “technical” in the deluded notion that that will in any way alter the academic superiority which has, for generations, bedevilled our economy and our young learners. As the noble Baroness, Lady Bottomley, set out, schools are measured on their EBaccs, GCSEs, A-levels and university entrants, so inevitably, where their reputations and their financing are at issue, they will of course be constrained to channel their students into those paths, however inappropriate, as the noble Lord, Lord Young, set out—and I may say that I agreed with everything the noble Lord, Lord Baker, said.

As ever, I declare an interest as a vice-president of City & Guilds. At one stage, when I was working for the institute, I was involved with qualifications for schools, at that point CPVEs—certificates of pre-vocational education. I went into schools that offered them and, time and again, came across young people who would have been lost in my classes when I was teaching French but who were blossoming when faced with learning about car engines, catering or caring. They found a confidence in learning because they were involved in an activity which played to their interests and their talents. The icing on the cake was being awarded a national certificate for their endeavours—something that had often totally eluded them in an academic curriculum. It was splendid to see them discover that learning was fun and relevant. As their confidence grew, so too did their capacity to look at maths, English and science as other possible areas of achievement. In other words, vocational achievement could be the key to unlocking academic achievement. However, like so many vocational endeavours over the years, including GNVQs, diplomas and others, CPVEs fell prey to the academic thought police who opined that they were not proper qualifications—where was the grammar and the trigonometry?—so they were withdrawn.

As I said in the Queen's Speech debate, and as the noble Viscount said today, do the Government never make the connection between the growth in gangs and violent crime among young people and the fact that their compulsory education has left them alienated from learning, with a lack of self-confidence and self-respect, because Shakespeare and algebra are not their skill set? Had there been encouragement and opportunity to work on cars, plumbing, construction, catering or the creative industries, as my noble friend Lord Storey set out, how different their lives after school might have been—and their chances of exclusion would have been much reduced, as the noble Lord, Lord Crisp, set out.

[BARONESS GARDEN OF FROGNAL]

The Queen's Speech referred to the education system preparing young people for the world of work. As the noble Lord, Lord Aberdare, said, that depends on good-quality careers information and guidance at the earliest stage, certainly at primary school. It appears that very young children begin to gender-identify jobs as boys' jobs and girls' jobs. The country faces a critical skills shortage. It is essential that girls are encouraged into construction and engineering, and how good it was to hear of the 11 year-old girls doing engineering in the schools mentioned by the noble Lord, Lord Baker. So they should. Why should the boys have all the fun? Equally, boys should be encouraged into primary teaching and nursing if that is where their talents and inclinations lie. We cannot afford to sideline any of our young people from following work-based paths where their skills would be in great demand.

I asked in that debate—and now have a Minister to answer—“What are the Government doing to motivate those young people?” They may gain no credits for their schools in the narrow definition of education against which schools are judged. They may wish to embark on apprenticeships, often in the teeth of opposition of school and parents, who fail to understand just how important a skilled workforce may be—and, even then, they are faced with the inexplicable need to pass GCSE English and maths, which may well be entirely inappropriate to their chosen career. Above all, they need essential skills and a work ethic, as the noble Lord, Lord Kirkham, set out.

I know of the interest that the Minister takes in further education, with its remit for work-based skills. It would be good to know that the narrow academic paths that are the flavour of choice of this Government will be broadened with work-based ones.

I should also like to ask the Minister about the dreaded T-levels. Why are the Government not building on BTEC and City & Guilds qualifications, which have long been the benchmarks for industry? Can he reassure us that such tried-and-tested qualifications will not be undermined and will continue to be funded and supported? This Government will not be forgiven if, in their pursuit of their latest initiative, they withdraw funding and support from technical and craft vocational qualifications which have long served employers and learners so well. Will the Government think again on T-levels and give more time for them to be piloted, meanwhile ensuring that existing qualifications remain available and supported for work-based learners? We have heard from all sides of the House today how vital it is that we raise the game on our vocational and skilled workforce. Doing away with tried-and-tested qualifications will not help with that.

We face skills shortages in construction, engineering, hospitality and the creative industries. We have heard that other countries—Switzerland and others have been noted—already surpass us in preparing young people for the world of work. We deserve an education system that meets the needs of learners and the economy, and that calls for a much better supported offering of vocational education and training at secondary school. I look forward to the Minister's response.

7.56 pm

Lord Watson of Invergowrie (Lab): My Lords, the noble Viscount, Lord Bridgeman, has done your Lordships a service in securing this important debate, because the world of work is rapidly changing and many of today's jobs will simply not exist in 20 years' time, or perhaps rather less. Although all nations will seek to equip their citizens with the skills to harness the power of the fourth industrial revolution, the UK alone must grapple with the additional challenges presented by separating ourselves from the EU. Therefore, it is important for individuals and the nation's future economic strength that the UK skills system is positioned to empower people to respond to those changes.

As outlined by the noble Viscount, Lord Bridgeman, in his opening remarks, a shortage of key skills in the workforce is currently one of the country's major economic worries. In addressing that, schools have a key role to play in the advice they give and the subject opportunities that they make available to their pupils. I echo the concerns of the noble Lords, Lord Baker and Lord Storey, about the effect of the EBacc on narrowing the curriculum and squeezing out creative subjects.

As the noble Lord, Lord Aberdare, said, high-quality careers education in schools—and colleges—is a key enabler for vocational education and training and for encouraging more young people to explore, understand and go on to pursue vocational routes such as apprenticeships. The quality of careers education is crucial in this respect. Indeed, it was identified as an area of concern in last year's House of Commons Public Accounts Committee report entitled *Delivering STEM Skills for the Economy*.

A basic problem is that schools are funded on a per pupil basis, so head teachers have a clear financial incentive to retain their existing students, rather than encourage them to move to learning institutions that provide vocational or technical skills. Since that PAC report, the Careers & Enterprise Company has become more widely established. It has built a network to link schools and colleges to employers and has funded employer engagement activities. It has had notable success but much remains to be done. The CEC's recently published *State of the Nation* report shows that only one in eight schools fully achieved Gatsby benchmark 7, which requires schools to provide encounters with education and training providers. Six in eight schools partially achieved it.

The full development of the role of careers leaders, which I believe to be an essential part of this jigsaw and was a move mandated by the Government's careers strategy, is far from universally popular with head teachers. Can the Minister say what proportion of schools now have careers leaders in place and what percentage of those are part of the school's senior leadership team? Until head teachers are fully supportive of the role of careers leaders, we will not see the meaningful progress necessary to provide all pupils with access to the various avenues open to them.

Various noble Lords have of course mentioned the Baker clause, which was created to require schools to allow education and training providers access to pupils. However, simply placing a requirement on schools is a

blunt instrument. Schools need support to make them effective in delivering the Gatsby benchmarks. Of course, the level of vocational education available to young people in their schools is a key factor in encouraging them to follow routes to a career path other than the academic one.

We know that the number of vocational qualifications in England in the second quarter of this year decreased by 6% compared to the same quarter in 2018. That is obviously concerning. Can the Minister say what his officials at the DfE have identified as likely reasons for it? It would never be likely that the numbers studying GCSEs in vocational studies would approach those studying, say, mathematics but it would seem that the benefits of a vocational education are not widely enough appreciated among young people. Addressing that is a task that faces us all.

For 30 years now, as some noble Lords have mentioned, BTECs have been the most prominent vocational career-focused qualifications offered in schools. They have the benefit that they can be studied alongside GCSEs and A-levels and are aligned to the future of skills and employability, mainly at level 2 but also at level 3. The road ahead for T-levels is not clear. As my noble friend Lord Young said, employers' concerns about potential conflict with apprenticeships need to be listened to. It is to be hoped that, when T-levels are fully introduced in 2022, they will not be seen as an alternative to BTECs, which should continue to play an important role. I join the noble Baroness, Lady Garden, in asking the Minister what effect he believes T-levels will have on BTECs, and what future relationship between the two is envisaged by the Government.

The point to be made most strongly to young people—and, importantly, to their parents—is that educational attainment should not be solely associated with a degree. It is not difficult to put together a list of apprenticeships that lead to qualifications in skills that are highly and—importantly—sustainably marketable; this is much more so, it should be said, than is the case with many degrees that are offered by some universities. I would never suggest that going to university is a waste of time but, in many cases, it will not be the wisest choice that a young person can make with a view to building a career.

To reinforce a point that I made earlier, it is unforgivable for any head teacher to impede in any way young people's exposure to the full range of learning and career opportunities available to them. This range should include both academic and vocational routes and learning in schools, colleges, universities and in the workplace, with all schools welcoming FE and technical education providers. I concur with the noble Viscount, Lord Bridgeman, on enforcement. Can the Minister confirm that the Secretary of State will make it absolutely clear that the requirements of the Baker clause are the law, and that choosing whether, or to what extent, to comply with it is not an option open to head teachers?

8.03 pm

The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con): My Lords, I am pleased to answer the Question for Short Debate and to thank my noble friend Lord Bridgeman for creating this opportunity.

This Government are committed to ensuring excellent educational outcomes for all children whatever their backgrounds. All young people should get the opportunity to reach their potential, whether that be through an academic or a more vocationally focused route. I agree with my noble friend Lord Bridgeman, and indeed the noble Baroness, Lady Garden, that technical and vocational education has for too long not been given the focus it deserves. As a result, the content of vocational qualifications has too often been misaligned with what employers actually want. This is why the Government are putting employers at the heart of our work to build a new, world-class education system.

We are developing T-levels. They are rigorous qualifications for students aged 16 to 18 who want to study subjects that will prepare them for skilled jobs. Crucially, the content of T-levels is being set by employers; some 200 have worked with us in their creation, so students taking T-levels can be sure that they are gaining skills that businesses are looking for. I know that the noble Lord, Lord Young, and the noble Viscount, Lord Bridgeman, are concerned that we are now rolling these out. T-levels will include a broad core of underpinning knowledge. They will include English, maths and digital skills as well as other transferable skills. They will attract UCAS points equivalent to three A-levels and students will be able to progress into higher education.

In answer to a question from the noble Lord, Lord Watson, we are conducting a wider review of post-16 qualifications with the aim of streamlining the vast number on offer. Our apprenticeship reforms have been focused on quality, ensuring that the new employer-led apprenticeships reflect what today's businesses really want and need. All this supports the Government's aim of overtaking Germany in the opportunities that we offer to those studying technical routes by 2029.

On soft skills, my noble friend Lord Bridgeman and the noble Lord, Lord Young, asked about support. I rather agree that the term "soft skills" underplays the importance of those skills that you need to engage in a career. We are providing £1,000 for both employers and providers taking on 16 to 18 year-old apprentices and eligible 19 to 24 year-old apprentices, which allows them to provide support on what are currently called soft skills. If anyone wants to suggest a better term, I would be very open to that.

I regret that I will have to disagree with the noble Lord, Lord Storey, my noble friend Lord Baker and several other Peers today on the EBacc. The Sutton Trust did some research on 300 schools a couple of years ago, looking at the impact of the EBacc on children. It showed that the average grades in English and maths rose by 0.2 and 0.4 of a grade respectively, with the five A to C pass rate improving by 1.2%. Pupils who attended the schools were also 1.7% more likely to be taking an A-level or other level 3 qualifications. Pupil-premium students benefited most from the changes in these schools, essentially because low and middle prior-attainment students increased the take-up of EBacc subjects most. As a result, the pupil premium gap closed more in schools with similar pupil intake demographics, including a six percentage point narrowing of the EBacc gap.

[LORD AGNEW OF OULTON]

We want students to have the option of studying technical and vocational subjects before the age of 16. That is why we deliberately designed the EBacc to allow for the study of additional subjects. Our Progress 8 school performance measure takes account of the results that pupils achieve in up to three technical and vocational qualifications alongside their GCSEs. However, it is critical that the vocational courses that students take at key stage 4 are of high quality and as vigorous as GCSEs, and that they have real value in terms of progression on to further study and employment.

Several Peers asked about careers advice. We are working closely with the Careers & Enterprise Company and are making good progress in delivering the careers strategy. We have extended the enterprise adviser network of senior business volunteers across the country. Over 2,200 schools and colleges are now matched to an enterprise adviser. We have established 40 new career hubs, meaning that around one-quarter of secondary schools and colleges in England will now benefit. We have made over 1,300 career leader training bursaries available for schools and colleges. We have introduced a targeted set of funds for disadvantaged areas focusing on personal guidance, SEND and vulnerable young people. Of course there is more to do, and it is our aspiration for all the services to be available to all secondary schools. The careers budget in 2021 will be confirmed after the conclusion of the department's business planning process.

In 2011, the noble Baroness, Lady Wolf, conducted a review of vocational education for 14 to 19 year-olds. It found that the system of vocational education at the time was failing many young people. A large proportion of students were on courses that had little or no market value, and it was seen as a second-class route aimed at the less able. The Government announced a number of reforms in response to the Wolf review. These changes included ensuring that only those vocational qualifications that were the most valuable for young people in terms of their content, assessment and progression would be recognised in performance tables. The Wolf review found that a broad-based academic curriculum at key stage 4 was the best way of keeping pupils' options open. It accepted that for some pupils a proportion of curriculum time might be used for other options.

The noble Lord, Lord Crisp, asked about exclusions—there is a connection there, as I recognise. However, it is important to stress that the number of permanent exclusions is still extremely low. At 0.01%, it is lower than it was 10 years ago. We have consulted on the issue of off-rolling, which I suppose is an ugly first cousin of exclusion. We are clamping down on it. The new Ofsted inspection framework requires much greater scrutiny of any off-rolling-type behaviour in schools.

The noble Lord, Lord Aberdare, asked what support we are offering for employers in other work placements. We have expanded the role of the National Apprenticeship Service to provide a matchmaking service. In May, we announced a £7 million employer support fund pilot to trial the provision of financial support to employers across different industries.

Virtually every noble Lord, but particularly the noble Lords, Lord Young and Lord Storey, and my noble friends Lord Baker and Lord Kirkham, said that they feel that the vocational route does not get the status it deserves. I completely agree. I think we have overcooked the rather lazy mantra of encouraging children to go to university whatever the cost to them and whatever the quality of the course they are studying. We are starting to change that. As someone who did not go to university, I am passionate about this. I am one of seven children and only one of my siblings went to university. We have all managed perfectly well without it. This is the beginning of the push-back.

We know that for some students technical and vocational education at this stage of their education can help to motivate and engage them, as well as opening their eyes to potential options for future study and careers. To address the point made earlier by the noble Lord, Lord Crisp, evidence shows that for pupils in state-funded mainstream schools in 2017, taking a technical award was associated with lower absence and exclusion rates.

Despite the reforms following the Wolf review, concerns remain regarding the quality of some of these qualifications. In recent months, the department has been working with Ofqual to consider what more needs to be done to ensure that we can have confidence that these awards are of high quality. Ofqual launched a consultation only last week on finding a way to achieve this. I am confident that this will lead to further improvements in the quality of technical education at key stage 4 in the future.

It would be wrong to omit reference to universal technical colleges and not to pay credit and tribute to my noble friend Lord Baker. I have spent more time with him than any other Peer in this House in the last two years. Strong UTCs are succeeding in equipping our young people with the skills businesses need, getting them into employment and creating a future pipeline of skilled workers.

Several noble Lords referred to the Baker clause, including my noble friend Lord Bridgeman in particular. This is a new clause that came in only during the summer of last year, so we cannot expect universal take-up straightaway. However, I completely accept that not enough schools have taken it seriously enough, and we will be taking a tougher approach with them. We surveyed a number of schools recently and 76% stated that the duty is being partially complied with. A further review this summer found that compliance, although patchy, is improving. In January of this year, a report from the IPPR contained similar findings: 70% of providers found it difficult to access schools in their area, but one in three said the situation had improved. I am not complacent, and we will continue to put pressure on schools to be more open to this.

My noble friends Lord Baker and Lord Bridgeman asked about the size of the skills gap. In September, we announced that a new skills and productivity board will be established to provide the Government with expert advice on how to ensure that the courses and qualifications on offer to students are high quality, are aligned to the skills that employers need for the future

and will help increase productivity. We are also establishing skills advisory panels across the country, to bring together local employers and skills providers to understand and address local skills challenges. In tackling skills gaps, the Government's role is to support the skills market in making it more responsive to demand. We are doing this by delivering a long-term programme to reform the post-16 skills system.

My noble friend Lord Bridgeman also asked what the Government are doing to introduce children to trades in the first two years of secondary school specifically. Schools must support young people to understand the education, training and careers options open to them. The work must start long before students reach that point of decision. Careers advice should inform and inspire them from an early age. That is why the Government expect all schools to provide careers guidance from year 7—

Lord Young of Norwood Green: I am sorry to interrupt the noble Lord. I asked a specific question about the challenge facing employers in responding to T-levels and the 45 days of work experience that they have to provide. They are also expected to support apprenticeships. That is the challenge they are faced with. Some are saying that they cannot do both. If the Minister cannot provide the answer now, I would welcome some further response.

Lord Agnew of Oulton: I am certainly happy to write with more detail, but the National Apprenticeship Service is working with 12,000 employers to deal with the challenges the noble Lord quite rightly raised.

I am conscious that I am running out of time. An area I want to address is the development of institutes of technology. These will be high-quality education providers, delivering high-level technical education with a clear route to high-skilled employment. We have committed to 12 of these and eight more are due to follow. We aspire to having one in every part of the country in due course. The idea is a collaborative model involving partnerships of existing FE and HE institutions, operating at regional and sub-regional scale, focusing on STEM subjects, with 50% of planned provision relating to engineering and manufacturing.

This debate has highlighted the importance of robust vocational and technical qualifications. My noble friend Lady Bottomley is right that a lot of work is in play and we are tackling prejudices that go back more than 100 years. I hope that the range of actions that I have set out demonstrates how serious the Government are in continuing to strengthen technical education to support young people. I believe that the tide is turning for vocational routes.

House adjourned at 8.16 pm.

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