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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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

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House of Lords

Thursday 5 March 2020

11 am

Prayers—read by the Lord Bishop of Salisbury.

Crown Prosecution Service: Rape Cases Question

11.06 am

Asked by **Baroness Gale**

To ask Her Majesty's Government what assessment they have made of the effectiveness of the Crown Prosecution Service in prosecuting cases of rape.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, the CPS is a partner in the ongoing cross-government review of the criminal justice response to rape. It has already accepted all recommendations in the recently published HM Crown Prosecution Service Inspectorate's *Rape Inspection 2019* report, and, together with the police, is developing a joint action plan that will address issues raised in the report and, in due course, the findings of the cross-government review.

Baroness Gale (Lab): I thank the Minister for his reply. Is he aware that rape victims are finding it increasingly difficult to access justice, as the police refer fewer cases to the Crown Prosecution Service and fewer allegations of rape are being prosecuted and convicted, according to new figures? The number of cases referred by the police for charging decisions fell by 32% in the year to September last year, while prosecutions by the CPS fell by 26% and convictions dropped by 21%, which is the lowest level in more than a decade. Does the Minister agree with the Director of Public Prosecutions, Max Hill, who said:

"I share the deep public concern over the growing gap between the number of rapes being reported, and the number of criminals being convicted of this sickening offence ... There is a clear need for end-to-end action to provide better support for victims of this devastating crime, and to bring more offenders to justice?"

The Minister mentioned the review. Can he say a little more about it, including when the findings will be announced and what action will be taken on it?

Lord Keen of Elie: My Lords, we are concerned by the reductions in the number of referrals for charge and in the number of prosecutions. That is why we are concerned to take forward the review, which we hope to complete this year. As regards the figures, I should perhaps point out that the volume of pre-charge receipts from the police fell from 3,375 in 2018 to 2,890 in the year ending September 2019. That is a decrease of just over 14%. There were 2,343 completed prosecutions in the year ending September 2019; again, I acknowledge that that was a fall from the previous year, when there were 3,034.

Lord Blair of Boughton (CB): My Lords, 35 years ago I published a book called *Investigating Rape: A New Approach for Police*. That book was based

around the theory of rape trauma syndrome, which leads victims to give accounts which are initially contradictory. It appears that the fall in rape prosecutions is because the prosecutors are finding discrepancies in the victims' accounts. Will the Minister explain to the House whether rape trauma syndrome is taught to prosecutors?

Lord Keen of Elie: My Lords, whatever the terminology may be, RASO prosecutors are trained in all of these matters, and when they come to apply the merits test in relation to such complaints they do so simply on the basis of the merits. Certainly the CPS is clear that victims and witnesses should never be discouraged or prevented from seeking therapy and counselling, whether before or during a trial process, and that the need for such counselling should be taken into account when addressing the evidence placed before the CPS.

Baroness Kennedy of Cradley (Lab): My Lords, the other day there were more media reports of young girls, raped as children, who cannot get justice because of the one-year time limit to commence proceedings for unlawful sexual intercourse set by the old Sexual Offences Act 1956. When I raised this question with the noble and learned Lord last October, he referred to the review that he has just mentioned to my noble friend. Do we really need a review to bring forward action to close this unjust loophole that is protecting rapists and not giving victims the justice they deserve?

Lord Keen of Elie: My Lords, I appreciate the concern that has been expressed in respect of this matter. We are taking forward the review but, in addition, we are also setting up a child sexual abuse stakeholder forum, which consists of survivor groups, key national charities and academics in order to address this issue.

The Lord Bishop of Winchester: My Lords, a recent study highlighted that only 25% of university students who had experienced rape went on to report it to their university or to the police. It is therefore of concern that, since 2016, 300 non-disclosure agreements have been issued by universities in response to student complaints, including assault and harassment reports. The Office for Students and Universities UK are working to improve the handling of harassment and misconduct by universities, but can the Minister advise the House when the Government plan to legislate against the misuse of NDAs by higher education institutions to ensure that students are not discouraged from reporting these assaults?

Lord Keen of Elie: My Lords, there has been widespread concern about the utilisation of non-disclosure agreements, not only in the context of university administration but across the board. It is a matter of concern, but I cannot at this time indicate a time for the introduction of legislation on the matter.

Baroness Burt of Solihull (LD): In its thematic review of rape cases, the CPS concluded that, if 58,657 allegations of rape were made in the year ending March 2019 but only 1,000 successful prosecutions followed, something must be wrong. It is not kidding.

[BARONESS BURT OF SOLIHULL]

The CPS points the finger at underresourcing and additional factors such as the growing evidential importance of digital media. The Minister has referred to the review: does he agree that it needs urgently to be carried out and that the resources, and legislation if necessary, should be provided to create a system fit for purpose and to restore justice for victims of this heinous crime?

Lord Keen of Elie: I concur with the sentiment expressed by the noble Baroness. On digital material, which has increased enormously in recent years, the CPS introduced a guideline in July 2018 which makes it clear that it should not be assumed as a matter of course that such digital material is looked at. However, we have launched a recent consultation on the revised disclosure guidelines. That will run until 22 April and I hope that those who have an interest in this matter will direct their comments to the Office of the Attorney General in that respect. With the recent increase in funds to the CPS, we have taken steps to increase the number of prosecutors by about 20% in order that we can be more effective in pursuing RASO prosecutions.

Health: Lesbian, Bisexual and Trans Women Question

11.14 am

Asked by **Baroness Barker**

To ask Her Majesty's Government what steps they are taking to improve health outcomes for lesbian, bisexual and trans women.

Lord Bethell (Con): My Lords, I welcome this timely Question ahead of the national LBT Women's Health Week. The Government remain committed to providing comprehensive healthcare for all, irrespective of gender or sexual orientation. Throughout the LGBT action plan, we are taking steps to ensure that the needs of LGBT people are placed at the heart of our services. While we have made significant progress, we are not complacent. We recognise that more must be done to continue improving access to and the provision of health services.

Baroness Barker (LD): I thank the Minister for that Answer. Despite a legal duty to be inclusive, there is growing evidence that LGBT women's health is neglected. Across all cancers, we have a higher incidence than our heterosexual counterparts. Will the Department of Health and Social Care work with NHS England to change commissioning standards and to monitor services and outputs for LGBT women?

Lord Bethell: The noble Baroness is absolutely right. The national LBGST survey and the recent GP patient survey indicate that health outcomes for LBT women are lower than average, and this causes concern. We are interested in finding ways of commissioning services so that that can be rectified. It is not just in cancer services but in smear tests and other areas of clinical provision.

Baroness Thornton (Lab): My Lords, the Minister's Answer gives me great optimism because it seems from the report by the Women and Equalities Select Committee in the Commons that there is an LGBT action plan on which the Government Equalities Office has the lead and which covers LGBT-inclusive healthcare, but it is separate from and not included in the NHS long-term plan. I think the Minister would agree with me that this is unhelpful. It seems to imply that the responsibility for LGBT-inclusive healthcare lies with the Government Equalities Office rather than with health and social care institutions. Will the Minister look into this and perhaps write to me about whether it is a good idea that this is the case, and perhaps suggest a solution to it?

Lord Bethell: I assure the noble Baroness that the LGBT action plan, which is, as she described, a detailed programme to address these issues, is delivered by Dr Michael Brady, the national LGBT health adviser, who works very closely with the NHS. LGBT issues are at the centre of the long-term health plan and will remain so.

Lord Lucas (Con): My Lords, will my noble friend please give particular emphasis to the needs of young people with gender dysphoria, to improving the services available for them and, in particular, to funding research into what courses of treatment lead to the best outcomes?

Lord Bethell: My noble friend is entirely right to raise the issue of adult gender dysphoria. Delays in finding the right consultations are of concern to the Government. Those delays have an impact on the mental health of those concerned. It is a focus of the LGBT action plan, and I would be glad to update my noble friend as progress is made.

Baroness Brinton (LD): My Lords, last year's Women and Equalities Committee report, *Health and Social Care and LGBT Communities*, recommended:

"Training can be the first exposure that students have to LGBT health needs. All registration bodies should ensure that case studies ... does not play into stereotypes. Registration bodies should develop these case studies in cooperation with local LGBT organisations."

Can the Minister tell the House whether organisations are now following this advice?

Lord Bethell: The noble Baroness is entirely right to ask about training, which is at the heart of our LGBT action plan. NHS England has funded the Royal College of Physicians to develop the UK's first accredited training course on gender medicine and has developed online and video content to help to create the type of training we believe will have an impact. The training of the workforce and its awareness of LBGST needs will be at the heart of improvement in this area. That is why we are focusing our efforts on training.

Baroness Barker: My Lords, the Government funded Dr Michael Brady's post but he does not actually have any authority to bring about change in the NHS. Does the noble Lord agree that such change will come about only when its leadership and the various medical

professional bodies admit the present failings towards women? Women are dying as a result. There needs to be change and that change needs to be urgent.

Lord Bethell: I assure the noble Baroness that there is full recognition and awareness of and concern about this issue. The impact of Dr Michael Brady, whom I spoke to yesterday, is profound. He has a very high profile within the department, and the work he has done is valued and will make an impact.

Lord Hunt of Kings Heath (Lab): My Lords, is this not an illustration of the problems with the NHS's current structure? Ministers can proclaim anything they like from the Dispatch Box, but at the moment, they do not control what is happening in the NHS. It is time for Ministers to restore their power of direction over the NHS.

Lord Bethell: The noble Lord makes an interesting point, but it is simply not true that Ministers do not drive change or have an impact on reforms in the NHS. We have a profound and energetic reform agenda, and it is being driven through with energy and determination.

Sub-postmasters: Compensation

Question

11.20 am

Asked by **Lord Arbuthnot of Edrom**

To ask Her Majesty's Government what assessment they have made of the level of compensation received by sub-postmasters as a result of the Horizon accounting system litigation, as compared to the losses those sub-postmasters incurred due to Post Office Ltd's policies.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, while the Government are pleased that a resolution has been reached on this difficult matter, the Post Office led the mediation and the Government were not party to it. While the financial settlement is a major step toward resolving some of these grievances, there is much more for the Post Office to do, including resetting its relationship with postmasters and addressing historic shortfalls for postmasters who were not part of this group litigation.

Lord Arbuthnot of Edrom (Con): My Lords, I am grateful to my noble friend. Many of your Lordships will have been delighted to hear the Prime Minister say last week in Prime Minister's Questions that there would be an independent inquiry into what he described as the Post Office Horizon IT system "scandal". Can my noble friend give us details of that inquiry, in particular of how it will be independent of not only the Post Office but the Government?

Lord Callanan: First, I pay tribute to my noble friend for rightly pursuing these matters with dogged determination. We probably would not be where we are today without his work and that of many others on this issue. The Government recognise the strength

of feeling about the negative impact that the court case has had on postmasters. As my honourable friend, Paul Scully MP, announced at BEIS Oral Questions on Tuesday, we are looking into what needs to be done. We will outline the next steps following the Prime Minister's announcement as soon as possible.

Baroness Burt of Solihull (LD): My Lords, we on these Benches welcome the Prime Minister's commitment to an independent inquiry into what he described as a "scandal". We hope that those who did not take legal action will get full and rapid compensation, though I appreciate the Minister's comments on the set-up. But no compensation can make up for the emotional trauma and loss of reputation, livelihood and health that has cost people dearly. Will the Minister agree, like us, to press for full compensation as well as restoration of moneys lost?

Lord Callanan: The noble Baroness makes an important point. In the near future, a scheme will be announced with the aim of addressing the historic shortfalls for postmasters who are not part of the group litigation. The Government will challenge and monitor the progress of this scheme. There is also the important issue of people convicted of offences: 57 cases have been referred to the Criminal Cases Review Commission. If a case is referred to the Court of Appeal and a conviction is overturned, there are avenues for people to pursue compensation there as well.

Lord McNicol of West Kilbride (Lab): My Lords, I want to follow up on the point made by the noble Lord, Lord Arbuthnot. At Prime Minister's Questions, as has been said, the Prime Minister committed to an independent inquiry on the back of a Question from Kate Osborne about whether he would launch such an inquiry. The Prime Minister said that he would follow up on that but No. 10 communications later said that no decisions had been taken with regard to a specific independent inquiry. I was not clear from the Minister's earlier answer whether we are going to progress with an independent inquiry to get to the bottom of this matter. We had a very good debate in the Moses Room on it last week, and a lot of information came out. Can the Minister say whether there will be an independent inquiry and, if so, what its timescale will be?

Lord Callanan: We agree that there needs to be a full examination, with due rigour, of what happened and what the next steps will be, but I cannot go further than the answer that I gave earlier to my noble friend—that, as soon as we can, we will announce the next steps following the Prime Minister's announcement.

Lord Howell of Guildford (Con): My Lords, it is possibly worth remembering in this case that a major national organisation running a public service has stamped on and destroyed the lives not merely of local innocent people but of local people who are key members of their communities, serving those communities and doing their best to maintain the community spirit. Can this matter be addressed with intense urgency? Otherwise, some very sad personal tragedies will follow.

Lord Callanan: My noble friend is absolutely correct and I agree with what he says. There were a number of tragedies and some people committed suicide as a result. There is no question but that the Post Office management at the time behaved disgracefully but none of them is now in post. It is very important that we get on with these matters as quickly as possible. Some of them are subject to the judicial process, which my noble friend will know I cannot comment on, but I hope that there will be a resolution as soon as possible for these sad, unfortunate individuals.

Lord Hain (Lab): What lessons have the Government drawn from this? This is a public corporation that has acted in an authoritarian way to trash the reputations of pillars of the community—people who are respected in the local community. There must be some lessons to be drawn by the Government. What are they?

Lord Callanan: The noble Lord is entirely right: a number of lessons need to be drawn. The Post Office is an independent company where the shareholding is owned 100% by the Government, and we appoint an independent director to the board. During the unfolding of this scandal, BEIS officials were clearly misled by the Post Office and the information provided was not correct. We are looking at a new governance framework to address these matters going forward and, again, an announcement on that will be made in due course.

Baroness Redfern (Con): My Lords, it has been acknowledged this morning that the PM said a few days ago that we need to get to the bottom of the matter. Does the Minister agree that an inquiry needs to begin sooner rather than later and that its scope should include the possibility of changing the police records and decriminalising those who were falsely accused?

Lord Callanan: I hope that we can get the matter resolved as quickly as possible. The work of the CCRC is important and the Government cannot interfere in it. I understand that decisions on this issue are expected fairly soon and will then have to go back to the Court of Appeal. I think we all wish that the judicial process could be speedier at times but we have to let these matters take their course. However, I take on board my noble friend's concerns.

Lord Polak (Con): My Lords, in a previous discussion on this issue, I asked the Minister about the role of the Government's non-executive director on the board of the Post Office. In reply, he said:

"His role has evolved from a perhaps more passive approach to a much more active one going forward."—[*Official Report*, 4/2/20; col. 1711.]

Can my noble friend tell us what this new active approach of the Government's non-executive director is?

Lord Callanan: My noble friend makes an important point. As I said in response to an earlier question, we are looking at the framework of the decisions. This is not just about the role of the non-executive director; it is about the whole oversight of the organisation by BEIS—how we improve the governance and monitoring of what is, in effect, an independent company. Operational

decisions are a matter for the board of the Post Office, but clearly the fact that I am standing here in front of your Lordships answering questions now shows that it is a company owned 100% by the Government. Lessons need to be learned and we need to get to the bottom of this. I have spoken personally to the new chief executive of the Post Office, as have other ministerial colleagues, and we are satisfied that he now has a grip on the situation. The accounting system has been improved and the board is co-operating fully with the work of the Criminal Cases Review Commission, as indeed it should.

Gambling Commission: Problem Gambling Question

11.29 am

Asked by **Lord Beecham**

To ask Her Majesty's Government what steps they will take to support the Gambling Commission to address problem gambling.

Lord Beecham (Lab): My Lords, the Gambling Commission reports—

Noble Lords: Oh!

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con): I thought maybe I was going to get two Questions in one.

My Lords, we are committed to reducing gambling-related harm and we are working closely with the Gambling Commission to do that. We have strengthened many protections in the last year, cutting stakes on FOBTs, tightening online age and identity checks, and announcing a ban on credit card gambling. We are carefully considering the recent recommendations from the National Audit Office and we have committed to review the Gambling Act to make sure that it is fit for the digital age.

Lord Beecham: My Lords, I apologise for rushing my Question. The Gambling Commission reports that the number of problem gamblers is now 430,000—an increase of more than 100,000 since 2012—and that the number in danger now exceeds 2.3 million, including 11.5% of those who use machines in bookmakers' premises: a 50% increase since 2012. In addition to any measures to control the industry, what steps will the Government take to inform and reach out to members of the public, especially those at risk, and to ensure that support, including medical support where relevant, is available to them?

Baroness Barran: There are a number of elements in the noble Lord's question. On the number of problem gamblers, he is quite right that it has become much easier to gamble and there is a lot of sponsorship and advertising around gamblers. The percentage of problem and at-risk gamblers has actually stayed very stable over the years, but the Government have a manifesto commitment to review the Gambling Act to make sure

that it is fit for the digital age. The noble Lord will be aware that significant investment is being made through the NHS in specialist treatment clinics for problem gamblers.

Baroness Manzoor (Con): My Lords, gambling addicts can accumulate a significant amount of debt and in order to pay it off, they are sometimes taking out personal loans and credit cards. What are the Government doing by way of working with the banks and financial institutions to identify and address the issue and curb this, as it is increasing? I declare an interest as the chairman of the Financial Ombudsman Service.

Baroness Barran: I thank my noble friend for her question. On the risk of problem gambling, all operators will have to join GAMSTOP, the one-stop online self-exclusion scheme that will come into effect at the end of this month. As she will be aware, the Government announced the banning of credit card gambling, which is extremely important because less than 1% of the population are problem gamblers but 22% of credit card gamblers were found to be so. I look forward to talking to my noble friend more about what else we can do in relation to the financial services industry.

The Lord Bishop of St Albans: My Lords, at a time when the NHS is facing such unbelievable pressures from the coronavirus, it is also having to set up 14 gambling clinics across the country to try to deal with this situation. The industry has a gross gambling yield of £14 billion a year. Is it not time to bring in a statutory levy, so that the polluter pays for the damage being caused?

Baroness Barran: I thank the right reverend Prelate for his suggestion. There are currently no plans to introduce a statutory levy. As he will be aware, the gambling companies make a major contribution of about £3 billion in tax. The concerns around a statutory levy would be the same for gambling as for tobacco or alcohol, which also carry huge health risks, so there are no current plans to proceed with that.

Lord Foster of Bath (LD): My Lords, the NAO recognises that the Gambling Commission is a small body struggling to keep up with a fast-changing industry, but surely there are some things it could be doing. For example, an increasing amount of gambling is taking place online, which is a growing issue for problem gamblers; yet although we have stakes and prize limits for land-based gambling products, there are none for similar online products. Can the Minister explain why not?

Baroness Barran: I cannot explain why not today, but consideration will be given as to whether that is in scope of the legislative review. As I said, one of our tasks is to ensure that the legislation is completely relevant for the digital age.

Lord Griffiths of Burry Port (Lab): My Lords, first, I echo what the right reverend Prelate has said about a levy. We must steel ourselves to the outcry from the gambling industry, and just do it. It has to pay for all

the costs that have been transferred to the NHS, and that is that. It is time that the Government expressed a degree of urgency on that question. Secondly, last week the National Audit Office report concluded:

“The Gambling Commission is a small regulator in a challenging and dynamic industry”

and is

“constrained by factors outside its control”.

Can the Government strengthen this small regulator and give it teeth and a course of action that will lead to better regulation from within the industry, rather than us tiresomely having to bring these concerns again and again to the attention of the House?

Baroness Barran: I am sorry to repeat myself but clearly, our review of the Act, about which there is great urgency, is a key part of this. We work closely with the commission to ensure that it has the funding it needs in the way that it needs it, in order to fulfil its task. We recognise that its principal focus recently has been on the regulation of online gambling, which is more complicated and resource-intensive. The Government are absolutely open to discussing suggestions from the commission to improve its position.

Sentencing Bill [HL]

First Reading

11.37 am

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

Business of the House

Motion on Standing Orders

11.37 am

Moved by Lord Ashton of Hyde:

That Standing Order 46 (*No two stages of a Bill to be taken on one day*) be dispensed with on Wednesday 11 March to allow the Supply and Appropriation (Anticipation and Adjustments) Bill to be taken through its remaining stages that day.

Lord Adonis (Lab): My Lords, on the Motion, will the Chief Whip comment on the story on the front page of the *Times* today that the House, and indeed Parliament as a whole, might be suspended for six months because of the coronavirus? Is he aware that this would be regarded as a very bad move by almost all Members of the House and would send a terrible signal to the country about the way in which we are treating the crisis that we face? He will be aware that Parliament sat all the way through the war, and indeed through the Spanish flu epidemic of 1918-19. Surely the best advice that we can give ourselves is to keep calm and carry on.

Lord Blunkett (Lab): My Lords, I support what my noble friend Lord Adonis has just said. From my experience of almost 20 years ago, following the attacks of 11 September 2001, I know that the one thing that

[LORD BLUNKETT]

we have to avoid is alarming people. I cannot think of anything that would alarm the nation more, and damage both individuals and our economy, than Parliament failing to sit because of the coronavirus. I hope that, united as we appear to be, we can send a message to the other place that we want a sensible, rational and balanced approach, which so far the Government have been achieving.

Baroness Smith of Basildon (Lab): My Lords, I do not wish to prolong the debate, as there is lots of information we do not yet have, but there are two issues on which I seek assurance from the noble Lord. First, if any action at all is to be taken in restricting access to Parliament, or in any way restricting our work, it should be taken only on the advice of the Chief Medical Officer and with the approval of Parliament.

Secondly, if at any point the virus leads to any restriction on how Parliament works, the Government will need to put in place plans to ensure that democracy continues. That is the point being made by the noble Lords, Lord Adonis and Lord Blunkett. I understand that the No. 10 briefing points out that there could be a quorum of 100 MPs. The quorum is currently 40, so the article does not make much sense, but we should ensure that both Houses of Parliament can operate. I hope the noble Lord gives some information about the plans being drawn up by Downing Street for the worst-case scenarios.

Lord Newby (LD): My Lords, I support the comments from other noble Lords, particularly the noble Lord, Lord Blunkett. It is important that Parliament sets an example to the nation. If the coronavirus were to be so devastating that we have to close every organisation that brings several hundred people together, it would devastate the economic and social life of the nation. So far, there is absolutely no evidence to suggest that that would be necessary for the rest of the nation. For Parliament to appear almost to be taking the lead in wishing to hide away is a very bad signal to the rest of the country. Can the noble Lord assure us that that approach will not be followed by the Government?

Lord Cormack (Con): My Lords, I have advised my noble friend that I would try to raise this and I strongly support what has been said. There may be a case for restricting the number of people who sit in the Galleries—everybody has access to Parliament through the television—but for Parliament itself to abdicate would be entirely wrong. Never has it been more important to hold the Government to account and to hear what they are proposing to do.

In that context, I raise a second point, of which I have again advised my noble friend. I was appalled to see that we are going to have weekly updates of the statistics. We have been having them daily, and we have been told where the outbreaks are. It is very important that we are kept fully informed and that Statements are made regularly in both Houses, so that we can question the Government. I strongly urge my noble friend to say that the daily update will be maintained and that there will be no question whatever of the suspension of Parliament in the foreseeable future.

Lord Ashton of Hyde (Con): My Lords, I am pleased to answer those questions on this important matter. Although they are not directly connected to the Supply and Appropriation (Anticipation and Adjustments) Bill, I understand that this was an opportunity for noble Lords to raise these important issues. Let me make it clear that there are no plans to close down the House or Parliament, as was reported this morning in the papers. I agree with the noble Lord, Lord Adonis, that Parliament has proved itself to be very resilient over the years and centuries. There is no reason at the moment to think that shutting Parliament would be either necessary or helpful. As the Secretary of State made clear yesterday at the all-Peers briefing, our approach will be guided by the latest scientific and medical advice, which addresses the question the noble Baroness asked. We will take all necessary measures to deal with this outbreak. I believe the Chief Medical Officer said at the Health and Social Care Committee today that he sees no reason why Westminster needs to close, at this point.

I reiterate that, importantly, we will take advice from the Chief Medical Officer for England and from his colleagues in the devolved Administrations; there is, if you like, a college of Chief Medical Officers. Those noble Lords who went to the briefing yesterday will know that he was, first, reassuring and, secondly, able to express the position clearly. We will follow the Chief Medical Officer's advice, and I assure the House that we are engaging with the parliamentary authorities to emphasise how important it is that any decisions are taken in line with his advice.

11.45 am

I can also announce that Public Health England has set up a hotline for Members of the Houses of Parliament. Details of that hotline will be circulated by the Whips Offices and the Convener's office. As far as organisation and planning are concerned, a cross-parliamentary group of senior managers meets daily to plan the response and ensure business continuity, with input from the Government. The Lord Speaker is in regular, if not daily, contact with his opposite number in the Commons. The Commission is also meeting jointly with the Commons Commission and will consider this on Monday.

The noble Baroness the Leader of the Opposition asked about the Chief Medical Officer; I think I have answered that. As for making democracy available in all cases, we agree; we are concerned that democracy should continue. After all, we have a large democratic mandate that we wish to fulfil. I will take that point back and make sure that there are plans to do so, but I cannot give specific details of what those plans will be at the moment.

My noble friend Lord Cormack asked about continuity and daily updates. As far as I am aware, the health professionals have moved the advice from a daily to a weekly basis, so we are following that. Regular statements on the intranet for Parliament are being updated daily as well. I think I have answered his question on Parliament.

Baroness Smith of Basildon: I am grateful to the noble Lord for his response, which I think is as full a one as he is able to give at the moment. Can I press him slightly on this, as these will be political as well as

medical decisions? There has been concern following the newspaper articles, because we have seen the unlawful prorogation of Parliament in the past. Can he commit to keeping the usual channels and the House updated on any plans and discussions that take place? I think we are largely reassured by his commitment that Parliament should do everything it can to maintain its role, both for the message that sends and for its important role in holding the Government to account.

Lord Ashton of Hyde: I certainly can confirm that we will keep the usual channels and the House updated. Noble Lords will appreciate that in the last two days there has been a Statement, with extra time made available for questions, and yesterday there was an all-Peers briefing from the Secretary of State and the Chief Medical Officer, so up to now we have made efforts to keep the House informed. I understand the point about democracy. As far as I understood it from the Chief Medical Officer yesterday, there are cycles in this virus and we will take account of them in our response. I absolutely take the point that democracy should not be avoided because of this virus.

Motion agreed.

Business of the House

Timing of Debates

11.48 am

Moved by Lord Ashton of Hyde:

That the debate on the motion in the name of Lord Young of Norwood Green set down for today shall be limited to three hours and that in the name of Baroness Morris of Yardley to two and a half hours.

Motion agreed.

High Speed Rail (West Midlands-Crewe) Bill

Membership Motion

11.49 am

Moved by The Senior Deputy Speaker

That, as proposed by the Committee of Selection, the following members be appointed to the Select Committee:

Brabazon of Tara, L, Goddard of Stockport, L, Haselhurst, L, Hope of Craighead, L (Chair), Horam, L, Liddle, L, Snape, L.

That the quorum of the Committee be four;

That the Committee have power to meet outside the Parliamentary Estate;

That the evidence taken by the Committee be published, if the Committee so wishes; and

That the Report of the Committee be printed, regardless of any adjournment of the House.

Lord Berkeley (Lab): My Lords, I offer a few words of congratulation to the noble Lords appointed to this committee. With previous Select Committees, the House

of Lords has really done very well in listening to petitions and coming up with recommendations. It is particularly important for this phase, which is much shorter than the first one. I hope that noble Lords, when they consider the petitions, will listen not only to the promoters but to the petitioners, because many of the issues are particularly dear to me as a civil engineer. They are to do with ground settlement, how many lorries are needed to move spoil through villages and things such as that. As the committee will know, the Prime Minister, in his Statement two or three weeks ago that set the project in train, was critical of some of the work done by HS2. So my plea to noble Lords on the committee, apart from wishing them well, is to listen to petitioners, give them time and listen to the evidence—I know that they will—rather more than sometimes happens in the Select Committees of the other place, where everybody is in a hurry. Here, I hope that they will listen and read the speeches from two or three days ago from the Members of Parliament who set this project moving again after the election.

Baroness McIntosh of Pickering (Con): My Lords, recently I met a lady whose farm will be split in two by the high-speed rail link. I wonder what the remit of the committee is, and whether it is possible within that remit to consider mediation as a form of settling compensation where it is impossible for the parties to agree. I understood from this lady that any potential compensation claim could lead to a court litigation fee of £200,000, which is money she did not have—and obviously, if she lost the case, she would also have to cover the litigation costs of the developers. Could this be covered by expanding the remit of the committee at this stage?

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, I thank noble Lords for their good wishes to the committee—I am sure that it will accept that with alacrity. Its purpose is to consider petitions against the Bill submitted by those directly and specifically affected by it. When it has finished its work, the Bill will return to the House for further consideration in the normal way. The committee can consider only those issues brought to it by the petitioners.

As noble Lords know, the principle of the Bill was agreed by the House when it gave it a Second Reading on 9 September last year; the House subsequently agreed to its revival on 25 February this year. On the point made by the noble Baroness, Lady McIntosh, any proposal to make major changes to the route would require an additional provision which committees in the second House do not normally consider. This committee would not be empowered to consider a proposal amounting to an additional provision unless the House instructed it to do so.

Finally, the chairman of the committee is the noble and learned Lord, Lord Hope of Craighead, with whom I have worked for the past three and a half years. He is rigorous, logical and very courteous, and he ensures that every detail is analysed. We have every confidence in this committee doing its work under his chairmanship.

Motion agreed.

Flybe Statement

11.53 am

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, with permission, I will now repeat a Statement made in the House of Commons by the Minister for Aviation earlier today. The Statement is as follows:

“With your permission, Mr Speaker, I would like to make a Statement about the collapse of Flybe. In the early hours of this morning, Flybe ceased trading. This was a commercial decision by the company, and Flybe has filed for insolvency. UK airports handled 9.5 million Flybe passengers in 2018, with 80% of these travelling within the UK. An estimated 15,000 passengers were due to fly today, so our immediate priority is to support passengers travelling home and employees who have lost their jobs. Flybe has had a challenging year in terms of its financial performance, with a decline in bookings and increased competition.

Levelling up connectivity across our regions and nations is a top priority for this Government. We are driving forward HS2 and Northern Powerhouse Rail, we have announced a £5 billion funding package for bus and cycle links, and we are investing £6.6 billion to improve the condition of local highway networks between 2015 and 2021. We are undertaking a review of regional connectivity to ensure that the UK has the domestic transport connections that local communities rely on, including regional airports. The Treasury is also reviewing air passenger duty—APD—to ensure that regional connectivity is supported while meeting the UK’s climate change commitments to meet net zero by 2050.

These measures featured in conversations with Flybe back in January, and in turn it agreed to continue operating. Since then, we have been working tirelessly to explore multiple options with Flybe’s shareholders to find a solution. Flybe outlined that problems with its business have been compounded by the outbreak of coronavirus, which in the last few days has resulted in a significant impact on demand. The directors therefore decided that it was not viable to keep Flybe operating. Unfortunately, in a competitive market companies do fail. It is not the role of government to prop them up.

Given the time of year, the nature of Flybe’s business and fleet and the routes it flies, sufficient alternative transport arrangements should be available, with other airlines or by road and rail. The number of passengers abroad is small and is further reduced as a result of coronavirus. For those passengers who are abroad, there is sufficient capacity on other commercial airlines to return to the UK. The Civil Aviation Authority and the Secretary of State are encouraging these airlines to offer rescue fares, and this is already happening. I would like to thank those, including easyJet, which has today announced that it will offer Flybe passengers a dedicated rescue fare up to the end of May.

We are working with bus and rail operators to support Flybe passengers in getting to their destination, and I am extremely grateful that the Rail Delivery Group has this morning confirmed that all operators are offering free travel to Flybe staff and passengers for a week, free of charge.

For passengers due to fly with Flybe in the next few days, I would ask that they do not turn up at the airport. They should instead please look at the website set up by the Civil Aviation Authority and talk to their travel agents, travel insurance providers and credit card companies. For those who do arrive at UK airports today, we are making government representatives available to offer support and provide information to passengers affected.

I would like to express my sincere sympathy to those who have lost their jobs as a result of this failure. This will include crew, engineers, technicians, staff at Flybe headquarters in Exeter, and others. We understand that this must be a very worrying time for workers and their families. The Department for Work and Pensions stands ready to support anyone affected by the closure with its rapid response service offer. This will be available to all those affected through local Jobcentre Plus outlets. Additionally, in the event of any redundancies, there are special arrangements for employees who are owed redundancy pay and other payments by their insolvent employer. The redundancy payments service in the Insolvency Service can pay certain amounts owed to the former employees from the National Insurance Fund. I will work with my ministerial colleagues to ensure that any redundancy payments are paid to affected employees as soon as possible.

We recognise the impact that this will have on UK airports, particularly those which have large-scale Flybe operations. Government stands ready to support this sector, and I have full confidence that it will respond as effectively as it always has. We are urgently working with industry to identify opportunities to fill routes and I have spoken to airlines today to emphasise this. Globally, aviation is facing challenges due to the impact of coronavirus. The Government are well prepared for this, and as the wider economic picture becomes clearer, the Chancellor has said that he stands ready to announce further support where needed. I will be chairing a round table with members of the aviation industry next week to discuss the issues presented by coronavirus.

I would like to take this opportunity to thank passengers for their patience and make known my appreciation for the work undertaken by everyone who has again stepped up to ensure that passengers and local communities are supported. We will continue to work across government to ensure that both passengers and staff are able to access the information and services they require at this sad and challenging time.”

My Lords, that concludes the Statement.

11.59 am

Baroness Hayter of Kentish Town (Lab): My Lords, I thank the Minister for repeating the Statement. This collapse could have very serious consequences, not just for those currently stranded here or abroad; not just for employees—the ground staff at airports as well as direct employees—and not even just for the insurance industry. This collapse has longer-term consequences, particularly for our regions, heavily reliant on connectivity for employment, tourism and travel. I need hardly say that with the almost certain economic impact of coronavirus and travel changes after 31 December, the loss of a major transport link could have particularly serious consequences.

Any attempt to blame this collapse on the coronavirus will not wash. Transport experts had been warning about the state of this company well before the first cough, and the Government must explain why a proper plan was not in place before recent events. We have been here before with passengers affected by the collapse of Monarch and Thomas Cook. This case is worse for some, with fewer passengers travelling on packages and therefore not necessarily ATOL-protected. We welcome what is being done in the short term to get passengers home, but there is also the loss of holidays and other associated costs. Can the Minister spell out the plans to assist those passengers beyond mere transport? Also, how does the Government plan to re-establish trust in the industry, which is taking a serious hit? Given that the CAA has sustained funding cuts under this Government, can the Minister confirm whether any additional financial support will be provided to enable it to support passengers following Flybe's collapse?

The impact of this on the regions and nations of the UK cannot be overestimated: 80% of flights at Belfast City Airport are operated by Flybe, 95% at Southampton, 50% at Humberside and at Wick, and 100% at Anglesey, with 30 other airports affected. Many of these provide critical connectivity, often where there is no realistic alternative to flying. Indeed, some of these smaller airports might now themselves be at risk. The impact on small businesses could be devastating. Can the Minister outline the support that will be made available to communities, and could she confirm that the Government will meet urgently with local authority representatives and airport operators to agree a package of central government help?

Passengers, local economies, and of course 2,000 employees face a difficult time ahead. Can the Minister confirm what engagement the Government have had with Unite and BALPA today and give an undertaking that the Government will play a full role, alongside Unite and BALPA, to help Flybe workers find new jobs?

The talk of HS2, bus and cycle lanes in the Statement sounds woefully misplaced in this context. That will not help Cardiff and the south-west, and they certainly will not help Belfast. The words

“The Government are well prepared”

for the impact sound hollow today, as an airline folds due to a slight downturn in bookings. The impact on consumer confidence, on the likelihood of passengers and businesses continuing to book flights, and on their concerns about cancellations and loss of money must not be underestimated. Will the Government agree to engage with the relevant user and consumer groups, so they can also play their part in rebuilding consumer trust and ensuring that passengers are treated fairly?

Baroness Randerson (LD): My Lords, I thank the Minister for the Statement, which comes at a time of huge concern in the aviation industry. When Flybe first publicly hit problems a couple of months ago, the Government wildly overpromised the help that was on offer, or potentially on offer. It turns out that virtually none of that help was possible, partly because of the concern in the rest of the aviation industry about fair

competition but also because the Government, for one reason or another, have not been able to offer money on reasonable terms to the company.

All the grand schemes in the world will not help the people who are losing their jobs today or who are being cut off from the regular routes that they use which are important either to their families or to their businesses. In this Statement the Government repeat some of these grand, long-term promises—but, to be fair, that is actually irrelevant at this time.

On competitive market companies that fail, the Statement is really surprising, given the Government's response couple of months ago. It says:

“It is not the role of government to prop them up.”

But two months ago, the Government were offering assistance that effectively was promising to do that. Shape shifting will not help the market. What help, if any, did the Government, in the end, provide to Flybe? Was Flybe able to defer the payment of any taxes, or was that not possible?

Beyond the concerns for Flybe employees and the passengers who have paid money for flights, amply outlined by the noble Baroness, Lady Hayter, there will be a very serious knock-on effect at smaller regional airports in the UK. Some of those airports could also find they cannot continue operating. The Statement says:

“Government stands ready to support this sector.”

Exactly how will the Government offer help to this sector? There is a danger that the Government are offering more help that actually cannot be implemented in the end.

The importance of Flybe has been overwhelmingly in its routes to isolated parts of the UK. Some such routes in the UK have PSO status, but only one is a Flybe route: the Newquay to Gatwick route. France has 22 PSO routes, so, even if we are still working to EU rules on this, I ask the Government to reconsider the number of internal routes that are given PSO status, because that is what will provide long-term certainty and a long-term levelling up for parts of the country that are very isolated.

Coronavirus is undoubtedly a factor in tipping this company over the edge probably slightly earlier than would otherwise have happened, and there will be other cases.

Lord Foulkes of Cumnock (Lab Co-op): Look at the time. This is a Statement, not a debate.

Baroness Randerson: The two Opposition Front Benches are allowed 10 minutes, and I would like to finish what I am saying. Coronavirus will tip other transport operators into difficulties as well. Especially at this time, when we are expecting a large number of people to need healthcare, I ask the Government what measures they are putting in place to help the transportation of NHS patients from the Isle of Man to hospitals in Liverpool, which is a role that Flybe has undertaken up to now. This is a very specific concern.

Baroness Vere of Norbiton: I thank both Front-Benchers for their contributions; a number of very important issues were raised, some of which I can agree with and

[BARONESS VERE OF NORBITON]

some of which I probably cannot. I think that all noble Lords will agree that the loss of Flybe is a significant hit to regional connectivity, and we must work with the regions to make sure that people are able to get to where they need to go. I am a little concerned that there seems to be much focus on regional connectivity and just air travel, but there are several ways of travelling from the regions. The noble Baroness, Lady Hayter, mentioned the south-west. The south-west does have trains and does have coaches; there are other ways to travel. The Government are undertaking a review of regional connectivity which will focus on aviation but will cover all modes of transport to understand exactly how the regions can interconnect.

There are two things—this was raised also by the noble Baroness, Lady Randerson—about connectivity. It is not enough to get connectivity between airports; we must also make sure that there is good access to the airports and the train stations. Of course, this is all top of mind within my department.

The noble Baroness, Lady Hayter, mentioned the passengers who have booked flights, and whether they will be able to get their money back. This is a private sector company, and it concerns all of us that some people may not have adequate protection. This will once again highlight, as other failures have in the past, the importance of having insurance. Some passengers will have ATOL cover. Others who have paid by credit card may be able to get their money back under Section 75 of the Consumer Credit Act. Some passengers may be able to claim a refund by applying for chargeback, if they paid by debit card. Passengers can seek additional information and advice from Citizens Advice or Advice Direct Scotland.

The noble Baroness, Lady Hayter, mentioned CAA resources; the CAA outlines the adequacy of its resources every year in its annual report. It is working within its current resource envelope in order to staff the failure of Flybe, and we are not aware that it has any concerns.

The Government are, of course, working very closely with all of the airports. A number of airports were heavily reliant on Flybe flights. We are working very closely; my colleague the Aviation Minister has already called the airlines and the airports this morning, and that engagement will continue. Later today, she will be calling key figures, either metro mayors or local authorities, where appropriate.

In terms of protections for employees, both of Flybe and of the different airports, the DWP does stand ready to offer support. It has been in touch with both BALPA and Unite already today and is working with them.

One of the points from the noble Baroness, Lady Hayter, made me feel that she is very much in favour of aviation. However, Labour wants to include a frequent flyer levy, which would have a significant damaging impact on aviation. Should Labour wish to retain its goal of net zero by 2030, I think it was the GMB that said that that would mean one flight every five years for people. So I am not entirely sure that Labour can be the great champion of aviation; should it ever come to power it would indeed decimate it.

The noble Baroness, Lady Randerson, mentioned PSOs. Those will be really important going forward and will be one of the key levers in the way we will be able to improve connectivity. We are looking at all options for expanding the scope of PSO policy. As we leave the European Union, the different rules we will be able to put in place will certainly be hugely beneficial to various places. On her specific question on transport from the Isle of Man to Liverpool, I will need to write forthwith.

Lord Kilclooney (CB): My Lords—

Lord Empey (UUP): My Lords—

Viscount Younger of Leckie (Con): My Lords, there will be plenty of time for Back-Bench questions, and I urge noble Lords to keep them short.

12.14 pm

Lord Kilclooney: My Lords, the Minister referred to alternative bus and rail routes. As has already been mentioned, 90% of the flights from Belfast City Airport are by Flybe. Northern Ireland has no bridge or canal link with Britain. Will the Minister bring to the Chancellor of the Exchequer's attention before the Budget the need to abandon air passenger duty on flights from Northern Ireland?

Baroness Vere of Norbiton: The noble Lord raises an interesting point. Air passenger duty is under review by Her Majesty's Treasury, as indeed are all taxes. The Conservative manifesto set out our commitment to consider the devolution of short-haul APD in Northern Ireland. We will work with the restored Executive to consider any proposals submitted for the devolution of short-haul APD. This builds on our recent call for evidence and our work with a technical working group that we have established to look into the operational and possible legal challenges around the devolution of short-haul APD.

Lord Hay of Ballyore (DUP): My Lords, our deep concern in Northern Ireland is very much Belfast City Airport. The company operates 14 scheduled flights out of Belfast, carrying 80% of all scheduled passengers out of Belfast and 1.6 million passengers from Belfast to destinations across the United Kingdom. This is very serious economically for Belfast City Airport and will be a devastating blow. Do the Government have any plans to engage with the Northern Ireland Assembly, the First Minister or the Economy Minister in the Assembly to try to find alternative operators for the routes that have all now been abandoned?

Baroness Vere of Norbiton: The Government are working extremely hard to find replacement operators for as many routes as possible. We are confident and have already this morning had proactive responses from various airlines about picking up routes. Returning to the question of the Isle of Man, which is serviced by British Airways and easyJet at the moment, the Isle of Man Department of Infrastructure is looking at contingency plans to replace the medical link previously provided by Flybe.

Lord Berkeley (Lab): My Lords, several years ago the Government agreed a PSO for the service between Newquay and London, as other noble Lords have said. That means guaranteeing four flights a day, in my book. What will the Government do now to find another operator? How long will that take? It is easy to say that there is a train and a bus—you can even cycle, I suppose—but the Government agreed this PSO because they thought it necessary.

Baroness Vere of Norbiton: I hear completely what the noble Lord is saying. The route from Newquay to London is clearly incredibly important, which is why it has attracted a PSO, so we are looking at a replacement operator. We hope one will be able to step up. The local authority can select a new provider for seven months, then re-tender.

Lord Trefgarne (Con): My Lords, having once worked as a pilot flying domestic services out of Southampton, among other places, I am pretty sensitive to what has happened. Can my noble friend say what public funds have so far been made available to Flybe? Will they be recovered?

Baroness Vere of Norbiton: My noble friend raises an interesting point, because there is a lot of misconception around what happened in January and what public funds were or were not made available. The conversation in January focused on a number of commitments from the Government, which included a review of air passenger duty, the review of regional services and a time-to-pay agreement, which any business can enter into with HMRC to get through a short-term cash-flow difficulty. Not a single penny of taxpayers' money was given to Flybe. In return for looking at those things, the shareholders put in additional cash to get Flybe through its operational difficulties. It is those same shareholders who have now concluded that Flybe has no long-term future.

Lord Empey: My Lords, if the normal public service obligation process is used, it will take a long time. Will the Minister consider a short-term use of a PSO to keep some of the critical routes open while negotiations to get long-term operators continue? We have a perfect storm whereby all airlines are suffering because of the virus and because this is a very difficult time of year for them. As has been pointed out, in Belfast between 80% and 90% of the flights are Flybe. There are some critical routes, and we have no alternatives. I appeal to the Minister to bring in a special type of PSO in the short term to keep some of these key routes going while negotiations continue, because many of them will be profitable. Also, would she be prepared to meet with me and my colleagues as soon as possible to discuss this?

Baroness Vere of Norbiton: The noble Lord raises an interesting point about PSOs. The Government are looking at all options to restore as many routes as possible. We must also be mindful that wherever we restore routes, we must do so within the law as it stands regarding PSOs.

Lord Wigley (PC): My Lords, is the Minister aware that 27% of flights from Cardiff Airport are operated by Flybe, and that 340,000 passengers a year use it to

fly from Cardiff to European destinations? Will the Government arrange urgent discussions not only with other air operators and all train operators but with the devolved Governments to discuss the short-term crisis facing them and how to achieve a longer-term strategic settlement that addresses the economic implications for regional economies?

Baroness Vere of Norbiton: The noble Lord raises an interesting point. My colleague, the Aviation Minister, will be making calls this afternoon to the devolved Administrations and many other stakeholders to ensure that this is the start of a long-term discussion about the importance of air connectivity to the regions.

Lord Caine (Con): My Lords, as a regular user of Flybe services from Belfast over many years, I too am deeply saddened by and concerned about today's announcement. The impact on Northern Ireland could be huge. I welcome the Minister's reference to the commitment in the Conservative Northern Ireland manifesto to looking at devolving short-haul air passenger duty to the Northern Ireland Executive. In view of today's sad announcement, and the fact that we now have an Executive up and running, will the Minister commit to taking this forward as a matter of urgency?

Baroness Vere of Norbiton: I thank my noble friend for his comment. I believe that this work is already under way.

Lord West of Spithead (Lab): My Lords, how will Flybe's collapse impact on Skybus and its flights across the Scilly Isles? Does this make it even more important that we push for the ferry that should be running between the island and the mainland?

Baroness Vere of Norbiton: I am not aware of any impact on Skybus, although I am not 100% sure about that. The Isles of Scilly are a very important destination for a number of Members of your Lordships' House, and a ferry is certainly a very good way of getting there.

Lord Hope of Craighead (CB): My Lords, following on from the point made about passenger duty, I am sure that the Minister appreciates that that is a devolved matter so far as Scotland is concerned. Will there be discussions with the Scottish Government on this matter? It is quite important that a solution be found which covers the whole of the United Kingdom.

Baroness Vere of Norbiton: The noble and learned Lord is quite right: the Scottish Government have taken a slightly different approach to passenger duty from the UK Government. Discussions with the devolved Administration will be under way this afternoon, and they will no doubt include the future of air passenger duty, but it is for Scotland to decide how they wish to charge it.

Lord Fox (LD): My Lords, the discussion to date has, necessarily, been a sticking-plaster type of discussion; and noble Lords have raised other airports and operators that may in future require such sticking-plaster announcements. Can the Minister confirm that some sensitivity analysis is under way to identify where problems

[LORD FOX]

could arise in future? Does she agree that, in the long run, the way to deal with such issues is to have a proper strategic transport plan across the country?

Baroness Vere of Norbiton: My Lords, the aviation industry is a highly competitive market, and obviously, private companies operate in it. None the less, the noble Lord makes an important point about the Government's insight into the financial future and sustainability of airlines. I am sure that he will be pleased to hear that the CAA already undertakes that role. Where potential financial issues are on the horizon, the Government are made aware. Therefore, plans can be put in place.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, may I declare an interest, in that my wife and I are due to fly with Flybe to Bergerac for Easter? I am particularly concerned about that. I am grateful for the Minister's helpful advice on seeking compensation but my question is about the Flybe shareholders. My understanding is that Virgin is a major shareholder and that the plan was for it to operate these services as Virgin Connect. Why has Virgin not been involved? Why is it not ready to take over the services? Our understanding is that Virgin is a major aviation company in the United Kingdom.

Baroness Vere of Norbiton: The noble Lord is right. Virgin is a minority shareholder in Flybe, with a 30% stake. My understanding is the same as his—that Flybe was due to be rebranded as Virgin Connect. I think that overnight, the shareholders reached an agreement that there was no long-term future for Flybe as it stood, so they decided to pull the plug and make it insolvent. From now on, therefore, the winding-up process will be in the hands of the insolvency practitioner, using the usual well-established processes of insolvency. On the other point, I am sorry to hear that the noble Lord's tickets to Bergerac may not be valid, but I am sure that he will receive compensation somehow.

Lord Bates (Con): My Lords, I thank my noble friend for this timely Statement and for the detail and comfort that she can offer at this time. Can she underline some important information for passengers using Teesside International Airport, who may be concerned about this? The Tees Valley mayor, Ben Houchen, has done a tremendous job in getting that airport up and going. Flybe is a franchise partner of Eastern Airways, but Eastern Airways is independent. It operates its own aircraft and has its own crew, and it is completely unaffected by this announcement. Mayor Ben Houchen put out this statement today:

"Eastern is completely independent of Flybe and as a result passengers using Teesside Airport will not experience any disruption as a result of the anticipated devastating news for Flybe. I want to stress that flights will continue as normal and can continue to be booked through Eastern's own booking system."

Will my noble friend underline that important message?

Baroness Vere of Norbiton: My noble friend is absolutely right. We cannot be clear enough that this affects only Flybe, and that at many airports, Flybe makes up only a small number of the flights. At Teesside, I believe

that Flybe passengers account for only 14% of passengers, so that airport remains very much open for business, and there are some excellent airlines operating out of it. Passengers should therefore continue to fly with confidence. For example, at Leeds Bradford, Flybe accounts for just 5% of passengers. Again, passengers should feel confident in booking with other airlines out of Leeds Bradford—and, indeed, many other regional airports.

Lord Hendy (Lab): My Lords, Flybe is not the first notable company to go bust in recent times—one thinks of Carillion—but does the Minister agree that the protection of workers in these circumstances is totally inadequate? Will the forthcoming Employment Bill be an opportunity to enhance and protect their rights in relation to prior consultation on circumstances that might lead to the collapse of a company; to place obligations on the company to provide more by way of retraining and assistance with finding alternative employments; and to enhance redundancy pay? One sympathises with the passengers in this case and the customers of other companies, but it is the workers who, I understand, heard of their loss of jobs—their loss of careers in some cases—on the radio, as we did, this morning.

Baroness Vere of Norbiton: On the issue of communications with employees, hearing it on the radio is less than ideal. I am sure it is not how any noble Lord would treat any of their employees. It is not acceptable and there are better ways of keeping employees up to date with what is going on. I cannot agree with the noble Lord that all is doom and gloom for employees and that everything must be improved. As I set out in the opening Statement, there are many routes that employees can now take. The Government stand ready to help, working alongside the unions, and the Insolvency Service is able to make payments.

Baroness McIntosh of Pickering (Con): To pursue the question put by the noble Lord, Lord Foulkes, on routes and the fact that Virgin is a major shareholder of Flybe, what will happen to Flybe's profitable routes? Can my noble friend assure the House that there will be a proper procedure to make sure that they are sold to the highest bidder, so to speak? I raised the question of PSOs in the earlier Statement: will she make sure that this is dealt with as a matter of urgency?

Baroness Vere of Norbiton: Aviation services are part of the market economy and we would expect the profitable routes to be taken up by other airlines. As I have mentioned, we have had proactive input from a number of airlines looking to service those routes. I can say no more about PSOs. The Government are looking at both the profitable routes and those that may need support, and at all possible options to get them up and running.

Lord Empey: My Lords, the issue of air passenger duty has been raised. I ask the Minister to consult with her Treasury colleagues about it because, in the event of it being devolved to, say, the Northern Ireland Assembly, the difference in revenue created by the reduction in air passenger duty would automatically

come out of the Northern Ireland block grant. As the new Executive are at least £600 million short, that would be a huge challenge. Will she consult with her colleagues in the Treasury, pre-Budget, to make that point? It could be a way of opening things up but it would cost the Northern Ireland Executive an awful lot of money that they do not have at their disposal at the present time.

Baroness Vere of Norbiton: I thank the noble Lord for his comments. I will certainly make sure that the Treasury sees them.

Lord Kirkhope of Harrogate (Con): Will my noble friend acknowledge the fact that, often, the slots available to airlines are of more value than the trading conditions? Can she confirm that we will not see here a market for slots, from which a number of airlines will benefit without taking the social responsibilities that will be lost as a result of this failure?

Baroness Vere of Norbiton: My noble friend makes an important point about the tension between the slots, social responsibility and regional connectivity. The Government will be looking at that issue with keen interest as the Flybe assets go through the insolvency process. As my noble friend will know, slots are subject to an independent system of allocation managed by Airport Coordination Limited, which follows international rules. The Government are alive to what my noble friend is saying.

Lord James of Blackheath (Con): My Lords, in 1987, I was chairman of Dan-Air in identical circumstances. I had to put in a liquidator if we could not find an immediate solution. The night before, I had dinner with John Major and explained to him the dire effect that this would have on the whole of the Gatwick complex; it was likely to close Gatwick completely as we owed it so much money. He had breakfast the next day with Lord King, and by 4 pm Lord King had bought Dan-Air from me for £1. As a result, nearly all the collateral damage we are talking about here was avoided. The bits that were of great merit and worth keeping, British Airways duly kept and unified. The only logical solution here to avoid the calamity that will follow from the complete closure of Flybe is for it to be taken over immediately by one of our surviving airlines. If instead of paying me £1, somebody has to pay it a bit more to do it, it will be a far better job than putting in a liquidator.

Baroness Vere of Norbiton: I thank my noble friend for that little piece of history, but this Government's view is that it is not our role to prop up a company that clearly has no viable long-term future. If it had a long-term future, another airline would have stepped up to purchase it.

BBC and Public Service Broadcasting

Motion to Take Note

12.36 pm

Moved by Lord Young of Norwood Green

That this House takes note of the role of the BBC and public service broadcasting in the United Kingdom's economy and creative culture.

Lord Young of Norwood Green (Lab): My Lords, I declare an interest as a former BBC governor. I had not realised how popular this debate would be, so I ought to apologise to Back-Bench speakers. I can only offer them the advice of the late and dearly lamented Nicholas Parsons and remind them to speak without hesitation, repetition or deviation.

I left home this morning listening to the dulcet northern tones of my noble friend Lord Bragg, who was in mental combat with three professors on quantum mechanics. The podcast of that programme will be listened to by millions of people all over the world, and that will promote British culture and British values. It is another example of soft power, as it is commonly known.

It is also interesting—I had not realised that my timing was so good—that a new Culture Secretary, Oliver Dowden, has been appointed. I looked with interest at his old quotes. He said:

“The BBC needs to be closer to, and understand the perspectives of, the whole of the United Kingdom and avoid providing a narrow urban outlook.”

I suppose that is a matter of opinion. I have never seen the BBC as doing that, given the range of regional broadcasters that it has. He went on:

“By this, I don't just mean getting authentic and diverse voices on and off the screen—although ... this is important ... But also making sure there is genuine diversity of thought and experience.”

He went on to suggest that some people think that Sky and CNN are better news providers and prefer them to the BBC. There are bound to be some people who think that; it is a question of taste. He does at least end on a positive note, which I welcome. He said that the BBC has to find its place in the age of streaming and subscription sites, such as YouTube and Netflix, but he also said that,

“the BBC is an institution to be cherished ... We would be crazy to throw it away but it must reflect all of our nation, and all perspectives.”

I certainly agree with that, and I refer to our previous Culture Secretary, the noble Baroness, Lady Morgan, who said:

“We would be much less informed and inspired as a society if we didn't have a healthy pluralistic and universally available PSB system.”

That puts it in some kind of perspective.

I shall cite one more quote. It is from a briefing I had from BECTU, a broadcast trade union, and addresses value for money for customers:

“The annual cost of the License Fee is £154.50 per household. This funds all BBC TV output, iPlayer, BBC News, BBC Weather, BBC Radio (as well as other public service broadcasters). It is a unique mix of entertainment, news and information. For comparison a standard Netflix subscription cost £108 per year and only includes access to their streaming service. A digital-only subscription to the Times costs £312 per year. It is impossible to argue that the License Fee does not represent value for money in the modern media market.”

It ends on one interesting little line:

“It is also important to note that the Netflix model is based on a long-term debt of over \$12 bn.”

That concentrates the mind a bit.

In introducing this debate, I want to focus on the BBC's contribution to the cultural and creative economy, as the title of the debate states. I am an avid viewer

[LORD YOUNG OF NORWOOD GREEN]

and listener across a range of channels, including Netflix, and I recognise that we live in a global multimedia world. I cannot help reflecting that when public service broadcasting began, Lord Reith, the first director-general, coined what I believe to be one of the best ever mission statements. He said that the role of the BBC was to “inform, educate and entertain”. Those criteria are still relevant to public service broadcasters in today’s multimedia environment.

To put creative industries in context, they contribute some £100.5 billion to the UK economy, and public service broadcasters make an enormous contribution to the industry. The BBC is the biggest single investor in the UK creative industries. It contributes hundreds of millions of pounds to the wider sector. Every £1 spent on the BBC through the licence fee produces £2 in value through jobs, economic opportunities and expenditure. The *Impact of a Change in the BBC’s Licence Fee Revenue* report, produced by PwC in 2015, found that every £1 increase in licence fee revenue would generate about 60p of extra economic value. Conversely, a 25% decrease in the licence fee over five years would slash GDP by £630 million and lead to 32,000 job losses.

BBC research and development alone delivers significant value to the creative community, the wider industry and the UK economy. Every £1 spent by the BBC on research and development during the last charter delivered a return of at least £5 to £9 to the UK. That equates to a total economic benefit of between £827 million and £1.4 billion in the period 2007 to 2016.

The licence fee underpins not only the BBC but the competitive environment that supports the success of UK broadcasting. When the BBC performs well, commercial broadcasters raise their game to compete for audiences, which challenges the BBC to aim higher. In other words, it is a positive feedback loop, not a zero-sum game.

BBC investment over many decades has helped to develop significant creative economies across the UK. It has major production centres in Glasgow, Cardiff, Belfast, Salford, Bristol, Birmingham and London, so it is not true to say that it is just urban—although those are urban centres. Its range is far and wide, and over 50% of the BBC’s employee and network television spend is outside London. This investment has driven not just BBC creativity but significant hubs of independent production. For example, Bristol has become an international hub for natural history production, following decades of BBC investment in its Natural History Unit, and Wales is home to BBC hits such as “Doctor Who” and “His Dark Materials”.

The BBC has announced further plans to support small and emerging independents across the UK. It already commissions significantly more small producers and out-of-London producers than any other broadcaster, and these new measures will boost the strength of UK production across the country. The measures will include a £1 million small independent fund to support small and emerging companies; bespoke deals such as tailored cash flow terms, shared risk arrangements and help securing third-party funding; and tailored events to build stronger connections between emerging small

companies and the BBC. Public service broadcasters employ over 500 trained journalists, and sponsor journalists for local media, and a significant number of apprentices.

On the apprenticeship front, it was interesting to see that the BBC spent over £7 million in 2017, rising to £12.7 million in 2018, on entry-level schemes and apprenticeships. It has also ring-fenced work experience placements for unemployed young people via Jobcentre Plus, and visited over 1,000 schools through the BBC Young Reporter project to help develop media literacy skills and inspire the next generation of journalists, no matter what their background, in order to give everyone with the potential to succeed the opportunity to work in the industry, and not just in the BBC. It has also launched a pre-joiner programme, Get In To Media, developed with support from the Sutton Trust and MyKindaFuture.

The next generation of young journalists, producers and directors will make a vital contribution to the creative economy. Interestingly, the BBC has banned unpaid internships, and all the work experience placements are capped at two weeks, except in rare circumstances. Therefore, a huge contribution to the creative economy environment is made not just by the BBC but by all other public service broadcasters.

In a speech by the chief executive of ITV to the APPG, she said:

“The name will need to change because”
public service broadcasting
“won’t just be about broadcasting in future.”

That is absolutely true. We are moving into an era of streaming as well as broadcasting—in fact, we are not moving into it; we are already there. She continued:

“But the job of making programmes with a public purpose, available to everyone, is essential in the 21st Century. A gold standard of trusted national and local journalism amidst the anarchy of fake news.”

That is a very pertinent comment.

I want to talk about the future. We are now in a post-Brexit environment where our flourishing creative industries will make an even more vital contribution to the UK economy. Public service broadcasters, which are the envy of the world, do much to promote UK culture and values, as I have already said. The current arrangement with the licence fee, and with advertising supporting the other public service broadcast channels, is a delicate balance. As I explored earlier, changing the BBC to a subscription service or making it dependent on advertising will undermine public service broadcasting.

I hope that in replying the Minister will let us know the Government’s intentions. Do they recognise the importance of public service broadcasting to the creative economy? I—and, I think, many others—dispute the idea that changing from the licence fee will be an easily achieved objective. I, along with many others, believe that, no matter what threats might emanate from the Government, there will be a fight to preserve the independence of this vital asset, which is admired by practically every other country around the world as an independent—I stress that word—public service broadcaster, and I believe that everybody in this Chamber will join in that fight to preserve the vital nature of public service broadcasting.

I have tried to restrict my contribution to this debate in the hope that a few more minutes might be available to others, but I end by quoting the words of one of my favourite songwriters, Joni Mitchell, who said that

“you don’t know what you’ve got till it’s gone”.

I hope that we never see the day when the BBC and public service broadcasting in the way we know it today—independent, wide-ranging and serving the needs of our nation—ever disappears.

12.49 pm

Lord McNally (LD): My Lords, I thank the Labour Party for using one of its slots for this debate and the noble Lord, Lord Young, for the very constructive way in which he opened it. I am reminded of a phrase that has gone down the ages: “We are the masters now.” The noble Lord, Lord Hennessey, will be able to tell us whether Hartley Shawcross actually said that, but there has always been a kind of opprobrium of a new Government that comes in with a sense of triumphalism and score-settling. I must say, the way that this Government have launched themselves on to the BBC is very worrying indeed. It is worth remembering that the BBC is protected by the royal charter from the day-to-day vindictiveness and intimidation of a Government.

Looking for support in the battle ahead, I am reminded from past debates that the Conservatives have a proud record on public service broadcasting. A Conservative Government established the BBC as a public body, protected and underpinned by the royal charter. A Conservative Government introduced commercial television on a regional basis, giving it regional strengths, which ITV retains today—I still think of myself as coming from “Granada-land”—and the late Lord Whitelaw was the political inspiration behind Channel 4, with its reputation for risk and non-conformity. This record should not be cast aside lightly in abeyance to those who see the BBC as the mortal enemy. The licence fee is probably the least bad way of financing the BBC and should be protected from populist ways to weaken it. It should not be used as a bran tub from which Governments can pluck popular goodies at will.

What is now under way is a fight to preserve the unique benefits of a public service ecology, which was preserved and promoted by the noble Lord, Lord Young. It is a debate that should be conducted sensibly and with due confidence from the public that it is national, not political, ends that are being followed. Our debate would also be better informed if those national newspapers running stories hostile to the BBC or to other public service broadcasters were automatically to spell out for their readers the commercial benefits to their proprietors of any particular course of action.

In his remarks, the noble Lord, Lord Young, spelled out the various ways in which the BBC has contributed to our national life for over a century. It has been the source that everybody turns to for the news when there is a crisis. I would like to see the alleged research that shows that people look to Sky or to CNN, good as they are. When the going gets tough, the tough turns to the BBC. Those values that the BBC has embodied for almost a century have been supported by Governments of all parties. As the noble Lord, Lord Young, warned

us so well, once lost, those values brought by the BBC to our national life will never be recovered. If we lose them, Fox News, here we come.

12.53 pm

Lord Gilbert of Panteg (Con): My Lords, I welcome this timely debate and congratulate the Labour Party on securing it and the noble Lord, Lord Young, on opening it so comprehensively. It is also a great pleasure to follow the noble Lord, Lord McNally, whose contribution was typically passionate and informed.

I am privileged to chair your Lordships’ Communications and Digital Select Committee. We recently published a report on the future of PSBs; in the time available, I will highlight only a few of our conclusions. Last year, as chair of the committee, I attended the Royal Television Society Cambridge conference as a guest of ITV and attended a Hyde Park concert as an audience member and guest of the BBC. The noble Lord, Lord Young, is right to highlight the economic as well as the creative role of PSBs and the BBC in particular. Many noble Lords who are speaking today have made notable contributions to our nation’s creative life, and I look forward to hearing from them. I will dwell not on the huge cultural contributions of PSBs but on their critical and economic role.

Our creative industries are huge, growing and world-class. We have all seen the superlatives. They are central to our economy and will provide the jobs of the future. In a post-AI world, creativity in all its forms will drive future job growth and provide satisfying and fulfilling careers for future generations as other professions and skills decline in the age of automation. Right at the heart of our creative sector is the rapidly growing and changing UK film and TV production sector.

When we started taking evidence, I thought that we would produce a report with recommendations on how we might help PSBs simply to survive in this rapidly changing world, in which they would be bound to decline. However, witness after witness, from the SVODs investing so heavily in UK production to independent producers and non-PSB commercial broadcasters, highlighted that it was the mixed ecology that made the UK such an attractive place for them in which to invest and create jobs. So it seemed that the question was not what we could do to help PSBs to survive but how to help them to thrive and continue to play a critical role at the heart of our creative industries, nurturing talent, taking risks and reflecting Britain in all its diversity. To me, that says that these industries must be at the heart of our future industrial strategy and central to our economic policy. I hope that the Minister will tell us whether the Government take that view.

In our report, we said we would miss the PSBs when they had gone and, as I said, we highlighted what needed to be done to ensure that that did not happen. That is not down to the Government alone. The PSBs, most particularly the BBC, have to change and adapt. I agree with the Secretary of State, who said today that diversity is about more than reaching younger and BAME audiences, critical though that is; it is about having fair and broad on-screen representation

[LORD GILBERT OF PANTEG]

across all communities and reflecting the views of people outside London. Genuine impartiality is about having genuine diversity of thought and experience.

I pay tribute to the select committee that I chair. It is typical of your Lordships' House: expert, experienced and diligent. We produced a comprehensive report and I have had only a moment or two to touch on a few of our recommendations. However, I want to touch on the issue of the future funding of the BBC. We looked at the evidence and took the view that the licence fee continues to be the best way to fund the BBC. We found that the BBC should not have been asked, nor should it have agreed, to take on the funding of over-75 free licences. However, while we were critical of the Government, we were also critical of the BBC, which negotiated that settlement, which came as part of a wider package that it welcomed at the time. We felt strongly that the way in which the BBC is funded needs to be open and transparent on all sides. We called for a funding commission. The Government may not agree with that or think that it is the right way forward, but does the Minister agree with Margot James, the then Minister, who said in evidence to the Committee that there was

"clearly a case for greater transparency"?

Does the Minister agree that the right way to have this debate is to start by asking what we as a society want the BBC to do, work out what that will cost and then, and only then, look at how that cost can be met? Does she agree that, while the BBC faces huge challenges and most certainly makes mistakes, it has a vital role in our human lives and our future economy, and that our task is to help it to meet those challenges and to thrive?

Lastly, does the Minister agree that finding someone to fill the inestimable boots of the noble Lord, Lord Hall, whom I thank warmly for his services as director-general, is going to be one tough task, and one that is for the BBC alone?

12.58 pm

The Earl of Clancarty (CB): My Lords, the noble Lord, Lord Young, has tabled an important and timely debate. I start with a quote from a recent Radio 4 interview with the media analyst Claire Enders, who said:

"The BBC ... has a civic purpose. Netflix does not".

This is the primary distinguishing characteristic of the BBC, implicit in its original mission statement. The BBC provides a public space for public debate through informing, through education, through the arts and entertainment. Other public broadcasters and the more commercial channels do some of this, but those who believe there should be a more level playing field misunderstand the nature of the relationship between the BBC and other services, including the video-on-demand services. As a purely non-commercial service, the BBC keeps the others honest and has done so for many decades, through being able to focus entirely on the notion of quality and now, globally, on areas other than world news. This is less a marketplace and more a richly productive ecosystem. The Government should not forget the considerable soft power that accrues from the BBC's place in this ecosystem.

Mistakes are made. I point to a recent one: the Government have taken a leaf straight out of the Trump playbook in effectively no-platforming the public broadcasters, including the "Today" programme. They would rather continue to campaign to stay in power through social media, including Twitter, than debate the issues of the day through broadcasters. This is deeply insulting to the public. In my view, "Today" should have responded immediately by interviewing shadow Secretaries of State and effectively empty-chairing the relevant Ministers. The Government would have changed their tune fairly quickly, but this is a minor quibble in the scheme of things. "Today" will now have Times Radio on its tail, although I am sure that the BBC will rise to this challenge boldly.

"Core values" as a term applied to the BBC makes me uneasy, since it suggests that you can strip back to the core. A diminished BBC would be a blander BBC and make us a considerably poorer country. The BBC echoes the wider values of society because, at its best, it speaks to and for everyone by virtue of it being a public platform. This is true even if it is left to individuals to pay for the licence fee, rather than everyone doing so through their taxes. The BBC's ethos informs all parts of its output. There is immense value still in a commercial-free zone, including for young children. It is a choice that viewers and listeners ought to have the right to.

I am not certain that the public are properly aware of what the licence fee continues to provide, although I am sure we will hear much of this today. It should be food for thought: a nexus of broadcasting; original programming—although this should be proportionately more, in my view; creative development; events and festivals; orchestras and choirs; and much more. These are aspects of a unique culture which most people will access or be a part of, even if, at a particular time in their lives, they are not always tuning in. A recent poll shows that 79% of the public would like the Government to continue to pay for the over-75s but, if we lost the licence fee or—more to the point—the moneys that the licence fee brings, we would not have this unique and extraordinary service, which continues to be a huge creative force and a force for good in not only this country, but the world.

1.02 pm

The Lord Bishop of Salisbury: My Lords, the timing of this debate could hardly be better. I also want to thank the noble Lord, Lord Young, for his introduction. The Media and Telecoms 2020 & Beyond conference and the Culture Secretary's contribution to it inevitably inform a lot of what is to be said. I also wondered whether I need to declare an interest, having been the vicar of St Martin-in-the-Fields for 16 years, given that the first religious service ever broadcast came from there, by the BBC, in January 1924. The link continues. I never made much income from it, but it is a significant relationship with considerable affection for the BBC built into it.

The debate has focused on public service and the contribution of the BBC to the economy and creative culture of the country. Other noble Lords can speak much better than I can about the economic and creative culture contribution but, given the Government's

commitment to levelling up, you would think that the contribution of the BBC through Salford and all its local and regional outputs would be a significant part of what is to be considered.

I am sorry this is a bit like a sermon, but I will focus on three words to make my points: “British”, “Broadcasting” and “Corporation”. The Minister is right that the BBC must do more to reflect the country’s “genuine diversity of thought and experience”,

but the BBC also shapes British identity; it does not just reflect it. It is a really subtle relationship, which goes both ways. In terms of the importance of public service in a country that has grown more secular, as well as more plural, the level of religious illiteracy and the lack of religious grammar is very significant for public service broadcasting.

“Nation shall speak peace unto nation.”

That, of course, is an adaptation of the prophet Micah, and that is where the roots of this lie. You cannot just cut off the institution from the roots that have informed it. We are grateful for the religious broadcasting that takes place, particularly on local radio and Radios 2 and 4 on Sunday mornings, reaching audiences who otherwise would not be reached. This helps to build relationships between faith communities. It is not just a Christian monopoly, because religious broadcasting has developed.

That was about British identity and how Britain has grown and developed. There is also a sense in which broadcasting continues to be significant. It is not just narrowcasting, which happens so much through social media and can be deeply influenced, in ways unseen, from outside. This is in parentheses, for the right reverend Prelate the Bishop of Salisbury to comment on: why do we not have that report on Russian interference in our previous election and referendum processes? That is of huge significance in terms of how easy it is to influence narrowcasting through social media. The BBC does a really good job of broadcasting critical debate that is robust and helps to establish, over time, an element of truth otherwise not there.

Corporations need cherishing. This is about the body, an institution. In our time, we are not good at cherishing institutions and we need to do it in a way that upholds the body of the institution for the sake of the country. This is not one of those bodies that needs to be dealt with by disruption and discontinuity. It needs to be cherished, and the Government need to know that we want the BBC to be safe in their hands.

1.06 pm

Lord Puttnam (Lab): My Lords, I too thank the noble Lord, Lord Young, for making possible this incredibly timely debate—albeit the Roger Bannister version, as I view it. In the short time available, I hope to remind your Lordships that the current project to undermine public service broadcasting is not new. It is simply the most recent iteration of a decades-long campaign of salami-slicing and intimidation by, I am sad to say, successive Conservative Governments, many of whom have sought to take the wind out of the BBC’s sails and erode the trust it enjoys among the public. It is the now-familiar Putin playbook: promote fear and distrust, and allow the consequences to multiply.

As the noble Lord, Lord McNally, has already suggested, there is something rather ironic in the determination shown by Conservative leaders to dismantle an institution of which the party itself should be rightly proud. Perhaps the Prime Minister has forgotten that it was under the leadership of his hero, Winston Churchill, that a Conservative Government passed the Television Act 1954—legislation that protected the position of the BBC while, at the same time, introducing a brilliantly conceived system of regulated competition through a new Independent Television Authority. This system established a nationwide ecology—there is that word again—of public service broadcasting that allowed all aspects of the media to thrive. Crucially, while there was competition for audiences, the BBC/ITV duopoly did not compete for revenue.

The one-nation vision that lay at the heart of policy-making 60 years ago would appear to have evaporated and turned into something rather more sinister. There is no lack of vision in this Government’s policy towards the BBC. The vision is there; it was laid out with paint-by-numbers clarity by the Prime Minister’s principal adviser, Dominic Cummings, in 2004. Writing that year, he called for a campaign to undermine the corporation’s credibility, suggesting that:

“The BBC is a determined propagandist with a coherent ideology.”

To combat this, he argued for the creation of a British version of Fox News. He believed this could be achieved through a

“campaign to end the licence fee”.

Here was a vision that represented a massive departure from Conservatism, certainly as most Members of this House would understand it. Its genesis was that of Trumpian populism, an ideology that treats contempt for institutions as a form of political weaponry and is a long way from the wisdom of Edmund Burke, who once said:

“Rage and frenzy will pull down more in half an hour than prudence, deliberation, and foresight can build up in a hundred years.”

For the past few months I have spent a great deal of my life in the Committee Corridor, chairing a Select Committee looking at the impact of digital technology on democracy. One thing has already emerged with quite frightening clarity: confusion over where to seek verifiable fact. However, thanks largely to the vision of the noble Lord, Lord Birt, who I am delighted is in his place, and as recently confirmed by Ofcom, the BBC has emerged as the digital gold standard in the provision of trusted information in an era of fake news. Surely, as we stand on the brink of a global pandemic, that gold standard of trust is more crucial than it has ever been.

This can no longer be about the wilful vengeance of politicians; it is about the very real possibility of saving lives. To paraphrase the noble Lord, Lord Hennessy, speaking in this House just two months ago, trust is the scarcest and most precious political metal we have. Sad to say, I am far from reassured by the Secretary of State’s well-trailed retreat from earlier briefings. I can only repeat my belief that we are watching a well-rehearsed process of intimidation and destabilisation. Hopefully, when she comes to respond to the debate the Minister will unequivocally assure me that I am wrong, because

[LORD PUTTNAM]

we cannot allow an unremitting vendetta to rob us of the most valuable asset that democracy has at its disposal.

1.10 pm

Lord Lilley (Con): My Lords, it is a pleasure to follow the noble Lord, Lord Puttnam, and to congratulate the noble Lord, Lord Young, on introducing this debate. I must declare an interest: throughout his working life, my father worked for the BBC in a humble administrative capacity, so I was brought up with a filial affection for the corporation—unfortunately, one not reciprocated by it.

My affection persists but does not blind me to the BBC's faults. Nor do those faults, which I shall discuss, make me want to end the licence fee, either to punish it or to try to remedy those faults, which I do not think it would not do—although I fear that the licence fee may be eroded by technology. The aims of the BBC, as has been said, are to inform, educate and entertain. At its best, it does all those superbly. In the current coronavirus situation, the information role of the BBC has been invaluable. On education, “In Our Time”, presented by the noble Lord, Lord Bragg, is always superb; we heard this morning about Paul Dirac. To me, as a physicist, that was wonderful to hear. On entertainment, it produces some unmatched comedies and dramas.

Sadly, however, we should admit—although I think I will be the only person in this debate to do so—that people in the BBC have a certain groupthink on some key issues, notably immigration, climate change and Europe. Instead of informing on those issues, it censors; instead of educating, it seeks to indoctrinate; and instead of entertaining, it seeks to preach. I will give concrete examples from my own experience, not because that experience is important but because I can be sure that the examples are factual rather than vague allegations.

People in the BBC, typical of the metropolitan elites, see migration as a key issue for virtue signalling, as well as it being in their own economic interest to oppose any controls on migration. Invariably, they cite the need for nurses, because insufficient people in this country want to train as nurses, so we have to import them from abroad. That has been sustained by the BBC, but it is untrue. When I appeared on the BBC three years ago and pointed out that 40,000 applicants that year had been turned away from nursing courses in this country, the BBC expressed scorn and subsequently phoned me up to demand that I prove it—clearly intending to challenge me. I was able to prove it in 10 minutes with figures from the Royal College of Nursing and UCAS, but the BBC has never used that information since. As a result, I doubt whether there is a Member in this House who knows that last year, 24,000 applicants for nursing courses in this country were turned away because those courses are still rationed.

The second issue is climate change. I was asked by Quentin Letts to appear on a witty programme, “What's the Point Of...?”, about the Met Office. They invited the only two members of the Climate Change Committee in the other place who had been scientifically trained, of whom I was one. I explained that, while obviously I believe in the science of global warming—I studied

physics at Cambridge—the sensitivity of the climate to a given amount of CO₂ is likely to be at the lower end of the spectrum spelled out by the IPCC, rather than the higher end which the Met Office always assumed. To illustrate my point, I pointed out that the Met Office produced a glossy pamphlet in 2004 saying that with its new computer, it could forecast accurately the future warming of the planet and that over the next decade—by 2014—it would have increased by 0.3 degrees. But 2014 had passed and we knew that it had in fact increased by between nothing and a tiny proportion of that amount.

Following this, there was an eruption from all the eco-fascists and within the BBC. The BBC referred itself to the BBC Trust for, in its words, “Giving voice to people like Peter Lilley”. This is the organisation that was proud to give voice to the IRA—but it was anxious not to give voice to me. It then removed the whole programme from the website and published an apology for ever having allowed me to utter this simple truth: the Met Office had got its long-term forecast wrong.

I am sorry if I am overrunning, but I am the only spokesman for the opposition in this debate and it is normal to give the opposition a little more space. The third issue I want to raise is the EU. The debate over the last three years has focused on attempts by remainers to keep the UK in the customs union, rather than just a free-trade association.

Viscount Younger of Leckie (Con): I am sorry to interrupt my noble friend, but the time limit is four minutes and I am afraid that applies to him.

Lord Lilley: Censorship persists, even in this House—but of course I give way to my noble friend. I shall put my views online. Those who are interested in fact rather than its suppression may read them there.

1.16 pm

Baroness Bakewell (Lab): My Lords, I thank my noble friend Lord Young for initiating this debate, which is clearly extremely timely. I agree with the many things said from these Benches about the importance of the BBC. However, limited by time I wish to address a single subject, one hinted at by my noble friend Lord Puttnam: the influence of Dominic Cummings on government policy towards the BBC.

In January 2004, with the Tory party languishing in opposition, as director of the think tank the New Frontiers Foundation, Cummings wrote that until the Conservative Party

“realises that ... the BBC is a mortal enemy ... then it will continue on its current course.”

Six months later, he wrote:

“It is a mistake in general for a Conservative leader to appear on the Today programme unless he is announcing a major new positive proposal ... Effort should be diverted from Today to programmes that affect the public ... more. Today itself needs to be audited by a proper media monitoring”

enterprise. The following month, he wrote:

“The privileged closed world of the BBC needs to be turned upside down and its very existence should be the subject of a very intense and well-funded campaign that involves bringing out whistleblowers armed with internal memos and taped conversations of meetings.”

Subsequently, after a programme referring to a complaint about the “Today” programme’s coverage of Iraq, he wrote:

“Another reason why the Right should be aiming for the end of the BBC in its current form and the legalisation of TV political advertising.”

In the autumn of that year, again:

“There are three structural things that the Right needs to happen in terms of communications ... the undermining of the BBC’s credibility ... the creation of a Fox News equivalent”

and talk shows

“to shift the centre of gravity”

and

“the end of the ban on TV political advertising”.

Later that year—this is still 2004—he wrote that,

“one thing that can be done between now and the election is fire missile after missile at the BBC every time it engages in this sort of reporting”,

and that the right,

“can only prosper in the long-term by undermining the BBC’s reputation for impartiality ... and by changing the law on political advertising.”

Since then, a number of anonymously sourced and funded anti-BBC websites and YouTube channels have been set up over the past decade.

Dominic Cummings went on to run the Vote Leave campaign in the 2016 referendum. Since the 2019 election, he has been chief adviser to Prime Minister Boris Johnson in No. 10 Downing Street. Given that the Government have already implemented his recommended policy of refusing to engage with the BBC’s “Today” programme, will the Minister please confirm whether his ongoing agenda for undermining the BBC is now government policy?

1.19 pm

Viscount Colville of Culross (CB): My Lords, I declare an interest as a series producer at Raw TV making content for CNN.

PSBs in the UK are under threat as never before.

“The power of British television has essentially moved”

to Los Angeles. Those were the words of Andy Harries, CEO of the makers of “The Crown”, when he gave evidence to the Communications and Digital Committee, of which I am proud to be a member. It is a series made by Netflix, one of the winners in the new world of subscription giants. American broadcasting channels and platforms are pouring money into UK-made content. It is a boom time for the creative industry in this country, but if we want public service broadcasters that reflect the UK back to itself and concentrate on UK news and current affairs, and defy the labour market by moving creative jobs from London to the regions and nations, we have to fight hard to protect them.

They have all been under attack—especially the BBC—from all sides of the political divide for biased programming and reporting. The Culture Secretary said today that the BBC has a “narrow urban outlook” and is “slow to pick up” on recent trends, implicitly questioning its impartiality. Public service broadcasters are empowered by their impartiality. In a digital world in which almost everything is editorialised and social media creates filter bubbles of content to reinforce

users’ political view of the world, we need to emphasise the value of mandated impartiality. It means that public service broadcasters are regulated to be transparent and accountable, a powerful bulwark against the continued polarisation subsuming our political discourse.

I too was very glad that Mr Dowden today said that “the BBC is an institution to be cherished”.

Yet it has been lambasted by the Government. Its financial security is questioned by significant sources threatening to turn it, or at least parts of it, into a subscription service. PSBs have the new BritBox as a small subscription service for archive and there is even talk in the press of them coming together to create a non-subscription UK PSB platform as a one-stop shop for digital audiences, which would be a very good idea. However, for the PSBs to launch themselves against what will soon be 12 US subscription services in the UK at least will be financial and cultural folly. These US-based giants are global, mostly supported by either massive deficit funding or very generous parent companies that can outspend any home-grown rival.

However, the Government are right to question the BBC’s universal licence fee. It has served the corporation well, but it is decreasingly able to fund the organisation properly. Some 37,000 fewer licences were purchased last year and the forecast is for the reduction to continue. As we approach the licence fee interim settlement talks in 2022, it is a good time to start discussing alternative funding models. I am in favour of a progressive household tax, as there is in Germany. It reflects the differing wealth of households and maintains the universality of the BBC’s funding, which is so crucial in allowing it to commission programmes for underserved audiences. Will this model be considered by the Government in their funding talks with the BBC?

The Government are right to recognise that the future of PSBs is online, but it is becoming ever more difficult for online viewers to discover PSB content on digital platforms. Ofcom, in its recent report on PSB prominence, said that changing viewer behaviour in this new era means that without new regulatory safeguards to maintain the prominence of these channels online, audiences will be lost. This will happen quickly and will be costly to reverse. The Government have said they are committed to these recommendations. The fast-changing market means that it is a matter of urgency that this new legislation is brought before Parliament soon, so when might this happen?

I ask the Minister to fully support UK PSBs. Without them, our world-class broadcasting services will be subsumed by the inexorable growth and world march of US streaming giants.

1.24 pm

Lord Bragg (Lab): My Lords, first I thank my noble friend Lord Young for calling this important debate, and for speaking so well and covering so much ground. It is a starting shot in what will be a long and, regrettably, corrosive ideological battle. I declare an interest: I work as a freelancer for BBC Radio 4.

My greater interest is that, as far back as I can remember, the BBC, one way or another, has entertained, educated and informed me and millions of others

[LORD BRAGG]

through radio and television—and it still does. For almost 100 years, it has been in the grain of our lives—and it still is. The BBC is the sum of its programmes. Its range is incomparable—from the cosmic to the minority to the eccentric—and it is envied globally. Yet it appears that this Government want to thwack—a word straight from the nursery—the BBC. The Tories have had a good record of thwacking over the years. The northern manufacturing industries, which once compared with anything in Germany and France, were thwacked by Mrs Thatcher. How else could an island that began shipbuilding in the time of Alfred the Great have totally lost its shipbuilding traditions? Local government—the proud continuation of ancient and independent regions—has also been thwacked, and on it goes. The BBC needs to be redirected because of the new television armadas storming across from America—aided and cheered on by Dominic Cummings—elegantly eviscerated by my noble friend Lord Puttnam and scorched by my noble friend Lady Bakewell.

The BBC licence fee should be examined, but the best way is to reform, not dismantle, it. I agree with the noble Lord, Lord McNally, that the licence fee, so far, is the least bad method of doing that. A means test, one way or another, might work—perhaps there are other ways—so I agree with the noble Lord on that one. The declared policy of sending a wrecking ball through an organisation that has taken almost a hundred years to evolve and is now fine-tuned to every class, age group, creed and niche in this country is childish. The BBC is deeply intermixed and intermeshed with our culture. For many people, it is our culture, so why tear it apart? Is this the best we can do? It is depressing that the Conservatives do not understand the monetisation of the big American networks—with their many billions of dollars of debt—which are very limited in their programme spectrum and, as far as this country is concerned, are a model from hell. We do things differently here. Many Americans believe that they should learn from us, rather than we from them, in the matter of range, reach and depth of broadcasting.

Post Brexit, we have to build a new country. We have strengths in the City, which need to be affirmed, but our three modern strengths—our universities, culture and media—are all accelerating employers, capable of being even bigger earners and deeply influential for this country's good. The BBC is key to all of these—for instance, almost two million people work in the media. It has grown rapidly since the 1940s and outstrips most of the traditional industries. There is no reason why those two million should not turn into three or four million, providing skilled, niche jobs globally and in demand. The BBC is the core of this development. We could become a media island, rivalling Silicon Valley.

Link this with the strength of our universities. English universities are rated as the top universities in the world—not least the Open University—and their research departments are growing at pace. We then have the widely praised strength of the arts, in which the BBC is a huge player. This trilogy—the media, universities and the arts—could rise post Brexit, but not if we fail to see the profound, interwoven basic structures at work. The BBC is crucial to this.

What sort of country do we want to be? That is the question. The BBC is key to a transformation that will be sorely needed, not only in itself but in what it feeds and drives. Above all, it stands for and tells us who we are. That cohesive self-knowledge is increasingly necessary and energising in what is a fractured time. People in this country will march for the BBC because they know that, since the beginning, it has served them well in a democratic and equal way. For almost 100 years, they have paid for it with very little complaint. It is a public service; it belongs to them and we cannot let them down.

1.28 pm

Baroness Jay of Paddington (Lab): My Lords, it is a pleasure to follow my noble friend Lord Bragg, who has enormous authority in this area. I hope and expect that this will be the first of many debates when we discuss again the new threats to public broadcasting, which, like my noble friend Lord Bragg and other noble Lords, I regard as one of the central pillars of Britain's unique cultural life.

In my brief contribution, I will make two points from personal experience. First, I declare an interest, albeit an historical one. In my pretty varied and rather disjointed working life, my longest and most fulfilling employment was with the BBC. For over two decades, I was a broadcast producer and journalist trying to achieve the very high standards that the corporation demanded. Those high standards of factual accuracy, objective assessment of controversial issues and rational analysis have always been bedrock requirements in the corporation. I was also proud to be part of an organisation that has been seen as a flag carrier for Britain, recognised and respected throughout the world.

However, my professional and fundamental belief in public service broadcasting is not simply the loyalty of an ex-employee. Most importantly, it is based in international broadcasting experience, specifically in the various times I have lived and worked in the United States. The vivid contrast between what the audience experiences on this side of the Atlantic compared with the other is certainly not about the respective qualities of the programme-makers. Rather, it is about what I describe as the necessarily “breathless” nature of American programming, driven by the intensely competitive environment of a profit-based system.

I have just returned from spending several weeks in the United States, and can easily illustrate this point with a very current example: the comparative coverage of the alarming coronavirus, which to me encapsulates the advantages of our public broadcasting system. From the start of the Chinese epidemic, the rich American networks poured resources into their coverage, as they always do. Every evening, the nightly news includes correspondents following the story all over the globe. However, no report lasts longer than a hurried 30 seconds before returning to New York and another lengthy commercial break. The medical experts are allowed perhaps a minute to explain a complex issue, and when Vice-President Pence assumed government responsibility for the crisis, he simply appeared in a one-sentence clip from a Washington media conference. None of this has provided consistent, detailed information to help the anxious public. President Trump has merely

contributed a Twitter blitz, blaming the Democratic Party for creating health hysteria. At the same time, the President has announced budget proposals to cut funding to the valiant but tiny public broadcast sector there to zero—zero—over the next three years.

In stark contrast, in this country, your Lordships will have seen and heard special programmes on the coronavirus from all the PBS networks. There have been lengthy, informative interviews with health experts and scientists, and Ministers have been accessible and open—even breaking the No. 10 omertà to appear on the “Today” programme.

Once again, at a difficult and potentially dangerous time, the BBC is the primary source for responsible news and critical information. We are experiencing public service broadcasting at its very best. It is hard to imagine any British Government, however ideologically driven, choosing this time to undermine such an extraordinarily valuable asset. Let us hope that the extremists recognise this before it is too late.

1.32 pm

Baroness Liddell of Coatdyke (Lab): My Lords, I congratulate my noble friend Lord Young on securing this debate at such an important time. It is interesting to look around the House to see which Benches are busiest. I suspect that a lot of noble Lords on the other side of the House have not sought to come in because they agree with the position that is adopted by this debate. My noble friend Lord Puttnam made a powerful speech that sums up, more eloquently than I could, my view of where we are in this debate about the BBC. This is a fundamental issue about the nature of British culture and the British people.

I speak as a Scot who once worked for the BBC: I did not last very long, because it was in the days of received pronunciation and, as your Lordships may have noticed, I do not have received pronunciation. However, it was one of the proudest experiences of my life, because I learned that the BBC is the gold standard, admired around the world.

I want to say a little about the World Service, because it is one of this country’s most effective tools of public diplomacy, and it gets into places that no one else can reach. It is always a symbol of how useful it is that dictators the world over try to find ways to block the World Service, or indeed the BBC in general. It has already been cut but it is still very good indeed, and it should be treasured. On the issue of decriminalising the licence fee, which will cost £200 million, I worry that the bean-counters will look again at the BBC World Service.

I will spend a little time on a much more parochial issue, perhaps in your Lordships’ view, although I see it as integral to the culture of the United Kingdom. The Culture Secretary is today talking about the need for diversity in the BBC and the need to be less urban. Perhaps I can politely suggest to him that he needs to get out more. One need only look at some of the broadcasting in Scotland: at BBC Alba, the Gaelic channel, and BBC Radio nan Gàidheal, a Gaelic channel. I suspect that the noble and learned Lord, Lord Mackay of Clashfern, is the only Gaelic speaker in the House. Gaelic is spoken by a small number of people but it is a valuable culture. When Gaelic

broadcasting took off, the need to make programmes gave a huge boost to the creative industries in Scotland. Programmes were made and people were taught skills, and, as a consequence of that, the creative broadcasting sector has grown. We now have a very useful partnership between BBC Scotland and Screen Scotland to make movies in Scotland; a lot of it is based on the BBC and Channel 4—another public sector broadcaster—having capability in Scotland. Diversity comes in many different forms, and that kind of diversity matters. To someone like me—a Scot who is proud to be British—one of the best examples is the British Broadcasting Corporation.

In various guises in my past, I have complained about bias in the BBC. The noble Lord, Lord Lilley, complains about bias in the BBC. The SNP had hundreds of people outside the BBC studios during the referendum campaign, complaining about bias in the BBC. I am sure that the Lib Dems have done it as well at some point. If we are all complaining, it must be getting something right. If we are all unhappy about bias, something must be working. We have a great opportunity to take the BBC into its next century. Let us not be myopic; let us not see Fox News as our ambition; let us be proud of what we have got. We are not good at doing that—this is a chance to do it.

1.36 pm

Baroness Grey-Thompson (CB): My Lords, I draw your Lordships’ attention to the Members’ register of interests and declare that I am a board member of the BBC and work as a freelancer, mostly in sport. I will extend this debate on creative culture to sport and elite women’s sport, and want to take a short time to describe the impact that sport has had on my life.

Watching the London Marathon in 1981 gave me the opportunity to think that somebody like me could do wheelchair racing. In 1990, when the BBC took a brave decision to put Helen Rollason on “Grandstand”, as its first female presenter, that was a special moment. The public debate was, “How dare they allow a woman to be on television, talking about sport?”—because obviously none of us know anything about it. She was incredible; she changed the dialogue around women’s sport and the Paralympics, pushing hard to move away from the very patronising coverage that we had experienced beforehand. That had a huge impact on my life.

Last year, BBC Sport set out to try to “change the game”. The ambition was pretty simple: to make a huge commitment to women’s sport. While in 2019, it accounted for only 3% of UK TV sports hours, the BBC delivered 33% of sports viewing figures and is the most popular destination for sports fans in the UK across all platforms. It is amazing to think that the continual investment in showing women’s games is changing the conversation. I am glad to say that I do not often have to have the conversation any more about the fact that “Women don’t play football like men”. No, they do not, and that is why it is exciting; it is about giving young women the opportunity to see others.

Having the Women’s FA Cup final, the Women’s Football World Cup final, and the Netball World Cup on the television changes the conversation. In a changing world that is not easy, when sports rights can be

[BARONESS GREY-THOMPSON]
expensive and there are funding limitations. Some 45 million people watched, listened or read about Change the Game, and it has 30 million followers on social media; 11 million people watched the TV coverage of the Netball World Cup.

The Women's Sport Trust did some research during the summer looking at the proportion and prominence of women's sport stories put out by different media companies. Of the top 10 stories on the BBC Sport homepage each day, 46% featured women's sports. If we look at the World Cup, 28 million TV viewers tuned in, with 11 million watching the semi-final between England and the USA. I am very proud to say that that made it the most watched sporting event of the year, bigger than the likes of the Rugby World Cup, Wimbledon and the Six Nations. It has been proved, again and again, that people want to watch women's sport.

The FA has stated that from September onwards, there were more than 850,000 committed participants playing 11-a-side, or small-sided football competitively, with a retention rate of 23% among existing adult female participants. That is a direct impact of being able to see women's sport on television. There is also more money flowing into the women's game because of this. Barclays paid £10 million to sponsor the Women's Super League—I never thought I would see that happen—SSE sponsors the Women's FA Cup, and Gatorade extended its global sponsorship of Manchester City to cover the women's team.

We should never underestimate the impact on young women of being able to see other women play sport at elite level.

1.40 pm

Lord Monks (Lab): My Lords, I very much welcome the initiative of my noble friend Lord Young of Norwood Green in bringing this debate to the House. Now is the time for the many friends and admirers of the BBC to get into campaign mode, not just to save it from the attacks it has been experiencing, but to press for its expansion and development in order to put it on the best possible footing to face the future.

The UK does not have many national institutions that command widespread international regard and respect. The BBC does command that respect and also provides some much-needed glue for the relationships of the four nations of the UK. The concept of Britishness has diminished as Great British-labelled companies have shrunk or disappeared. Even BT and BA prefer to downplay their full names. The BBC and the NHS remain proud and strong flagships of the best of Britain, shaping as well as reflecting the nation. The BBC in particular, as others have said, is regarded as the gold standard, setting a very high bar for the rest, including ITV and Sky. But the BBC has powerful enemies, and they are mobilising. The enemies are not the public, of whom 40 million use the BBC every day; they are not the young audience, 76% of whom support the BBC's mission; they are not the regions, where 50% of the BBC is now based; and they are not the many who regard the BBC as the most trusted source of news and the enemy of fake news.

The enemies, understandably, include rival media organisations, but they now include many in the Conservative Party and Government, who regard the BBC as being full of metropolitan lefties. This has led them to engage in a campaign against the licence fee and to the childish boycott of the "Today" programme. For the sake of fairness, I must say that the critics include some on the left who regard the BBC as a timid creature of the establishment—witness the unpleasant and disgraceful reception that Laura Kuenssberg has had to endure at times. My admiration for the BBC does not blind me to its weaknesses; the muddle on equal pay has been morale-sapping. More strategically, the competition now comes from deep-pocketed rivals, mainly from the United States, and the trend towards social media use—streaming and watching programmes at convenient times. This is a major challenge. However, the BBC can rise to these challenges. It has risen to previous ones and I am confident it can do so again.

Let us not assume that all is well on the other side of the Atlantic. As has been mentioned, Netflix has a long-term debt of \$12 billion. So instead of sniping and weakening the BBC, now is the time to strengthen it and public sector broadcasting in general. For me, this means keeping the licence fee, enforcing its collection and finding an alternative source of funding TV licences for the elderly. Public sector broadcasting is a jewel in the UK's crown—fight off its enemies and get behind a re-energised and strengthened BBC.

1.44 pm

Baroness Kennedy of The Shaws (Lab): My Lords, as others have said, media freedom is a foundational value in a democracy. It is rather interesting that this Government, through the Foreign and Commonwealth Office, are at this very time promoting media freedom around the world in a great project which I am involved in. This includes an expert legal panel of lawyers from around the world, and Britain—with Canada and other nations under the umbrella of UNESCO—is promoting media freedom. Yet it causes me some disquiet to say that, at the very same moment, the Government are not engaging with the BBC, trying to limit senior politicians taking part in BBC television debates and limiting their attendance at press conferences. That does not seem to fit with the idea of media freedom that we want to champion.

The BBC is recognised around the world as one of the jewels in the UK's crown. Here, I disagree with my noble friend who has just spoken, who said, "It's the one institution that's admired." It is not: our senior judiciary is also admired, but that too is under attack. Our Civil Service is greatly admired, and it is also under attack. We should be worried that these institutions, which are greatly respected around the world, are somehow at the receiving end of the attentions of Mr Cummings and the hard right. It also amuses me that the hard left is a source of great anxiety to many in your Lordships' House; the hard right should be just as alarming, if not more so.

All Governments get irritated by the BBC, as my noble friend Lady Liddell has said. Of course, the coverage, at times will be an unhappy criticism of those in

government, but the current assault on the BBC has a more sinister and calculated provenance than anything that has gone before. Dominic Cummings has been mentioned a number of times and I am sure it will be a great source of delight to him, because we hear in the press that he rather likes being seen as the sinister author of so much that is going on. He is our Steve Bannon, and we should be clear about that. He is an ideologue and has great influence currently, and we can see from his writings what his ideology is. He is someone very much from the fringes politically, but unfortunately, he and others like him of the extreme right wing have captured the castle. Many on the Opposition Benches should be alarmed about that, because of the consequences that may come to pass.

Dominic Cummings and his friend James Frayne, and Frayne's wife Rachel Wolf, were all part of the think tank New Frontiers Foundation, which has already been mentioned. It has always been opaque regarding the source of its income, as indeed are some of the other organisations around them. Frayne and his wife Rachel Wolf had both worked for extreme right-wing lobbying companies in the United States before they worked with Cummings. They had learned, before any of us even knew about any of this, how to install fake monitors and protesters on social media and how to create online smear apparatus. We should be very clear about what is going on: when he talks about going after the mortal enemy that is the BBC, he really is thinking about the Americanisation of our media ecology—a phrase others have already used.

I call for noble Lords to be alarmed about what is happening. Our institutions are under assault because the Conservative Party, with its long tradition, has been captured by sections of the hard right who want to deconstruct many of the good things about our society that hold us together. It is a scorched earth policy—beware.

1.49 pm

Baroness Bennett of Manor Castle (GP): My Lords, I thank the Labour Party for securing this debate and the noble Lord, Lord Young, for the ringing conclusion to his introduction.

In a world of floods of dodgy or fake information, where commercial imperatives push broadcasters and publishers, driven by the profit motive, to even further extremes, where the nation needs reliable sources of information that bring together common understandings of the condition of itself, we need public service broadcasting, particularly the BBC. As the Green Party's long-term vision for the UK's future puts it, we need

“a shared space for all citizens”

in which

“information and education are given equal precedence to entertainment.”

When there is a massive, pressing issue of coronavirus or flooding, the BBC should be there, providing immediate, authoritative, often local information that serves its communities and the national interest. When the topic is contentious and contested, immigration or economics, it should provide thoughtful, accessible information able to support informed, careful debate.

As many noble Lords have said, visible pressure is put daily on the BBC by the right-wing commercial media, which has a clear interest in knocking down a competitor, and by the right-wing politicians who support it. The Green Party has many criticisms of the BBC's approach but, rather than using that as an argument for allowing decline, let us make it an argument for improvement. The principle of a public sector broadcaster is sound and must be defended. We have heard many noble Lords doing that already today, but there is a problem with the approach that many are taking. Defence of the BBC has been equated with defending the licence fee, and that means defending the undefendable, the already damaged and the outdated.

Why is the licence fee undefendable? It is now officially classified as a tax, and it operates as a deeply regressive, flat poll tax, one that falls at exactly the same level on the poorest bedsit in Wigan and the largest mansion in Chelsea. It has ludicrous anomalies, so that, depending on the tenancy agreement, one five-bedroom house in multiple occupancy can pay £154.50, while its identical neighbour can pay £772.50. It will now also fall on the over-75s who are not in receipt of pension tax credit. This is a situation for which the Government should be squarely blamed, not the BBC. We know that many pensioners who are eligible for the credit—about 1.3 million households—do not claim it. They will be forced to pay what they cannot afford.

Why is the licence fee damaged? It is politically damaged. Non-payment can result in individuals being sent to jail. Certainly, that is rare, because the courts try to avoid it, but some individuals are jailed and a much larger number live in fear of jail as a result—and that for non-payment of a sum that many of them simply cannot afford. I think that is impossible for those concerned about the vulnerable to defend.

Finally, the licence fee is outdated. As the noble Viscount, Lord Colville, said, the whole media landscape is changing. Almost half of UK households now subscribe to a subscription video-on-demand service—Netflix, Amazon TV or similar—and the very idea of the TV as a box in the corner or a screen on the wall that collects signals is going fast. By the time the current BBC charter ends, in December 2027, we will certainly be much further down this road. This is not the way forward. We have to maintain funding for the BBC, but instead of the poll-tax funding model, we need a secure, hypothecated slice of general taxation for the BBC in the future, perhaps established by the mechanism of a funding commission, as your Lordships' Select Committee recommended.

1.53 pm

Lord Foulkes of Cumnock (Lab Co-op): My Lords, I am grateful to speak in this debate and I join in the justifiably effusive congratulations to my noble friend Lord Young. This has been one of the most impressive and informed debates I have sat through in this Chamber, and we have many impressive ones—it has been really tremendous.

The role of public service broadcasting is a crucial issue. I highlighted it recently in a report I was privileged to prepare for the Parliamentary Assembly of the Council of Europe on threats to media freedom

[LORD FOULKES OF CUMNOCK]

throughout Europe. As I reported, public service broadcasters are under increasing threat from the growing number of authoritarian Governments in Europe today, and now, sadly, we see it happening here in the United Kingdom, as my noble friends Lady Liddell and Lord Puttnam said. As was made clear to me by MPs from all over Europe at the parliamentary assembly, the BBC is seen as the gold standard in public service broadcasting.

As my noble friends have said, the BBC is under attack in different ways: the principle of funding through the licence fee, in particular; but also, as others have said, in the despicable way of passing the buck for free TV licences for the over-75s, which is and ought to be the responsibility of the Government, and the Department for Work and Pensions in particular. It is disgraceful that that buck should be passed to the BBC. It will have a huge impact on vulnerable pensioners up and down the country, particularly those who fall just short of qualifying for pension credit but are by no means well off. It is those people who will be hardest hit by the changes, contrary to what was in Tory manifesto, which promises older people

“the security and dignity they deserve”.

Loneliness is a critical issue facing older people. It is an issue I have raised previously, in this Chamber and in my work as chair of Age Scotland, and it is one that the Government pretend to be concerned about. Research by Age UK found that more than 1 million people say that TV is their main source of company, yet the lack of responsibility from the Government to honour their promise to support older people who rely heavily on TV has been rightly met with overwhelming dismay and disappointment. That 2019 manifesto said:

“We recognise the value of free TV licences for over-75s”,

yet the Government still continue with the nonsense that their licences should be funded by the BBC, despite the widespread opposition.

Another worrying aspect of this approach is that asking the BBC to take on this responsibility must be incompatible with data protection laws, as well as being a time-consuming and costly exercise. Above all, I fear that some pensioners who will, in fact, remain entitled to free TV licences will nevertheless pay the fee for fear of prosecution, the resultant fines and even the threat of imprisonment if this remains a criminal offence. It is outrageous that the Government should put the most vulnerable people in our society in this position.

1.57 pm

Lord Tugendhat (Con): My Lords, like other noble Lords, I regard the BBC as a great national asset. I support the values on which it is based, I approve of the standards to which it aspires, I value its contribution to our national economy and I believe that it enhances the country’s reputation and soft power. At a time when all eyes are turned on Hilary Mantel and her great new book about Thomas Cromwell, I urge the BBC to look at another historical novel, namely Giuseppe di Lampedusa’s great work *The Leopard*, and in particular the words of the Prince when he says:

“If we want things to stay as they are, things will have to change.”

The Prince saw that in the turmoil of Risorgimento Italy, his family could maintain its position only if it was willing to adapt and change. I think the same applies to the BBC. I do not believe that it can go on, either in terms of financing or reach, in the way it has up to now. I think it must decide, for both, how best to preserve its essential interests and promote its mission and its core values in a changing world.

I turn first to financing. I thought the noble Viscount, Lord Colville, was quite right when he said it is unrealistic to expect the licence fee to be increased at anything like the rate that the BBC will need. I agreed with the noble Baroness, Lady Bennett, who spoke a few moments ago, when she drew attention to some of the deficiencies of the licence fee, which make it unrealistic to expect it to increase as much as the BBC requires. It would also be unrealistic for the BBC to expect non-payment to remain a criminal offence, in quite a different category from the non-payment of utility bills. I think that it will be necessary to find alternative and/or—I emphasise “and/or”—additional sources of finance. Whether the BBC itself should come up with proposals is a tactical decision for it to make. It is up to the BBC to be clear on how it will respond to proposals put forward by others, and to be clear on the terms that it believes are consistent with the principles and mission at the heart of its operation.

I turn to the question of reach. My old friend Sir David Clementi recently made a very important speech, dealing with a number of aspects of the BBC. He said:

“Everyone pays, everyone gets something they value in return.”

The problem is that, in a world of constant technological innovation, that means constant expansion. It means moving into more fields as they open up. That too is, like the licence fee, simply not practical. Constant expansion and diversification inevitably lead to the dilution and contamination of an organisation’s core activities. We have seen that in many different fields; I think there are signs of it in relation to the BBC at present. It also leads to diseconomies of scale, and to problems beyond the abilities of management to manage, and certainly we have seen signs of that in the BBC.

If one values the BBC, wishes it well and wants it to prosper in the future, it would do very well to take a leaf out of the book of Giuseppe di Lampedusa.

2.02 pm

Baroness Wilcox of Newport (Lab): My Lords, I also thank my noble friend Lord Young for bringing this timely debate to the Chamber today. For almost two decades I taught media studies and the media industries, at GCSE and Advanced Level. At the core of every syllabus, at every level, was a deep analysis and evaluation of the British Broadcasting Corporation.

Media studies grew out of literary criticism and early cultural studies; indeed, it is concerned with the popular. That is one of its strengths. It is firmly grounded in society: in the communication, cultural understandings, concerns and sometimes even manipulation of the mass of ordinary people. Long before anyone else, media studies questioned the once utopian view of the internet, examining race and gender representation and analysing the economic and political power of media moguls.

I tried to demonstrate to my pupils the essence of the BBC and why it is still so important to us in our multichannel, online media culture. It is a British cultural institution, held in highest regard across the world, in fierce competition with other broadcasters.

I will mention the programme “Blue Planet II”, an eight-part documentary about our oceans, which took four years to produce but ultimately profoundly changed the world’s understanding of two-thirds of our planet’s ecosystem. Commercial and satellite operators could only dream of such influence and reach. Moreover, I am sure that the unconfirmed proposal that the Six Nations is to go to paywall TV would be an unmitigated disaster for the sport.

Some of the BBC’s key content, such as documentaries, children’s programming and extensive news coverage, would not be prioritised in the commercial demands of the free market. Advertising revenues are shrinking, and the broadcast marketplace is expanding. The BBC under commercialisation would run the risk of being squeezed both financially and in terms of the high standards of its production quality. One example is BBC Bitesize, the educational website. It is outstanding, and there is no way that content such as this could be funded without the licence fee.

According to reports, the BBC is to be massively pruned back, and the licence fee scrapped and replaced with a subscription service. Senior government sources insist that they were “not bluffing” about changing the way the corporation is funded: in her excellent speech today, the noble Baroness, Lady Bakewell, called their bluff. Plans being drawn up include forcing the sale of the majority of 61 radio stations, reducing the number of television channels and scaling back the BBC website and the very important World Service. It must be protected. The BBC offers more services, across more platforms, with greater longevity and choice for viewers and users, at a lower cost than ever before. I would often ask my students to compare the cost of the licence fee with subscription services, and they were astounded that it was less than half the price.

The BBC is not perfect: in my political roles, I have been dragged around the houses by many a political journalist, from both television and radio—mainly in Wales, of course. But I defend their right to do so in our open democracy. I have yet to make it on to “Newsnight” or be interviewed by Andrew Neil, as many noble Lords have, but unlike some elected politicians, I certainly would not turn down Andrew Neil’s request if that opportunity arose in the future.

Well over 90% of the population consumes BBC programming and content every week. Despite its faults, the BBC remains the gold standard in multiplatform broadcasting. My noble friend Lady Morgan of Ely, in her role as the Welsh Government’s Minister for International Relations, has put a strong focus on the creative industries, and we have huge productions going on in BBC Wales—“Doctor Who” and “Sherlock”, to name but two. Despite its faults, the BBC remains the gold standard. It is a basic universal service, and if the Government make it a subscription service, then health and education could be next.

2.06 pm

Lord West of Spithead (Lab): My Lords, I too thank my noble friend Lord Young of Norwood Green for tabling this very timely debate. To start, I ask the Minister to confirm that, in 2019-2020, the licence fee was £12.54 per month, whereas Netflix—cited as a comparator by those who would like to see the licence fee abolished—was £11.99 per month, or 55p less; and that £5.29 of that BBC monthly fee went towards the World Service, BBC Monitoring, 40 local radio stations, orchestras, choirs, BBC News online and a host of other services that Netflix does not and would never provide.

I intend to focus on the World Service and BBC Monitoring, as both impact on the security and strategic posture of our nation. The global soft power index for 2020 puts the UK at third place in the overall rankings, after the United States and Germany, and states that arguably one of Britain’s greatest soft power tools is the BBC, which reaches a colossal 426 million viewers and listeners abroad every week.

The BBC is, without a doubt, the world’s most trusted international news broadcaster, with correspondents on location in more countries than any other broadcaster. It is available in 42 languages and is globally recognised as being committed to accurate, impartial and independent news. Independent surveys show that there is an exceptionally high association between awareness of the BBC globally and thinking positively about the United Kingdom.

As the Government set in train the biggest review of our foreign, defence, security and development policy since the end of the Cold War—let us call it the “Johnson review”—we should not be risking our greatest soft power tool. BBC Monitoring scrutinises the world’s media, from state broadcasters to streetwise social media. Its expert journalists and linguists provide vital information from all corners of the globe to our Government, charities, NGOs, think tanks, security groups, businesses, the OECD, the UN and universities. I found it extremely important when I was Chief of Defence Intelligence and as a chief of staff. It remains as relevant today as it was at the height of the Cold War.

As the UK faces uncertainty following Brexit, as tensions between Russia, China and the West increase, and as the Middle East and the Gulf are a powder keg, the work of BBC Monitoring is more important than ever. BBC Monitoring works in close partnership with the equivalent American organisation, the Open Source Enterprise, but if we continue to run down our service, as we have over the last years, we cannot be certain that the USA would want to continue to share information. The current agreement with the Government is that BBC Monitoring should be global, sufficient, adaptable and flexible. This should not be put at risk.

Constant exposure to Netflix might drive our enemies into a catatonic state of lethargy but hardly matches the significant importance of the World Service and BBC Monitoring to our nation’s security. We really should not put them at risk.

2.09 pm

Lord Hennessy of Nympsfield (CB): My Lords, I declare a pair of interests. First, since the early 1980s I have made a number of programmes, mainly for BBC

[LORD HENNESSY OF NYMPSFIELD]

Radios 3 and 4, working with as gifted a set of producers as any broadcaster could wish for. Secondly, the BBC has escorted me through my entire conscious memory, broadening the maps in my mind and changing what makes me laugh as a constant enriching presence. It arouses an intense loyalty in me when it is attacked, as it is likely to be throughout the early 2020s, by those who see it as a standing affront, a self-serving liberal confection funded by a form of taxation without representation. In Michael Frayn's neat distinction, the attackers are the carnivores; I am an out-and-out herbivore.

As a lifelong ruminant, what would I bring to the BBC's long-term defence? Throughout my life the BBC has fulfilled the mission set for it by the great Huw Wheldon of making

"the good popular and the popular good".

We have two dazzling exemplars of that in this debate in my noble friends Lady Bakewell and Lord Bragg. As many other noble Lords have said, it has set a gold standard for public service broadcasting—not just here but with the rest of the world, which recognises this even if sometimes we do not. It is a very British distortion: we tend to turn on those institutions that are regarded as world-class by the rest of the globe. The BBC has created a bounteous multiplier effect across the length and breadth of British culture.

Now for the short-term defence. I am deeply worried by the cuts already planned to news and current affairs. In a decade that will see at least a serious stress-testing of the very UK that has nurtured and shaped us, with the real risk of a Scottish separation, this is not the time to weaken a crucial ingredient in our national glue or to diminish the best instrument we have for furthering a serious national conversation as we seek a new equipoise within our home islands and a refreshed post-Brexit place in the world. Nor is this the time to blur the distinctiveness of the bespoke "little platoons"—as Edmund Burke might have described them—of the BBC Radio 4 sequences, as "Today", "The World at One", "PM" and "The World Tonight" are known in the trade.

Speaking of the "Today" programme, which seems to enrage certain people in Downing Street beyond all belief, I wonder whether they know the special role it plays in the last line of national defence. My noble friend Lord West knows this very well. Only when researching a book a few years ago on the British secret state in the Cold War did I discover that failing to pick up the "Today" programme for several days in succession—allowing for Sundays, of course, although Paddy O'Connell's superb "Broadcasting House" should do to fill the gap—is one of the tests the Royal Navy Trident submarine on patrol applies to check whether the UK has been reduced to a smoking and irradiated ruin by a pre-emptive nuclear strike. The argument is that there cannot be a Britain if it does not have a "Today" programme. Only then do the captain and his number two reach into the boat's inner safe to open the so-called "last resort" letter from the Prime Minister, conveying his instructions from beyond the grave on whether to retaliate or not. Carnivores, tamper with the "Today" programme at your peril.

2.12 pm

Baroness Warwick of Undercliffe (Lab): My Lords, I make my remarks as a great fan of the BBC, although, as an avid Radio 4 listener rather than TV watcher, I realise I am not a typical viewer. This does not stop me feeling strongly about the benefits of the BBC.

As others have highlighted, Britain is a world leader in creativity. Our creative industries are worth over £100 billion a year and employ more than 2 million people. I believe that the BBC's Chairman Sir David Clementi is right to describe it—the biggest single investor in the UK's creative industries—as

"an engine of ideas, risk-taking and ambition that powers the whole of our creative industries."

I am sure that the 14 million people who watched "Blue Planet II" in 2017, the 11.7 million who watched the England women's football team play against the USA in the World Cup last year, or indeed the 11.6 million who watched the broadcast of "Gavin & Stacey" on Christmas Day, will agree with me that the BBC is continuing to inform, educate and entertain to a high level. These BBC broadcasts are so-called "event television", providing moments that bring the nation together.

From documentaries to dramas, talk shows and news, the BBC raises the game for competing commercial broadcasters, while its commissioning and support for independent producers, writers and directors encourage innovation and experimentation in its programme making. Its research and development deliver significant value to the creative community and the UK economy. As others have said, every £1 spent by the BBC on R&D during the last charter delivered a return of at least £5 to £9 to the UK.

But, as Ofcom and our own committee report highlighted, our viewing and listening habits are changing. While the total time we spend watching TV programmes and films has remained broadly stable, we are increasingly watching them via on-demand and online services. Indeed, some 42% of adults now consider online video services to be their main way of watching TV and film, while 38% of users of subscription video on-demand services such as Netflix and Amazon Prime say they can imagine not watching broadcast TV at all in five years' time. For children aged 12 to 15, brand awareness of Netflix and YouTube is now higher than that of the BBC. That does not bode well for growing future BBC audiences.

Given the fast-moving competitive environment and its responsibilities to serve all audiences, the BBC needs to be properly funded. I support the view of other noble Lords that the licence fee still represents good value for money. I believe that it is currently the best mechanism we have to ensure the provision of universal and freely available content—the principle underpinning the value of public service broadcasting. Can the Minister tell us whether any further thought will be given to the recommendation that there should be an independent and transparent process for setting the licence fee, along the lines of a BBC funding commission?

The funding question is vital, because I want to see the BBC do more to attract a wider audience—not just to counter the criticism that the levy payment is

unfair, but because it is in clear danger of losing its future audiences right across the regions and the generations.

More internal co-operation within the BBC across TV and radio, particularly on news programmes, would help viewers and listeners feel that they are getting value for money. It is surely inefficient to have multiple teams of journalists from similar programmes working on the same stories or flying en masse to cover the same events. Having said that, cutting 450 journalists' jobs seems questionable given some of the eye-watering salaries paid to top presenters and executives.

The new director-general will have a lot in his or her in-tray. I wish them the best of luck. The BBC cannot afford to stand still or arrogantly ignore criticism, but any reform of its funding model must recognise that the BBC serves a unique purpose. I believe that reform should be pragmatic, not political, and focused on how to safeguard and upgrade a hugely valuable British asset in our fast-moving digital world.

2.17 pm

Lord Birt (CB): My Lords, the BBC is the most potent institution created anywhere in the world for reflecting every aspect of a nation's culture and affairs. It weaves a tapestry of national types echoing all our many idiosyncrasies as a nation: Captain Mainwaring, Alf Garnett, Basil Fawlty, the louche Patsy in "Ab Fab", the nightmarish David Brent, the wickedly knowing Fleabag.

The BBC captures our brilliance in popular music as a nation—witness the extraordinary sessions recorded by the BBC over 60 years, daily paraded on BBC 6 Music. It has enabled Simon Schama and Lucy Worsley to tell our eventful national story and Brian Cox to explain the planets. It has commissioned 54 series of BBC Science's "Horizon". "In Our Time", presented by the noble Lord, Lord Bragg, and Laurie Taylor's "Thinking Allowed" offer unsurpassed insight into the work of the UK's finest scholars. Possibly the BBC's greatest gift to the modern world is its natural history programming, with David Attenborough at the prow. I could go on and on.

The BBC is peerless, but of course it is not perfect—not in my day, not now. We must engage with and not dismiss the concerns of the noble Lord, Lord Lilley, and other considered critics. But let us nail the Netflix myth: that new subscription services are making the BBC less relevant. The BBC has a significant but no longer dominant position in UK media. Currently it enjoys 26% of all UK TV, radio and online consumption. I am an enthusiastic Netflix subscriber, but Netflix currently represents something like 2% of UK consumption—a thirteenth of the BBC's. The two organisations are not remotely comparable in either their purpose or popularity.

How has the BBC been able to develop, over a century, a most extraordinary range and array of programming? First and foremost, because the licence fee has enabled the BBC over and over again to take risks and innovate in a way that the private sector never can. Secondly, because, almost uniquely among the world's publicly funded PSBs, the BBC is truly independent of government. Thirdly, because it has enjoyed enduring cross-party support from John Major, Tony Blair,

Willie Whitelaw and—whatever her reservations, newly resurrected in recent weeks—Margaret Thatcher, as I can personally testify. I do not believe for one moment that our new Prime Minister really wants to "whack" the BBC, to quote No. 10 sources in the *Sunday Times*. He is a feisty career journalist, gifted of expression, and the child of a notably erudite, public-spirited and liberal-minded family. I do not believe for one moment that he would want to celebrate the BBC's centenary with its destruction.

Let us reboot the debate about British broadcasting. Let us focus on the real issues: the 10-year assault on the BBC's revenues, ITV's and Channel 4's revenue decline and the slow draining away of original British programming from all our screens. They are the issues that really matter.

2.21 pm

Lord Lea of Crondall (Non-Aff): My Lords, I too congratulate my noble friend Lord Young of Norwood Green on introducing this wonderful debate. It ought to be compulsory reading for Ministers involved in the emerging debate. I am one of those who is astonished by the things on the BBC that one gets hooked on. On a Thursday night, my noble friend Lord Bragg gives me the impression that I can get my brain around Plato, the evolution of the dinosaur, astronomy, every subject under the sun. He might say that it is nothing to do with him, but it is amazing, and one of a range of examples. My radio is usually on Radio 3. When its controller came to one of our all-party groups, my only criticism was that there was too much talk. This is a good example of one person's bias being cancelled out by another's, as happens in theology.

This is an important political point. Would the Minister say that this is the spirit in which the Secretary of State is approaching this? His speech yesterday bore signs of a more reflective approach. I hope she picks up that none of us mind a debate, but not a debate in which Mr Cummings has got his retaliation in first. Whether that is done by the noble Lord, Lord Lilley, or any of my noble friends who have worked at the BBC, it is not a debate.

One of the quotes that struck me in yesterday's speech by the Secretary of State was about the BBC's impartiality in an era of fake news. He is right to raise that problem, but the BBC is trusted by the public. Should not the Minister be looking at ways to support this independent, globally respected broadcaster in this age of disinformation?

There is this notion that the licence fee is patently out of date and that there is an obvious alternative. Many noble Lords have spoken about this, including the noble Viscount, Lord Colville. What is the alternative? I think we would all agree that it must be looked at very coolly. Take the business of the decriminalisation of the licence fee. What do we think will happen if we decriminalise non-payment of the licence? Surely it is obvious. We may as well decriminalise non-payment of council tax. There are no simple alternatives and the Treasury under any Administration would certainly say that hypothecation has its problems as well.

Right around the world, at every level, in villages in India, Pakistan and Afghanistan, they say, "I heard it on the BBC, so it must be true."

2.26 pm

Lord Haskel (Lab): I welcome this opportunity to speak up for the BBC and thank my noble friend for moving this debate. Like other noble Lords, I am appalled at how this Government seek to undermine the BBC to get obedience and conformity, as my noble friend Lady Bakewell put it. Yes, there may be a need for change at the BBC. The world is moving on. The BBC must find its place in our digital future but let us not just complain. Above all, let us keep all the good things that every speaker has told us about. Other noble Lords have spoken about how they value the BBC's independence in producing news, comment, current affairs, entertainment and humour. I too value its independence, and I say to the noble Lord, Lord Tugendhat, and others, that the licence fee enables this all-important financial independence.

I mention one aspect of the economic and cultural value of the BBC of which I have personal experience: soft power. Before I entered your Lordship's House, my main work was developing a business in a sector now called "technical textiles"—products made to high standards of safety, hygiene, stability and reliability. The key to selling these products was getting the standards accepted, and we were successful in many countries—in Europe, in Asia, in the People's Republic of China—and in each of them, without exception, people associated me, coming from Britain, with the truthfulness, honesty and reliability with which they associate the BBC, as explained by my noble friend Lord West. This soft power was of enormous value to me. I am sure that it continues to be of value to many UK endeavours overseas, economic, cultural and political; now, we are going to need it more than ever.

This soft power takes years to establish and can easily be dented or destroyed by ill-thought remarks from members of the Government or by taking unwise action motivated by a perceived wrong. The inevitable consequence is a national loss of influence in business, in defence and in political negotiation. We can ill afford this pointless collateral damage.

Equally childish, thoughtless and irresponsible is the absence of government Ministers from news and opinion programmes such as "Today" and "The Westminster Hour". It has taken the seriousness of the coronavirus to get a Minister to react to our concerns by participating in these programmes, as my noble friend Lady Jay explained. The inevitable conclusion is that the Government do not care about the damage that they are doing. All they want us to hear from the BBC is what makes the Government look good—and that must not happen.

2.30 pm

Lord Hunt of Chesterton (Lab): My Lords, I strongly support the Motion introduced by my colleague Lord Young of Norwood Green. As other noble Lords have said, it is good to speak about a great British achievement in the amazing cross-fertilisation between the BBC and public service broadcasting on the one hand, and most British walks of life, on the other—even extending, as we have heard, to new kinds of sporting activities.

As other noble Lords have emphasised, the BBC is extensively appreciated and trusted abroad. The change before us is that UK broadcasting could become a

commercial commodity, so that we may not see in future the coverage of new developments in science, technology and culture. Which organisations will provide the brilliant and innovative programmes in these fields, and who will grow the future links between media, technical and education organisations?

The BBC has explained and publicised advances in science and engineering to schoolchildren through its Christmas lectures at the Royal Institution, which are now also available in other countries. How will these be continued in future? Every year those lectures are given in exciting and different ways, which schoolchildren really appreciate. The BBC's TV programmes have covered clearly and visibly the hottest issues in science and the media, as we have seen in the past month with the coverage of coronavirus.

Of the greatest importance has been the BBC's explanation of the science and economics of climate change. Of growing importance have been the innovations in public involvement at all ages, with all organisations—from 17-year-old Scandinavian schoolgirls to leading financiers and industrialists on the snowy slopes of the Alps. This has required the BBC's scientific presentations to be very diplomatic, as I saw when I was chief executive of the Met Office, but also to avoid unscientific discussions. I would say that the BBC has succeeded in that, despite the questioning of it by some. There are sceptics; that makes the debates healthy. I believe that the comments of the noble Lord, Lord Lilley, can be criticised, but this is not the time for that.

Another innovation in collaboration took place in the 1960s, between the BBC and the newly formed Open University, with excellent instruction for students and the public. Sometimes, as other noble Lords have said, the programmes provided information for the general public. Conversely, sometimes entertainment programmes were brought into the OU set of programmes; that has been very effective.

On a visit to China, I was very interested to see how the information was spread around the world. There they took a programme that I had made with the Open University and incorporated it into a local Chinese programme in the university. Formally, that approach rather breaks the usual restrictions on data exchange, but it was remarkable to see Chinese students take an OU programme that we were exploring in the morning, and by the afternoon turn it into something extraordinary. That kind of innovation in using data is currently very difficult, but it is important.

The future of public service broadcasting is extremely important. There are new and innovative ways of doing things, and one of the areas in which more still needs doing is local government.

2.34 pm

Lord Judd (Lab): My Lords, I warmly welcome this initiative by my noble friend Lord Young. I hope that he is pleased with the calibre of the response in this debate. For a thriving, open, free democratic society there is a high dependence on the information, the quality of analysis and the stimulus that comes from the media. There is a historic tension between the high calling of the media in a democracy and the commercial pressures that inevitably operate.

I am sad that so much of the media has succumbed to commercial pressures, and also to the political and vested interests bias of the ownership to which it is subjected. Public service broadcasting has always risen above that. In making that point I am thinking very much of Channel 4, not least its news, and ITV. But the guarantor of that standard has always been the BBC. Long may it remain so.

The BBC has become part of the fabric of British society. When I think of the profile of the Britain in which I want to live, the BBC is salient as a leader of what that society should be about. I think of the years of Lord Reith, the standards he set, the integrity he brought, and the influence that has lasted ever since. I think of the war years, when I was growing up—sitting with my father during an air raid and listening when, at the end of broadcasting for the day, the national anthem of every occupied country was played by the BBC. This is the significance: it was emotional, but what it said about the BBC and its role in society was real.

The overseas service has been very important in my life. I think of myself overseas, sometimes in quite difficult situations, waiting to hear the news, and the authority that it brought. I think of all those people, in too much of the world, where oppression, cruel warfare and tyranny are the order of the day. The BBC is a vital link to keep the idea—the ideal—of freedom, and of a future, alive.

We should never underestimate that. It literally has been the saving of many people in desperate situations, because they can cling to that vision of what society could be. What is it that has been central to the BBC's standards? The courageous integrity of its journalists, no doubt, and its representation of cultural diversity—but above all, its relentless and total commitment to truth.

2.39 pm

Lord Foster of Bath (LD): My Lords, I congratulate the Labour Party on choosing this timely topic and the noble Lord, Lord Young, on introducing a powerful, well-informed and, as the noble Lord, Lord Judd, called it, high-calibre debate.

The noble Lord, Lord Lilley, claimed that he was the only speaker on the government side here today. I am delighted that your Lordships' House, on this occasion and on many others in the past, has given him a voice—even if the BBC does not want to do so. I associate myself with the noble Baroness, Lady Warwick, and the noble Lord, Lord Birt, and consider that the BBC should look again at the way in which it has treated him. Like him, I am a supporter of the BBC—he claimed still to be so—but I am a critical friend of it. Neither he nor I have demurred—nor has anyone today—from the simple premise of the debate: that there is little doubt that the BBC and other public service broadcasters play a vital role in our economy and our cultural life.

Many examples have been given. The noble Baroness, Lady Wilcox, spoke about the educational role of the PSBs; 75% of school pupils, for instance, use BBC Bitesize. We have talked about research and development and job creation, but no one so far has mentioned its important role in exports of both programmes and formats. The right reverend Prelate the Bishop of Salisbury spoke about another important role—levelling

up—which is relevant at the present time given the Prime Minister's desire to see it. That is being done by the PSBs as more of their staff and programme spend are outside London.

Many noble Lords—including the noble Lords, Lord West of Spithead, Lord Young and Lord Haskel, the noble Baroness, Lady Kennedy of The Shaws, and the noble Earl, Lord Clancarty—have spoken about the important soft power of the PSBs helping in many ways, including, more importantly in the future, in international trade. The BBC is one of the top four most-recognised British brands internationally. It is known, as the noble Baroness, Lady Liddell, put it, as the gold standard; or, as the noble Lord, Lord Monks, said, it is known for its widespread international regard and respect.

However, the biggest contribution that the PSBs make is to our extremely successful and growing creative industries, which are creating employment faster than any other sector. In passing, as it has not been mentioned so far, I ask the Minister—she will say how important the creative industries are; I know that it will be in her brief—to reflect on, if that is the case, why the Government fail to address the concerns of the creative industries, including on the apprenticeship levy, which is not suitable for their use, and the concerns that have been expressed about the post-Brexit immigration scheme that is now coming in and which is irrelevant to them. Also, as we will come on to, why do they not stop trying to cause damage to the BBC?

I recognise that the Government accept the crucial role of the PSB and support it. As I said, there is a great deal of data. For instance, the noble Lord, Lord Young, in talking about research and development, reminded us that for every £1 the BBC invests, we get a return of between £5 and £9. It is worth reflecting that the PSBs collectively are seeking to do more in all of those areas by commissioning more from independent production companies and providing even more support. It is therefore hardly surprising that many people who work in the creative industries have seen real benefit from the PSBs.

One interesting example I discovered yesterday is that, last year, the BBC received 16 BAFTAs and 16 Emmy Awards and, earlier this year, four Golden Globes, and every single one of the British winners of those awards had worked in the BBC at some time in the past. No wonder Philippa Childs said that

“it is the PSBs that are providing the training and skills that the likes of Netflix and others are then happily accepting.”

But, of all the PSBs, as has been pointed out by many, the biggest single investor into the creative industries is the BBC. It is the guarantor of the standards of the other PSBs, as noble Lords have mentioned.

It is worth reflecting—the noble Lord, Lord Puttnam, pointed to this with his phrase “salami slicing”—that, since 2010, the BBC has already had to tighten its belt. Only yesterday, the Voice of the Listener & Viewer research was published, showing that, since 2010, the amount of money in real terms that the BBC has for the production of its products for viewers and listeners in the UK has gone down to 70% of what it was in 2010. Now it looks as though the situation is going to get worse.

[LORD FOSTER OF BATH]

I have had an opportunity to see an advance copy of an article by Professor Stephen Barnett, which is to be published shortly. It states:

“Not since the election of Margaret Thatcher in May 1979 has the future of the BBC been seriously threatened by a powerful and deeply hostile government with a massive majority intent on doing it serious damage.”

My noble friend Lord McNally described it in another form by saying that it was score-settling against a mortal enemy.

Professor Barnett goes on to say that the origins of this are clearly in some of the things that have happened in the past. The noble Baroness, Lady Bakewell, for instance, reminded us of some of the quotations from the New Frontiers Foundation document in 2004 at the time when it was directed by Dominic Cummings. It is worth reminding the House of a couple of the examples she gave. The NFF said that

“the Right should be aiming for the end of the BBC in its current form”.

It went on:

“There are three structural things that the Right needs to happen ... the undermining of the BBC’s credibility ... the creation of a Fox News equivalent—

my noble friend Lord McNally warned us about that—and “the end of the ban on TV political advertising”.

It was therefore hardly surprising that, with Dominic Cummings in tow, the Prime Minister went into Downing Street soon after the election and, as Professor Barnett says:

“Even before the Downing Street boxes were unpacked, the Prime Minister was announcing a ‘consultation’ on whether non-payment of the BBC licence fee should remain a criminal offence—despite a comprehensive, independent review ordered by David Cameron and published less than five years ago concluding that the current arrangements were fair and proportionate.”

I should point out to the noble Baroness, Lady Bennett, who was concerned about people being put in prison, that you can be put in prison for the non-payment of a civil fine as for the non-payment of a criminal fine.

Professor Barnett—I share his view—went on:

“This was the first shot by a government which knew well that decriminalisation would cost the BBC well in excess of £200 million while actually making life more difficult for poorer households which would simply be pursued with higher fines through the civil courts.”

Worse, we subsequently heard government sources saying that there should be consultation on the replacement of the licence fee with a subscription model, that the BBC should be reduced to a few TV stations, a couple of radio stations and a massively curtailed online presence, and that,

“the Prime Minister is firmly of the view that there needs to be serious reform. He is really strident on this.”

I agree with the noble Lord, Lord Gilbert of Panteg, and many others that there are many things the BBC could do better—not least in diversity—but, as the noble Lord, Lord Bragg, said, it is childish to send a wrecking ball to the BBC. It is crazy to pray in aid the subscription model of, say, Netflix and Amazon. As the noble Earl, Lord Clancarty, the noble Baroness, Lady Wilcox, the noble Lord, Lord West of Spithead, and others have already pointed out, given what you get from Netflix for £7.99 and what you get from the

BBC’s range of output and services for £13 a month, the two do not compare. A simple figure worth reflecting on is that, last year, the BBC, along with the other PSBs, invested £2.6 billion in the UK to deliver 32,000 hours of original, home-grown content compared with only 210 hours of content provided by Netflix and Amazon Prime combined. There is a huge difference.

The noble Lord, Lord Tugendhat, is right that many issues need to be debated but within the context of being supportive of our public sector broadcasters. The right reverend Prelate the Bishop of Salisbury said that the BBC should be cherished. Only today, the Secretary of State said that all the PSBs should be cherished. However, the evidence before us is that that is not the plan of the current Government. The noble Baroness, Lady Kennedy, said that we should all be alarmed; the noble Lord, Lord Haskel, said that we should be appalled. I ask the Minister a simple question: does she believe that the BBC is the mortal enemy, or does she believe, like many of us, that the BBC is the best broadcaster in the world and one of the best gifts this country has ever given to the world?

2.50 pm

Lord Griffiths of Burry Port (Lab): My Lords, this has been a truly remarkable debate. It would do us all well to read it in *Hansard* when it appears. I suppose that I should express some kind of a conflict of interest since, like the right reverend Prelate the Bishop of Salisbury, I have had a working relationship with the BBC for more than 30 years and have been paid much less than he ever was. I still do my little bits now and again. I have read all the briefing material that has come my way. As often happens, the noble Lord, Lord Foster, has stolen a bit of my thunder, but it is the rolling kind of thunder and so there is a bit of it left.

Some of the original research I did was in the *Radio Times*. I thought that it was not a bad idea to look in it to see what is on today. All I have done is choose half a dozen things. There is women’s football, for example; women’s sport has been mentioned. There is “Villages by the Sea” on Clovelly; this programme was done regionally at first but it is showing across the network now. There is “MasterChef”; on my honeymoon, I took a book with a perfectly produced picture of the meal I was going to cook for my beloved, but it did not look like that when it got on the plate, and “MasterChef” does that for me too. Across the PSBs, we have “EastEnders”, “Emmerdale” and “Hollyoaks”. Informing, educating and entertaining is exactly what is being done. By the recommendation of the Minister herself, this evening we have “Noughts + Crosses”. We all ought to watch that to show the capacity of the BBC to look imaginatively at British society from a curiously upended point of view, following the novels of Malorie Blackman. I shall be watching because of the Minister. I want to say a nice word about her because where have all the Tories gone? Where are they? They are shy violets, every one. How will they ever learn?

In this debate, we have heard authoritative voices. We have the experience of my noble friends Lord Puttnam, Lord Bragg and Lady Bakewell, the hands-on experience of the noble Viscount, Lord Colville, and the noble Earl, Lord Clancarty, the vast experience of an entirely different kind of the noble Lord, Lord Hennessy, who

I shall now think of as a ruminant and who has an insightful take on all these things, and the hands-on experience of the noble Lord, Lord Birt. That is just picking some names. Of course, I cannot do that for everybody, but this is an authoritative body of people sharing their views about a matter of great concern to all of us, and we hope that we are articulating a voice out there in the country, which would be glad to think that people such as the noble Lords I have mentioned are bringing their voices to a debate of this kind. It matters to us but it matters much more to them, and that is what we are here for.

I would also mention a Conservative who spoke in a previous debate on this subject and who is not in his place: the noble Lord, Lord Dobbs, a leading journalist who wrote a much-quoted article after the general election in which much criticism was offered of the BBC's coverage. Of course there are things that go wrong and could be better. Who can think of an organisation the size of the BBC that does not sometimes put its foot in it in a big way? To answer the noble Lord, Lord Tugendhat, there must be change. If we do not embrace change and anticipate and study where developments have to be made, the BBC will increasingly become part of our archive rather than an ongoing, vibrant part of the national culture.

Much has been said about the licence fee and continuing funding. The licence has been called the least worst solution, and many people have advocated it. It is worth picking up a comment from across the Chamber that it is worth looking at a progressive household tax as a possible alternative. We will certainly need to raise money; the noble Lord, Lord Foster, quoted the Voice of the Listener & Viewer statistics that there has already been a 30% erosion of the funding base in the past 10 years. We will have to look for a model of funding if we believe in the BBC and believe that it should be publicly funded. Everybody seems to think that and I suspect that if we took the noble Lord, Lord Lilley, out to a good lunch, he might think that too—well, I hope so.

We need to look more critically at alternative ways of achieving better funding, but the BBC gets everywhere. I have sat in studios all over the United Kingdom; nobody can tell me that the BBC is dominated by this elite in London. There are fast-moving BBC radio and television stations across the country. Where Welsh coverage would be without public service broadcasting, I do not know. The noble and learned Lord, Lord Mackay of Clashfern, is not in his place. I did not know that he speaks Gaelic. It is said that there are probably only about two people who do, but there is something for them. In Wales, the resurgence of the Welsh language can be attributed almost directly to the reach of the BBC and public service broadcasting. As the right reverend Prelate said, the BBC is not just descriptive; it is shaping the public with proactive involvement in a culture that is always on the move.

I have found this debate extremely insightful and I have enjoyed it very much. I will certainly read *Hansard*, particularly to get my noble friend's comments about the lean and hungry man in No. 10 who thinks too much; the power behind the throne; the éminence grise. I will not call him Rasputin because I believe that he likes that, but for all that, there is something

curious and weird about policy being made about an institution so integral to the British identity as the BBC by someone who has never been elected and who never has to stand and face an audience such as this.

Incidentally, I have a word for the Minister. The Prime Minister did not have the bottle to face Andrew Neil in the course of the election campaign; this kind of displacement on the part of the Conservative Party has put the noble Baroness almost on her own to face a collective body that might be rather like Andrew Neil. How she is going to deal with it, I simply do not know, but we look forward to her remarks. The debate will convey to the Government of our day the importance of this institution and the necessity of us contributing to it our support and confidence as we look forward to its ongoing influence in the years ahead.

2.58 pm

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran)

(Con): My Lords, I start by echoing the comments of other noble Lords in thanking the noble Lord, Lord Young, for securing this important debate on the role of the BBC and public service broadcasting in the UK's economy and our creative culture. I also thank the noble Lord, Lord Griffiths, for his sympathy. The more noble Lords remarked on the quality of the debate, the more my knees began to shake. As for Andrew Neil, I confess that, during the election campaign, I had a dream that I had been rung up and asked to do the interview, so be careful what you wish for. We have had some extraordinarily well-informed, eloquent and passionate contributions this afternoon. I will do my best to respond to them, but if necessary I may have to follow up in writing if time does not permit.

I start—I hope that this language is not too strong—with some of the accusations that have been made about this Government's attitude towards the BBC. Noble Lords used quite strong language. The noble Lord, Lord Puttnam, talked about an unremitting vendetta and the noble Lord, Lord Foster, asked me to confirm that we do not see the BBC as a mortal enemy. I repeat what the Prime Minister said recently, as was echoed by my right honourable friend the Secretary of State: the BBC is a “cherished British institution” and a great source of national pride. Almost every noble Lord who contributed to this debate gave examples of why we should be so proud of the BBC, and why it is a cherished institution.

All our public service broadcasters play a vital role in not only our media ecology but our economy and, crucially, throughout our lives. The noble Lady, Baroness Bakewell—

Lord Birt: I welcome the Minister's remarks, but perhaps she could help us understand something. Two weeks ago Tim Shipman, a most reliable and professional journalist, ran a piece on the front page of the *Sunday Times* about the BBC, sourced from No. 10. In it, the source said that the Government would “whack” the BBC, cut it back, scrap the licence fee, and appoint a new chair to sack the new DG if he or she was not to their liking. Are the Government repudiating that statement?

Baroness Barran: I do not want to play “quote wars” with the noble Lord, but he will be aware that my right honourable friend made a speech on this. I have it here somewhere—I apologise, it is hiding in my pile of papers. This morning the Secretary of State confirmed our commitment to the BBC, and I am sure that the noble Lord has read that speech.

On a similar theme, the noble Baroness, Lady Bakewell, talked about an agenda to undermine the BBC. Obviously, the Secretary of State works closely with the Prime Minister on these issues, but the Government remain clear that it is for advisers to advise and for Ministers to decide. That is what we continue to do.

The noble Baroness, Lady Jay, and the noble Lord, Lord Monks, referred to ministerial appearances on the “Today” programme. Ministers talk to the public through many different channels, including the BBC. That has always been the case and will continue to be so.

Turning to the economy, public service broadcasting has proved to be by far the largest driver of the UK production sector, as we have heard. Each year, the PSB system invests around £2.6 billion in original programming, of which around £1 billion is spent outside London. The BBC alone spent approximately 94% of its £1.3 billion of content spend on first-run UK-originated programming, making it the single largest investor in British TV content.

As many noble Lords said, public service broadcasters sit at the very heart of the UK’s creative culture and industries, which are renowned worldwide. I thank the noble Lord, Lord Griffiths, for the shameless plug for “Noughts and Crosses”—I commend it to your Lordships. The right reverend Prelate the Bishop of Salisbury, the noble Baroness, Lady Wilcox of Newport, the noble Lords, Lord Hunt of Chesterton and Lord Bragg, and my noble friend Lord Lilley noted the breadth of offering that the BBC gives us. Our public broadcasters produce world-class content that stimulates our interest in arts, science and history, and broadens our understanding of our own culture and the world around us. As the noble Lord, Lord Birt, said, it is the quality of that content which is so important—I hope I have caught his point accurately.

A number of noble Lords, including the noble Earl, Lord Clancarty, and the noble Lord, Lord West of Spithead, talked about the BBC as a bastion of British culture around the globe. It reaches around 426 million viewers and listeners each week, and—as we heard—it is a trusted British brand that is invaluable for our soft power and influence.

But clearly the key issue is that times are changing. Improving technology and greater consumer choice mean that people are moving away from traditional ways of watching TV and towards streaming and on-demand services. Our audiences are being served by many different companies, which have been mentioned this afternoon. In this context, the PSBs must work even harder to make sure that all nations, regions and people of the UK are represented, both on and off screen.

Our public service broadcasters are best placed to create programming with British viewpoints and identities that meet both British audiences’ needs and global audiences’ appetites. They need to utilise and evolve

their unique platform to help strengthen our shared cultural identity, and make sure that they work for all the UK audiences that they serve. In this changing landscape, both industry and government need to change to keep that which is so precious to many of us.

I turn now to the future of the licence fee, which was raised by many noble Lords, including the noble Lords, Lord Young, Lord McNally, Lord Haskel and Lord Foster, and the noble Baroness, Lady Bennett. Noble Lords will be aware that the current licence fee settlement is agreed until April 2022. That includes the licence fee rising by inflation each year. Negotiations for the next licence fee period, from April 2022, will take place in due course, but the Government are committed to maintaining the licence fee model for the duration of the 11-year charter period up to 2027.

Lord Foster of Bath: On that point, and very quickly, can the Minister confirm that, as the charter continues until 2027, the Government could change the quantum of the licence fee between 2022 and 2027? Can she assure us the Government have no plans to do that, and that they recognise that the BBC’s scope and remit should remain constant until 2027?

Baroness Barran: I am going to cover the noble Lord’s point in just a second. The Government are committed to ensuring that the BBC and all public service broadcasters adapt to the fast-changing market, keeping them at the heart of our world-class TV sector.

In terms of other options for funding, raised by the noble Viscount, Lord Colville, and my noble friend Lord Tugendhat, the former Secretary of State for the DCMS noted that the Government were open-minded about how the BBC would be funded in the future and said that this would require a great deal of further discussion and evidence from all sides before a decision was made.

I was asked about the mid-charter review—a matter touched on also by the noble Viscount, Lord Colville. It will take place between 2022 and 2024. The BBC charter is clear that the mid-term review will focus on governance and regulatory arrangements and will not be able to consider mission or public purpose. I hope that that addresses that point.

My noble friend Lord Gilbert of Panteg and the noble Baronesses, Lady Bennett and Lady Warwick, asked about the transparency of the licence fee settlement and the potential introduction of a licence fee commission. The government response to the Lords Communications and Digital Committee report on public service broadcasting made it clear that we have no plans to introduce a licence fee commission. We believe that it remains appropriate to determine the level of the licence fee in discussion with the BBC. My noble friend asked whether we felt that greater transparency was important. We absolutely agree with that point and with the comments made by Margot James to my noble friend’s committee.

The noble Lord, Lord Puttnam, talked about the importance of prudence and deliberation. Obviously, 2022 to 2027 is not the 100 years that he referred to, but I hope that it goes some small way towards reassuring noble Lords that we are at the beginning of a long

conversation on these matters. My noble friend Lord Gilbert summarised three key questions: what we want the BBC to do; what it should cost; and how we should fund it. I absolutely hear noble Lords' anxiety, which comes from their great experience, but surely the form of the funding should follow the function that will be agreed in discussions over the next few years.

A number of noble Lords talked about the importance of the independence of the BBC. I reiterate that the BBC is operationally and editorially independent of government. Government cannot and should not intervene in the BBC's day-to-day operations.

My noble friend Lord Lilley, the noble Lord, Lord Lea of Crondall, and the noble Baronesses, Lady Kennedy and Lady Liddell, talked about impartiality. The BBC obviously has a duty under its royal charter to deliver impartial and accurate news, and it is not for the Government to make judgments about any perception of editorial bias.

Lord Lilley: Does my noble friend not think it odd that the BBC puts such emphasis on diversity of race, sex and sexuality but no emphasis on diversity of opinion? I am sad that today no noble Lords have addressed whether there is a single mindset that deals with certain issues such as immigration, climate change and Europe—what the French call “la pensée unique”—and which forbids other views to be expressed on the BBC.

Noble Lords: Oh!

Lord Lilley: It is not for the Government to put it right, but this House should be more critical than it has been today.

Baroness Barran: I thank my noble friend. I have now found the Secretary of State's speech. As he knows, the Secretary of State said this morning that we need to ensure that there is “genuine diversity of thought and experience” and to be able to raise that in an open and balanced way. Indeed, in his memoirs, John Humphrys touched on some of the points about bias within the BBC. We do not have to agree with him but it is a valid view.

Lord Lea of Crondall: Is it not the case that the same John Humphrys in effect ran the “Today” programme for donkey's years and is now writing for the *Daily Mail*? That is perhaps relevant to the idea that the BBC has bias.

Baroness Barran: I am not clear why those things are linked, but perhaps scarcity of time means that I should move on. The noble Lord, Lord Monks, and the noble Baroness, Lady Kennedy, highlighted the importance of supporting journalists who are harassed both in their work here, as was referenced in connection with Laura Kuenssberg, and internationally. We echo that.

The noble Lord, Lord Foulkes, asked about the over-75s concession, and commented on loneliness. I cannot help but feel a little defensive. As Minister for Loneliness, I reassure him that we take it extremely seriously.

Lord Foulkes of Cumnock: We are now into March. This scheme is supposed to come into operation in a couple of months, yet we do not know how it is going to operate, who is eligible or whether the data protection laws will come into it. The last time I raised this, the noble Baroness said that she was disappointed that the BBC had not taken the funding on board. What is happening in relation to sorting this out?

Baroness Barran: If he will forgive me, in the interests of time I will write to the noble Lord with some of the detail. He raised a point about data sharing and the over-75s concession. The BBC's decision document sets out that the BBC will operate a self-verification model. Therefore, the issues that he has raised should not arise but I am happy to write to him in detail about this.

A number of noble Lords, including the noble Lords, Lord Judd, Lord Hennessy and Lord West, raised soft power—a matter that I have already touched on. The Government strongly support the BBC's mission to bring high-quality and impartial news to audiences across the world. The noble Lord, Lord West, had done some clever maths on expenditure.

Lord Puttnam: I apologise to the noble Baroness and I do not want to delay the House but there is an elephant in the room and it needs to be shot. This morning the Secretary of State said that the BBC was “an institution to be cherished.”

Words matter. I know what cherished means, as does the noble Baroness, but it is not in any way possible to square that with the supposedly informed comments that come out of No. 10. The noble Lord, Lord Birt, referred to the Shipman piece. Would she like to use this opportunity at the Dispatch Box to totally repudiate the continual comments about wishing to destroy the BBC that are claimed to emerge from No. 10?

Baroness Barran: I can reiterate with confidence what the Prime Minister and the Secretary of State have said, but I am sure that the noble Lord will understand that I cannot respond confidently about leaks to the newspapers; I can deal only with the facts before me. My noble friend has whispered in my ear that I have a minute or two more, and I would be grateful if I could go through the important points that other noble Lords have raised.

On soft power, the royal charter is clear that the BBC must spend at least £254 million a year on the World Service until 2022, and in 2017-18 that figure was £268 million.

Lord West of Spithead: BBC Monitoring is crucial if we are to understand these countries that are a real danger to us. Will that be covered as well?

Baroness Barran: I will write to the noble Lord to clarify any other points that remain unclear.

I want to take the last minute and a half to talk about the creative industries. My noble friend Lord Gilbert asked if the BBC and the public service broadcasters are considered as part of the Government's industrial

[BARONESS BARRAN]

strategy, and that was also touched on by the noble Lord, Lord Foster. The Government continue to support the wider broadcasting landscape by having developed the creative industries sector deal, which came from the industrial strategy, and in 2018 the Government and industry agreed a landmark £150 million deal to promote the creative industries. The deal set out a number of measures, including rebalancing growth between London and the rest of the country. The noble Lord, Lord Foster, asked about the apprenticeship levy and we recognise that some employers in the creative industries experience challenges in using the apprenticeship levy to support their business, and we are working very closely with the sector to try to address this.

We have had some very passionate speeches and I want to try to close on a slightly more positive note and pick up what the noble Baroness, Lady Bennett, said in talking about change as an opportunity for improvement. Change is not a choice in a landscape that is moving very rapidly, but we want to see it as an opportunity to build on and enhance the strengths of both the BBC and the creative industries. Both are success stories of the British economy and, as noble Lords have highlighted today, public service broadcasters have contributed to the success of the creative industries but have also benefited from that success. I have no doubt that in the next seven years there will be a very important debate continuing about how public service broadcasters should evolve in a rapidly changing broadcasting landscape, and that debate should and will ensure that both our public service broadcasters and our creative industries remain world-class.

3.22 pm

Lord Young of Norwood Green: My Lords, I thank everybody who has contributed to this debate. Perhaps it did not quite go the way that I wanted it to go. In my contribution I decided that I was going to accentuate the positive because I knew that there would be many others who would point out the strange decision of the Government not to appear on the “Today” programme—certainly until recently, when, feeling either inspired or compelled by the coronavirus, the Secretary of State for Health did appear on there. I hope that is an omen. The Minister was saying to us, “It is not true, all this”, and then, “I cannot possibly comment”, which is slightly different.

What I really wanted to get across in this debate, because I thought it was vital, was the fact that—as quoted from *The Leopard* which the noble Lord, Lord Tugendhat, referred to and which is one of my favourite books as well—if we want things to stay as they are, there will have to be changes. That is a much-used quote but an appropriate one in the circumstances. We cannot say in this digital streaming environment that everything will be the same. If we look at the listening and viewing habits of young people, who have been referred to one or two times in this debate, we know that they are not necessarily the most avid consumers of public service broadcasting. That is not to say that they do not use it at all; they do, which is why the BBC has focused on things like iPlayer, BBC Sounds and podcasting. Those are signs of change.

My intention in this debate was to signal how fundamentally important to the future of the economy of the UK in what I described as the post-Brexit environment the creative economy and the creative culture is. The BBC and public service broadcasting, as we have heard today, is demonstrated in a vast array of wonderful programmes. We only touched on a few. One of my litmus tests is whether new dramatists emerge—the likes of Phoebe Waller-Bridge or my other favourite, Sally Wainwright, whose next few episodes of “Last Tango in Halifax” are coming up. There is such wonderful content but, as the noble Lord, Lord Birt, said, if we are serious about the future of public service broadcasting and its ability to survive in this rapidly changing environment, then somehow it has to have funding. All I ask is for a coherent, evidence-based debate.

When the Government say that they want all nations represented, I would like to see demonstrated how all nations are not represented in public service broadcasting. It is not good enough for the Government to just allege that is the case. As for impartiality, I attach an awful lot of importance to that and I want to go away and look at that. I do not think we can dismiss it. I certainly would not agree with the view of the noble Lord, Lord Lilley, on climate change, but that does not mean to say it should not be represented. As to the future of the licence fee, I do not necessarily share the views of all my colleagues. I think there is a sort of bargain to be struck—what I call the intergenerational bargain—between what we offer to young people and what we offer to the older generations. I sometimes feel the pendulum has swung the other way. I do not want to go into decriminalisation because that is another debate.

I thank all noble Lords who have taken part in this debate. I shall read it, not least to go through the Minister’s response. One thing we can say is that there seemed to be a united view across this Chamber about the importance of preserving public service broadcasting, not in aspic but in a way that ensures that it is vibrant. In a partial defence of the opposite Benches, there were at least three people who said to me that they would have taken part in this debate had they been able to, but I am not going to name them because I do not think that would be appropriate. Once again, I thank everybody. We have made an important contribution to the future of public service broadcasting and, as they say in the theatre, I think this one will run and run.

Motion agreed.

Educational Opportunities: Working Classes

Motion to Take Note

3.28 pm

Moved by Baroness Morris of Yardley

That this House takes note of the educational opportunities available to children and young people from working class backgrounds.

Baroness Morris of Yardley (Lab): My Lords, I am very pleased to be able to introduce this debate today. I think this is one of the most important issues facing the nation and I am delighted that so many people have volunteered to speak and to stay late on a Thursday.

I suspect that many noble Lords are going to be quite critical of the Government's performance as regards the opportunities available to working-class children—I know I am—so I want to say at the start that there are very many working-class children who now occupy places in our professions and in business. They are leaders and campaigners, they contribute to all areas of the economy and they contribute to society in full; indeed, they are Members of the House of Commons and they are Members of the House of Lords. There is nothing inevitable about being born into a working-class family and not having the opportunity to succeed in life. This is a complex issue.

We could spend the whole debate defining “working-class”, but I hope we are not going to do that. I am conscious that it is not only about money and income: it is about the support you get from your family and the neighbouring community; it is about the attitude and the aspiration that you have; it is about whether you meet a teacher, at some point in your life, who believes in you and gives you the extra push; it is about whether you yourself decide to seize the opportunities and run with them; and, at the end of the day, it is about working hard as well. Sometimes, though, young people from working-class backgrounds say that if they have succeeded because of those things—because of a teacher or a parent or because they seized the opportunity—they feel that they have done so in spite of the system, not because of it.

We know that at every stage of our education system there is a correlation between parental income and educational attainment, and that the gap gets wider the older a child gets. At age five, 50% of children from this sort of background will go into early years education with a language deficit. At year 1, the gap between them and the wealthier pupils in their class will be 14%, rising to 18% at the end of key stage 1, 22% at the end of key stage 2 and 28% at the end of key stage 4. These children are less likely to stay on at school in the sixth form. They are less likely to go to university and, if they do, they earn less after graduation, and 80% are less likely to enter a profession.

When you put the regional, gender and ethnic differences in attainment on top of that, what is stark—and this must be our agreed starting point—is that our education system has an unacceptable and unenviable link between the income of your parents at the time of your birth and your life chances throughout life. We know that it need not be like that: it is not like that in other developed countries; they manage to succeed. That is the kernel of this debate, and I hope that today we will hear suggestions as to how we could change things.

There have been some successes; it is not all failures. I think that these are my successes from my time both in politics and in education: a national curriculum—not necessarily the national curriculum we have, although that of the noble Lord, Lord Baker, was very successful—the London Challenge, Sure Start, literacy and numeracy strategies, the pupil premium and of course the Open University. All of those were sustainable initiatives.

They were comprehensive, well-funded and ambitious, they involved taking risks, and they are still with us in the shape of the people who benefited from them.

However, littered among all that are the many small initiatives over the years that have been more about a press release and a headline than they have ever been about sustained and important change, or improvement in opportunities for working-class children. We have had breakfast clubs, after-school clubs, holiday clubs and catch-up clubs; we have had this zone, that zone and the other zone; we have had tsars. Every initiative that the Government launch has a paragraph at the end saying, “You must take extra care to target this at children from deprived backgrounds”. I am not critical of that—at least it shows intent—but the questions for us now are these. Have we learned from what has gone on in the past? Can what we have learned be seen in the policies before us at the moment? Are those policies likely to improve the situation?

We should be clear: in every stage of our education system, from early years right through to employment, there are problems. I want to look at three areas in particular that I think are important. The first is early years education. When you hear the statistics about the growing social-class gap as children move through school, you can conclude only one thing: once a child falls behind, it is very difficult for them to catch up. That is not because they get the poorest teachers or go to the worst schools or because no one tries; it is because it is damned tough to catch up if you have fallen behind at the age of five. The only conclusion can be that early years ought to be our prime focus; it ought to be where we put our resources if ever we have the chance. Yet when we look at that area, we see staff who are less qualified. Some 45% of childcare workers claim benefits or tax credits; it is essentially a low-skilled workforce. You have to have a PhD to teach a university student but you do not even have to have a level 3 qualification to teach the nought to fives. So we have learned what is needed but failed to take action.

I have to say that Michael Gove's action in abolishing Sure Start was nothing short of politically criminal. I hope he has lived to rue the day, when he sees that nothing has been done—in fact, the gap at age five is growing, not closing. I believe that there is a review of the future of children's centres, and it would be helpful if the Minister could give us some reassurance about what is happening. This is not just about the child; institutions such as Sure Start and children's centres work with the parents. If you are going to get it right at aged five, that is the opportunity to bind together that most important of educational partnerships, not between teacher and pupil but between parents and children. We are wasting opportunities there.

Secondly, I want to look at schools. Again, I would say that the many schools that succeed do so against the odds, in the most extraordinarily challenging circumstances and working harder than many of us can imagine. Many individuals will talk about how they owe their life chances to the school that they went to and the teacher who taught them. But there is a danger in this debate that we pick out individuals or groups and say that it worked for them, but forget to look at the overall picture. Schools are still struggling to close the gap between social class and educational attainment.

[BARONESS MORRIS OF YARDLEY]

The figures and statistics belie the actuality of what is happening because the biggest difference in attainment is within schools, not between them. We measure the difference between schools, saying, “This school got that and that school got the other”, but, no matter how affluent the catchment area of the school or where it is situated, poor children in those schools do worse. If poor children make up 1% of children in a middle-class school, guess who does the worst in that high-achieving middle-class school—the 1% of poor children. I worry about the Ofsted figures in this respect as well. When you look at the Ofsted gradings for outstanding schools, you see that they correlate to schools in middle-class areas taking middle-class children. It is not an exact fit, but a school is far more likely to be in special measures or to require improvement if a number of its children are on free school meals.

That means that we are not asking the right questions. You cannot just look at the performance statistics and say what is right or wrong. The reality is that even in high-performing schools, working-class children are not doing well. That means that our approach to failing schools and schools that have a lot of working-class children should sometimes be more empathetic than I fear it is. To be honest, there is little incentive for schools to tackle long-term inequality: you do not get many badges for it and you run the risk of ruining your overall performance, with all the consequences that that has.

I want to bring up one more important item in relation to schools. I do not mind the emphasis on literacy and numeracy—indeed, my time in office as a Minister, during the first term, was focused on the literacy and numeracy strategies—but I worry about, and am pretty cross about, the narrowing of the curriculum. If you want to help children from working-class backgrounds, you have to teach them to read and write to prepare them for secondary school and for life, but you also have to give them access to that wider, richer curriculum. That is what will give them the foundations to be brave enough to make decisions, and confident enough to visit places that they may not otherwise have gone to. If we have schools where there is no creativity—no art, no music, no band or orchestra—but there is an awful lot of phonics teaching, we are not going to build children up. They might be able to pass the phonics test, but they will not have the confidence that is essential to get on in life.

I turn to a topic that for me is a tragedy equal to that of abolishing Sure Start. Since 2010, the Government’s priority on the schools agenda has been to try to force every school in this country to become an academy or a free school. I am not making a judgment—there are many such schools that are good—but I am absolutely confident that the amount of time, resource, leadership and effort that successive Ministers in the Department for Education have put into forcing schools to academise could have been spent on tackling the problem that we are discussing today. It is a tragedy that that has not been the case.

My third area is post-16 education. I will be honest: I was not quite as up to date on the statistics as I thought I was, before leading on this debate. I had not realised what a segregated system post-16 has become. Quite simply, twice as many young people from

disadvantaged backgrounds go on to further education than stay at school. At post-16 we now have working-class children taking one path and middle-class children taking another. But which is the most underfunded sector of our whole education system? It is further education. Which sector has taken a 20% reduction in funding, compared to 8% in schools? It is FE. The salary of college lecturers is, on average, £2,500 less than that in schools—no wonder the average college had 16 vacancies at the start of the 2017-18 academic year. That cannot be right. I am not making a judgment about where children choose to go, but if they choose to go to further education, and if we are serious about closing the attainment gap, that is where our priority must be and where investment ought to be made.

I finish on this: education is the most powerful lever for change that we have. I stand second to none in believing in the power of education to change lives, and I pay tribute to everybody who chooses to spend their life in this sector. But I also believe that they cannot do it by themselves. Too often, our response is to blame them, because they have not got our policies right. They cannot do it by themselves; it is our responsibility to make sure that there are things around them to help them do their job better. It is difficult to close a social-class gap during a time of austerity. If being poor means that you are more likely to do badly at school, why do we make more children poor, as we have done since 2010? If we believe that a broader co-ordinated service is important, why do we cut social services, the probation service and the numbers of health visitors who go into schools?

What is happening in schools? Teachers know that if they are going to do the best for their children, they have to not just teach them but help them overcome the barriers to learning. These barriers are not necessarily educational: they are domestic, social and aspirational. Teachers do it because there is no one else to. We have a situation in which teachers are taking time out from teaching to help a parent who comes in with a money problem, or a child who comes in dirty because there is no bath at home to wash in, or a child who needs fed because they have had no breakfast. When Labour was in Government, we moved away from that. It is far more challenging to close that social-class gap during a time of austerity than at any other, and I lay that at this Government’s door.

This remains one of our biggest challenges. If our education system and our politicians want us to be the sort of society we say we want, we should put our hands up and volunteer to be judged by how much we can close the gap between the poor and the rich. We are not without successes and some evidence of how it can be done, and we are not without the wish and the will to do it. But I fear that, at the moment, we are without the ability to look at what has happened and seize the evidence of what works, and to turn that into policies that could shape a different future.

3.43 pm

Lord Addington (LD): My Lords, it is a privilege to follow the noble Baroness. I do not know if I agree with everything she said, but I agree with a lot of it. I volunteered to speak in this debate because it follows one yesterday—I remind the House of my declared

interests—in which I talked special educational needs. I did not have a chance to raise how the parents have to take on a huge responsibility for this group, because the school system seems to be failing them. Teachers are not trained to deal with most of the commonly occurring special educational needs—I have already referred to my interest in dyslexia—and parents traditionally have to step in. They normally step in to get the diagnosis in the first place. They have to notice that the child is underachieving or not achieving in certain ways. That means they need to know what the norm and the expectation are. If you do not have a background in education, you are less likely to know that. Then, once you have done that, you have to take on the system, to an extent. You need to start putting pressure on the teacher and the structures around you to say, “Why are you not doing it?” This means writing letters. Good literacy helps. Knowing how to access forms and look things up are all part of it. The tiger parent gets results.

Then look at straightforward cash. It costs £500, maybe £600, to get, privately, a diagnosis for these hidden disabilities. Other situations may vary. That is a big chunk. It is more than you would get from one week on the national minimum wage. Then, it is reckoned to cost about £1,000 a year to keep the pressure on and make sure you get the support for that child and the things they are missing at school. The people I have been speaking to reckon that, if you have to go to appeal, it costs over £6,000. At least 15% of the population have special educational needs according to the Government, and virtually everybody agrees that that is an underdiagnosis. It is reckoned that 80% of those with dyslexia are undiagnosed through the school system.

There is another, small element that goes into the bigger cocktail the noble Baroness has identified, and which may ensure that your chances of success are that bit lower. Everything is on a downward multiplier. You are being pressured to do things that you just cannot do if you do not have the resources or understand the education system that well. I do not know how many times I have had a conversation with a parent who said, “I have a dyslexic child and, by the way, I think I am dyslexic as well.” The same is true of dyspraxia and autism. With that sort of pressure, we will not get out of this until we start to have better education for teachers and make the system slightly friendlier to enable them to implement those changes. All these small changes will help but unless we keep an eye on them and how they fit together, we will miss out. Please can we hear how the Government are going to make sure that parents with lower educational attainment know how to access the help that the middle-classes are clearly getting?

3.46 pm

Lord Bates (Con): My Lords, I add my thanks to the noble Baroness, Lady Morris, for securing this debate and for the way in which she introduced it. I absolutely agree that education is the most powerful lever for change, but I did not always appreciate that. I grew up in Gateshead, when it was one of the poorest communities in the country. I attended a typical inner-city comprehensive school, where our most famous alumnus

was Paul Gascoigne. The only remarkable thing about my O-level grades was that they spelled out “FUDGE” when I got them.

In later life, however, with the encouragement of my noble friend Lord Baker, the then Secretary of State, and the inspirational local businessman Sir Peter Vardy, I was part of a team that founded a city technology college in Gateshead. Over the past 30 years, it has transformed the academic opportunities of more than 10,000 children from working-class backgrounds. It did this by raising expectations among students and parents. The school instilled in students personal pride and self-belief, along with beliefs in self-discipline and ambition. Later in life, I was to have the opportunity of graduating from Oxford University as a mature student. What has all this taught me about the subject before us?

There are a few things. I am absolutely convinced that education is the surest path out of poverty ever discovered. I believe that investment in the early years of a child’s life will yield the greatest socioeconomic return it is possible to get. I believe in the dignity of hard work, and in celebrating excellence wherever it is found: in academia, the arts, sport, public service or enterprise. I believe in levelling up, not levelling down, and that the person who has the greatest responsibility for achieving your life goals is you. I failed my O-levels not because the system failed me but because I did not put in the work necessary to pass them. I believe that people born anywhere in the United Kingdom have won the biggest prize in the lottery of life. It is, without doubt, the best country to grow up in. I believe it offers some of the best schools and universities, and the best opportunities available anywhere in the world at this time. The British education system is the most admired in the world, judging by the fact that last year the UK overtook the United States as the number one destination for foreign students.

Over the past six years, we have seen the proportion of children achieving good development by the age of five rise from 55% to 74%. I am proud that the number of people being taught in good or outstanding schools has increased by over 2 million since 2010; this will pay dividends in future. I am pleased that the proportion of children who were on free school meals entering higher education in England has increased every single year since 2005. I am pleased that the scourge of mass unemployment, which I knew in my youth, has given way to the highest employment levels in our history and some of the lowest unemployment rates for 50 years. I am proud that we now have the lowest ever number of low-paid jobs, as a proportion of the working population.

The message I would send from places such as this to the working-class communities from which I hail is: you are special; there are opportunities open to you today which are unparalleled in our history; you have incredible potential; and it matters not where you start but where you finish. Be inspired, work hard, aim high and persevere. Above all, when you get there remember to invest back in the lives of the young, so that they might grow taller than we did.

3.50 pm

Lord Woolley of Woodford (CB): My Lords, I thank the noble Baroness for securing this debate. I would like to use the few minutes I have in what I see as a

critical debate to focus on those areas that are rarely spoken about, much less understood in these discussions. I first declare my interests as chair of the advisory group for the Government's race disparity unit, director of Operation Black Vote and board director for Youth Futures Foundation.

The importance of this debate must not be underplayed: as an extremely wealthy nation, we should be ashamed that children from poorer backgrounds are now less likely to have job security, and possibly social mobility, than when I left school 40-odd years ago. A decent and more level playing field in education, from early years to university, has to be the goal. We are talking about not dumbing down, but rather investing to raise up. It is in the top universities' self-interest to acknowledge that a student with all the socioeconomic disadvantages who still gets two As and a B is probably as bright as a privileged student who has gained three As.

My second point is on the growing and misleading narrative that seeks to pit white working-class students against working-class black and minority ethnic students. First, black and minority students, particularly those from Roma, Gypsy and Traveller, African, Caribbean, Bangladeshi and Pakistani families, are more likely to live in poverty and disadvantage, as are their families. So why are they doing better than some disadvantaged white students? I would argue there are two fundamental reasons.

First, particularly outside big cities—for example, for some in the north, in Wales, in the south-west and in other places—there is a bottom-up lack of investment in good jobs, or in schools. This can contribute to certain sections of their communities having expectations and aspirations that are not as high as they could be.

In contrast, the black and minority ethnic, and the migrant, mentality towards education has been: "It's your way out of poverty and disadvantage, and it will lessen race inequality." In spite of their educational aspirations, BAME working-class students and youths face a disadvantage that their white counterparts do not: the race penalty. Just a few days ago, Operation Black Vote, alongside the Carnegie Trust and University College London, launched a research paper entitled *Race Inequality in the Workforce*. The data showed that black and ethnic minority young people

"are 58% more likely to be unemployed"

and

"47% more likely to have a zero-hours contract".

In education, we are more likely to be expelled from school and have lower degrees, even though students start at the same level. But for me, the clearest factor, which we have witnessed, is that when student papers are marked blindly, without the student's identity being revealed, lo and behold, black and minority ethnic students do that much better.

Let us bring this back to finding solutions. First, we must understand class that and racial disadvantage are not the same and stop pitting one community against the other. On race, I call upon the Government to have the biggest recruitment drive for black and ethnic minority teachers and role models ever seen. Funding our universities must be linked to them adopting the race equality charter—as they did for gender with Athena SWAN, which dramatically moved the gender

inequality dial. Lastly, and perhaps most importantly, as a nation, in a scary post-Brexit world, we must have the political will to properly invest in our children's future. That is looking after our own self-interest.

3.55 pm

Baroness Warwick of Undercliffe (Lab): My Lords, given the number of reports and studies on this issue, I think we all recognise the importance of educational attainment to social mobility, and indeed to social justice. It is therefore all the more important to be reminded that inequalities continue to exist within the education sector between disadvantaged children and their more advantaged peers. We start, of course, at the beginning. In the first five years of their lives, children from lower socioeconomic backgrounds often suffer disadvantages compared to their more affluent peers. In its most recent state of the nation report, the Social Mobility Commission found that 43% of children entitled to free school meals did not reach the "good" level of development at age 5, compared to 26% of more advantaged children.

Disadvantaged pupils start school behind their peers in terms of attainment, and the gap persists throughout the school years. By age seven, their attainment gap is 18 percentage points in reading and mathematics, and 20 percentage points in writing. By age 11, less than half of pupils entitled to free school meals reach the expected standards in reading, writing and maths, compared to 68% of all other pupils. Research shows us that high-quality early education is one of the most important determinants of every child's life chances. Children who receive early years education start primary school at a cognitive advantage, and the longer children have been in preschool, the greater that advantage.

The excellent debate in this House last week, brought by the right reverend Prelate the Bishop of Gloucester, drew attention to the need for improved early years interventions to support children and families facing a range of disadvantages. Over the last decade we have seen a plethora of policies aimed at addressing the attainment gap. In early years, we have seen the introduction of a number of hours of free early education or childcare for qualifying two, three and four-year olds, and an Early Years Pupil Premium aimed at helping disadvantaged three and four-year olds. In schools, the pupil premium was introduced for pupils eligible for free school meals, and for looked-after children. There is a national schools breakfast programme, and an essential life skills grant, aimed at supporting disadvantaged children in the most disadvantaged parts of the country—the 12 so-called "opportunity areas" that include Blackpool, Derby and my hometown of Bradford.

Although I welcome the ambition behind these schemes, the sheer range of policies and schemes is questionable. In her passionate opening speech, my noble friend starkly highlighted this. Over the years, we have seen many initiatives come and go without being properly evaluated, or without being given a chance to prove themselves before being scrapped. I think of the life chances strategy that was never published, and the disappointing decision not to carry out an early workforce feasibility study. Can the Minister reassure us that the Government will reconsider, or

develop, a workforce strategy for early years as a priority? Although the commissioning of research on family hubs is well-intentioned, do we really need yet more reviews? Surely, we already know the benefits of children's centres from the documented success of Sure Start and its basis of listening to parents and working with local communities.

The Government's levelling-up ambitions include a commitment to education and skills, and to addressing inequalities in the regions, particularly the north, where I have seen for myself multiple inequalities. A report by the End Child Poverty coalition last year showed that child poverty is rising. The deep-rooted problems it highlighted emphasise the need to get consensus for long-term policy changes that will be kept to, over time, across the parties. If social mobility is indeed a "top priority across government", will the Minister acknowledge that there are no quick fixes and urge the need for long-term commitment and investment, and joined-up, cross-government approaches?

3.59 pm

Lord Baker of Dorking (Con): My Lords, I warmly congratulate the noble Baroness, Lady Morris, on putting down for debate a subject in which the words "working class" and "education" are in the same sentence. For the past 10 years, I have promoted schools—university technical colleges—for the working class of our country, and I am proud to do so.

The youngsters whom we recruit at 14 are disengaged, disheartened, disobedient and entirely fed up with their schools; they are looking for a fresh start. We give it to them. First, we treat them, at age 14, as adults—that is simply not done in normal schools. They decide what uniform they want to wear—they invariably elect for business dress—and they usually call their teachers by their Christian names. It is a totally different relationship. Secondly, from day one, they make things with wood, metal and plastics and using 3D printers, and they realise that this is something quite different. When I speak to those classes, I say, "This is the first day of your working life, because you start at 8.30 am and go on until 5 pm." These schools are transformational. We are proud of the record of our students. Frankly, 30% to 40% of our intake is challenging, but our principals do not give up, and they are very reluctant to expel the pupil. They work at it; we give the pupils additional training classes to catch up, and they do.

The destination data is quite striking. Every July, August, September and October, our heads have to determine what happens to each of their students. If you ask the head of a normal school, "What's happened to your students?", I guarantee that they will tell you how many went to university, and then there will be silence. They are not really very interested in what happens to the other students. But we track down each one. Last year, we found that 27% of our students became apprentices; a normal school has about 6% or 7%. Some 43% went to universities, which is similar but slightly better than for many schools. What we found striking was that 75% of them did STEM courses—double the national average. Those courses are where the skill gap is in our country. The rest either get a job or go on to other forms of education. When

it comes to NEETS—unemployed—we had only 3% last July, whereas a normal school would have 8% or 9%. Undoubtedly, then, we have transformed the life chances of those many youngsters who joined us two or three years early.

The other thing is that, on the whole, there has not been much encouragement for these schools from the previous four Secretaries of State. Michael Gove did not like them, tried to close them down and cut our money, and the other three Secretaries of State had passing relationships with education. However, the present Secretary of State is very enthusiastic about UTCs. He did not go to a public or private school—he went to an ordinary school and then college—and I found out that his daughter is at one of the city technology colleges that I founded back in the 1980s in Telford. Therefore, I have high hopes of the Secretary of State. He has visited a UTC and likes it, and said that we can expand, so we have put in applications for three new ones, in Salford, Carlisle and Birmingham, and we hope to have that approved in the summer of this year. Another will open in Doncaster this September.

More than anything else, these schools show that you can transform the life chances of many of the youngsters we have. Your Lordships might like to know of a striking example, because it is the sort of thing you might remember. We have a UTC in Liverpool, which is right on the border of Croxteth, the area for the black community. If you were born in Croxteth in the black community, you have a 15% chance of going to university. Three or four years ago, we took in several students from that black community, and it is striking that 85% of them gained university places. That is very strong social mobility, and it will be technical education—

Lord Bethell (Con): My Lords—

Lord Baker of Dorking: I will finish in a moment; do not worry. The success of the Government in education over the next five years will depend on whether they manage to transform technical education fundamentally in our country and make it better. Remember: every attempt to improve technical education since 1870 has failed apart from UTCs, so they have a great task. That is the task on which they will be judged: not on the EBacc or Progress 8, but on whether technical education is better in five years' time.

4.04 pm

Lord Knight of Weymouth (Lab): My Lords, I praise my noble friend Lady Morris for her inspiring speech and for the debate, and I remind the House of my interests as the chief officer at TES Global and as chair of Whole Education.

I believe that education is failing working-class communities in this country. Many of those places were formed to serve an industrial economy that has since moved on. Our education system emerged as those places became established and has yet to move on with the economy, as the noble Lord, Lord Baker, has told your Lordships on a number of occasions.

Our current system is a sift, and academic exams are the sifting mechanism. You go to school, work hard and get good grades. If your grades are good enough, you go to university and get a great career; if not, get

[LORD KNIGHT OF WEYMOUTH]

some skills and get a job. Policy-makers have been delegating more to schools in exchange for more accountability, in the hope that it will generate more improvement so that more young people from more backgrounds can access the higher aspiration university route. Yet, the Sutton Trust tells us that the eight top schools in this country send as many pupils to Oxbridge as three-quarters of all schools. Working-class children are being failed. Teach First research in 2018 revealed that poorer pupils are more likely to be excluded than to pass the English Baccalaureate.

The most the current model can do is work for two-thirds of young people. For working-class kids, we would be lucky to get to half, however hard we drive the current system. There simply are not enough teachers and leaders to make the system work, and academic learning is not for everyone. For working-class communities, it is not just about learning and exams. On Saturday, I met the job-sharing head teachers from an all-through school in Portland, Dorset, where I used to be the Member of Parliament. They asked me to tell you this:

“We have felt that things have become even harder over the last few years. Students starting school with us have vast gaps in their education, not just academically. We support that well, and are proud to say we’re in the top 10% of schools in the country for progress, both at secondary and primary. However, the social and emotional needs of our students are challenging. The support Sure Start centres used to offer families had a vast impact on parenting skills and abilities. Now, there is very little early intervention for families who struggle or need assistance. The threshold for children who are at risk appears to be unknown. We leave students to go home on occasion unsafe to homes that are not suitable for them, and hope to see them the next day. Social care simply cannot support the needs of families like ours.”

We need a national debate about a new system. There can be no change in working-class communities without regeneration through education. That system must be designed for a long life of continuous reskilling—one that prepares people for a working life of 60 years, multiple careers, being great at interacting with machines as well as humans, but also out-competing machines at being human. It must be one that accepts that analytics will replace qualifications and that universities will have to innovate to deliver lifelong learning rather than a debt-loaded rite of passage, as at present. It will have more grow your own: across a lifetime, someone with a higher apprenticeship has higher average earnings than a graduate from a non-Russell Group university. Employers are increasingly growing their own talent rather than relying on graduate entry schemes. Schools should be growing and qualifying their own teachers from their own working-class communities, with less high-stakes testing and more trust in those teachers. We need a curriculum, not unlike that of some of the UTCs, that balances knowledge and skills, and is designed to nurture a love of learning, curiosity and skills for self-directed learning. This needs cross-party consensus, and what better place to start than in your Lordships’ House?

4.08 pm

Baroness Thornhill (LD): I really just want to say “I agree with the noble Baroness, Lady Morris” and sit down, but I will use my personal experience to highlight what I believe is an absolutely fundamental issue. I was the first person in my family to go on to higher

education. I was the eldest of five, and my father was a bus driver who brought us up as a single parent. So I guess that my appearance here says that I must have been pretty good at grabbing the opportunities that were available to me.

Delving into my background, you would find I went to a grammar school, but I am not an advocate of grammar schools—why? Because I saw what happened to my working class friends who went to the secondary modern. When I passed my 11-plus, news went around the neighbourhood faster than a Facebook post would today. It was unprecedented; no one in our area had done this. Within hours, a posse of mothers, who kind of looked after my father, had arrived at our door demanding to speak to him. Actually, they had come to convince him that I should not go to the grammar school, that it would be a disaster, make me different from everyone else and I would be outcast. Fortunately, my father listened more to his headstrong daughter than to the well-meaning neighbours, so off I went. Those women had a point, though. To start with, it was hard. I did not fit in anywhere. At school, I never had the right equipment, my uniform was second-hand and I was accused of being common or poor. Back at home, I was now shunned from the street life, teased for being posh, having a stupid uniform and being a clever-clogs. “You think you’re better than us!” echoed down the street after me as I walked down the road in my blue stripy dress and straw boater.

My point is that things have not changed. It is still the case that youngsters from similar backgrounds to mine have rules, mores, values and norms that are very different from those at the school that they attend. They see no link between being successful at school and future employment and a better life. They do not believe in the things that the noble Lord, Lord Bates, talked about; they see that as a myth that they have been peddled, because they do not see it around them in their area. We now have communities that have been hollowed out over decades, where traditional employment has declined and there have been no replacements. There is no clear pathway from school to employment, and in some communities some children are the third generation without a job. Such jobs as they can get are unstable and on zero-hours contracts. The brightest youngsters do not see their future in their community and, like I did, they escape and move away, taking their talent with them and compounding the problem in that area.

I believe that our education system is failing these youngsters. I wonder whether, like me, noble Lords watched the dramas “Little Boy Blue” and “Three Girls” and felt ashamed. It is absolutely clear from studies that there are two kinds of comprehensives. As the noble Baroness, Lady Morris, said, those who are in the more working-class and ethnically mixed comprehensives get a worse deal—there is no doubt about it. The studies show two completely different educational experiences under one roof. The reverse should be true: they should get the best teachers, more money and better opportunities. We know what works: there are some excellent schools doing excellent things.

The Prime Minister says he wants to level up the regions. How radical are the Government prepared to be to make changes in the life chances of these young

people in so-called left-behind areas? Such inequalities become injustices when they are passed from generation to generation.

4.12 pm

Baroness Taylor of Bolton (Lab): My Lords, I congratulate my noble friend on securing this debate and on her speech today. Like her, I have been convinced for many years that if we are to really change the life chances of many people, we have to start with education, particularly early years education. Also like her, I am very proud of what the Blair Government did in establishing Sure Start. I recall seeing the direct input in my constituency, Dewsbury, and in my hometown, Bolton. I am proud of those local authorities which are still, despite all the cuts to their budgets, able to prioritise this area.

I have to admit that I did not believe that we would be standing here having to make the case for early years education, given all the evidence that has been there for so many years. Instead, I get alarmed when I talk to teachers and hear them report the lack of verbal skills and the difficult social and emotional problems that many four year-olds have. They are coming into school today just not ready or prepared for school at all. In my limited time I shall make just two points.

First, I shall mention a theme that has run through education policy in this country for a very long time, and one that I believe has reinforced the problem of underachievement of working-class children and young people. This theme is summed up by the word “meritocracy.” On the face of it, who can be opposed to a meritocracy? The idea is all very well if you have a perfect world, where everyone has the chance to progress, to shine, to reach their potential and to have choices about how they live their lives, but we do not live in that kind of world. We do not have, and we should recognise that we do not have, a level playing field. The fact that a few people manage to come through does not validate the whole system of education that we have at the moment. The disparities in life chances and outcomes are massive at present in a whole host of ways, including health, financial security, educational opportunities and work opportunities. The best, the most effective and, indeed, the only way to really counter the disadvantages of so many people is to have early intervention.

My second point, which my noble friend touched on, is that early intervention—and probably pre-birth preparation—can and does make a difference. That is why I believe that the lessons of Sure Start should be revisited. Sure Start directly helped thousands of children; it helped their parents as well. Partly it helped them to become better and more confident parents, but it also helped them to take more control of their own lives and to look for opportunities for themselves. In particular, young parents—who themselves may have had limited opportunities and may not have had a good educational experience—were helped to understand the importance of early years education. Many did not appreciate, or have the confidence to get involved with, their children’s education; they were encouraged to do that to understand its importance. I think everybody knows that once a parent is involved in a child’s education, the job of any

educational institution—nursery, primary, or secondary—becomes easier, and the ease with which teachers can make progress is much improved.

My noble friend said that education is the most powerful lever for change. There is so much evidence that this is the case, and I urge the Government to revisit Sure Start to encourage and provide the proper delivery of real opportunities for many working-class children.

4.16 pm

Lord Lingfield (Con): My Lords, I too thank the noble Baroness, Lady Morris, for this important debate, and remind your Lordships of my education interests. She spoke mostly about schools, but there are of course educational opportunities for young people from working-class backgrounds outside of schools, and I want to consider a major one this afternoon.

I am the chairman of a charity called CVQO, the Cadet Vocational Qualifications Organisation. Its whole reason for existence is to provide opportunities for teenagers—who often could be failing at school—to take BTEC levels 1, 2 and 3, in a variety of subjects, in their spare time and with the assistance of volunteer cadet officers and instructors. Most of these qualifications lead to greater employability. Each year there are about 11,000 young people on our books; most qualify for free school meals and many are from areas of multiple deprivation. Each July, I bring to the House of Lords, for lunch in the Cholmondeley Room and a presentation, the dozen most successful of these young people, smartly dressed in their uniforms, with their parents and the commandants of their cadet forces. In the past six years, these have come not just from armed services cadet forces, but from the police and fire service cadets and St John Ambulance Cadets. We arrange for this group to go, a month after coming to Westminster, to Africa to have a wonderful experience there, working together to help in a village school.

It is worth recounting the story of just one of our past winners, who had spent years in care, after his father had been stabbed by his mother. He was encouraged by the police to join the cadets. A misfit at school, he blossomed in the Army Cadet Force and took the qualifications I have described. He was entirely successful, and now proudly holds down a good job in the NHS.

One of our qualifications applies especially to music. Each year, some 500 young people attend cadet music courses, each lasting a week away from home. These are run by the Colonel Cadet Music and enable talented but poor youngsters to learn an instrument in a disciplined but fun environment. The tuition and the loan of the instrument are at no cost to them. Our research shows that only 5% of these children have the opportunity to play an instrument at school. Of course, many schools have to charge for music lessons nowadays, and inevitably a large number of homes simply cannot afford this. Additionally, evidence suggests that the number of school orchestras has fallen dramatically over the past few years. Our courses enable young people to play together in a large number of bands, some of which cater for beginners and others for the most accomplished, who may go on to study at one of the colleges of music.

[LORD LINGFIELD]

I am pleased to say that all these activities receive funds from government sources. Close observation during the decade in which I have been involved shows that this money is extremely well spent and goes a long way, because the teachers and instructors we use are volunteers who give up a great deal of time on behalf of the young people we serve.

It is hugely important that the work of these organisations continues to receive support. For many children from backgrounds of the kind that the noble Baroness, Lady Morris, described to us so well, they are a route away from impoverishment and to social mobility. I commend them all to your Lordships.

4.20 pm

Baroness Wilcox of Newport (Lab): My Lords, I have almost 35 years' front-line experience as a classroom practitioner teaching in the state sector. I thank the noble Lord, Lord Baker, for the introduction of training days during my career—the start of teachers doing it for themselves—and my noble friend Lady Morris, not just for an excellent speech setting out all the priorities but for the threshold she introduced for teachers and the significant pay rises that brought to the profession after 20 years of stagnation. I have a lifetime of working in comprehensive schools far away from leafy suburbs but containing some of the UK's finest teachers and many incredibly talented and clever youngsters.

When I began researching and writing this speech, it became obvious that two words were missing from the debate's title: "lack of". As many noble Lords have expressed, education is a solution for disadvantage: the route to skills and learning, well-paid jobs and opportunities. But at its worst the education system merely replicates and perpetuates the class inequality that already exists, pushing advantage to the already wealthy and locking disadvantaged pupils into poverty.

The odds are not simply stacked against low-income young people at birth but made worse by this Government. The Government talk about social mobility, but the academy and free school movement has made things worse for working-class children, with more segregation and polarisation. Despite free schools and academies receiving more funding per pupil than state comprehensive schools, they typically educate fewer children in receipt of free school meals and have a more advantaged intake than comprehensive schools.

Wales, with a Welsh Labour Government, is an academy-free zone and Welsh schoolchildren do not have this immediate disadvantage in funding, although lack of funding for education in England has a disproportionate effect through the Barnett funding formula.

England does not appear to have an education system that is serious about realising the potential of all children. Those on free school meals and receiving the pupil premium are 27% less likely to achieve five or more GCSEs at grades A* to C, or 9 to 6 as we have in England now.

Research suggests that the wealth and inclination of parents, rather than the ability and efforts of the child, have the most bearing on a child's educational

success today. A working-class child starts the race half way around the track, behind the middle-class child whose parents do an awful lot via extra resources and activities. Government money that has gone into the academy and free schools programme has been taken out of the comprehensive school system. Free schools receive 60% more funding per pupil than local authority primaries and secondaries, and the £96 million originally intended for improving underperforming schools was redistributed to academies.

Research from University College London found that the average spending on a privately educated primary pupil is £12,200 a year, compared with £4,800 on a state pupil. For secondary, it is £15,000 per pupil, compared with £6,200. The gap between rich and poor is greater than it was 30 years ago. Austerity continues to punish the poor and the limits on educational opportunities for working-class children continue to contract. It is an unsustainable position. We leave so much talent and ability untapped in our schools. I and many like me did our best to address the inequalities, but there is a limit to how much individual teachers can do to fight the system that is so patently skewed in favour of the better-off in our society.

4.25 pm

Lord Glasman (Lab): My Lords, I thank my noble friend Lady Morris for initiating this debate. I have always respected her enormously for her ethics, her commitment and her consistency. I am honoured to speak in this debate, with so many people who have great knowledge and with whom I agree. I also offer my congratulations to the Minister; she and I worked together on religious freedoms, and it is wonderful that she has been given the opportunity to do this work.

I will concentrate on something that the noble Lord, Lord Baker, has been working on, and that is technical or vocational education. I want to talk about the changes which I think are necessary in relation to this. I completely agreed with the first two points made by my noble friend; this relates to the third point.

Somewhere in the 1980s, despite evidence that the growth areas in employment were in relational care, building and maintenance and cooking and cleaning, it was decided that we were moving towards a knowledge economy. I would strongly argue that it was a great mistake to abolish the polytechnics and turn them into universities. Essentially, it was an exclusively academic concentration on the pathway which, as my noble friend Lord Knight mentioned, is not for everybody and is not what is wanted. There was also a definition of social mobility as a velocity concept that judged you by how far you moved away from your mum. That led to the denigration of place and of belonging, particularly in relation to working-class communities. There was no way out of abandoning those communities if you wished to pursue your career. In 1974, the funding for apprenticeships and university places was at parity; 14% went to university and roughly 14% did apprenticeships. The apprenticeship system has been decimated, whereas now about 48% or 49% go to universities.

What is required is to look at the concept of vocation. The noble Lord, Lord Lingfield spoke about the cadets, but generally the vocation is good work. In the labour

market, the rise in jobs is in the vocational sector—social care is one example where there has been an enormous rise in jobs, which are low-grade but should be dignified work. Building and maintenance, plumbing and all these areas were assumed to be a relic of the past—a bit like the working class, the ultimate relic of the past but a very decisive force in our society and our politics and rooted in those areas.

I suggest we look carefully at pathways from the age of 14. If you look at the bottom third of the educational cohort—a bit like social class—in terms of Cs, Ds and Es at GCSE; there is a real failure at the bottom end. If you look at the UTCs and what is being done by the noble Lord, Lord Baker, there is an alternative, but the pathway should be towards genuine vocational colleges. In those colleges, we should think quite radically about putting medical schools, dentistry and—heaven forbid—accountancy, in those vocations. Remember, vocation is linked to virtue, and virtue is not “do-gooding” but “good doing” or being able to do things skilfully, which is essential for our society.

I urge the Minister and the Government to look very seriously at those educational pathways, at the skills we need and at the low attainment at the bottom end of schools. We need to give genuine dignity and vocation to working-class communities.

4.29 pm

Lord Kirkham (Con): I speak today from my vantage point as chairman of the trustees of the Duke of Edinburgh’s Award, deputy patron of Outward Bound, and also from my personal experience of social mobility, as the adopted son of a south Yorkshire coal miner, raised in what I might describe as loving poverty.

It is an indisputable fact that the lack of opportunity for those born into what we regrettably still describe as the working class is a significant drag on the potential prosperity and overall happiness of the UK—not that academic or material success can guarantee happiness. However, if we do aspire to upward mobility, we should ask ourselves what is the great advantage that the middle classes, and particularly privately educated children, enjoy in their pursuit of lucrative careers?

I contend that that specific advantage is the quality of confidence—confidence allied with the interpersonal and social skills needed to work effectively with others in a team. I have spoken before of the desperate need to ensure that all our young people, particularly those from poorer backgrounds, leave school educated and trained in basic life skills—the essential skills so necessary to enter the world of work and to develop into responsible citizens, to help to keep our society cohesive and healthy, and to maximise their potential and their social mobility.

It is a proven fact that extracurricular experiences with organisations like the Duke of Edinburgh’s Award and Outward Bound can often do much more to equip a young person for life than an academic education alone, important though that may be. Schools should undoubtedly increase their focus on teaching life skills, embedding them in day-to-day education, for the benefit of everyone.

I deeply regret the ever-increasing focus of state education on core subjects—English, maths and science—and the fact that teaching is relentlessly centred on exam results. Learning modern languages and nurturing

an appreciation of art, music and drama can all do much to grow a young person’s sense of self-worth and enjoyment of life, regardless of background.

Happiness, fulfilment and learning can also be greatly enhanced by getting away from the classroom and experiencing the outdoors. Nearly two-thirds of British schoolchildren spend less than five hours a week outdoors—less time than a prisoner spends in an exercise yard. Indeed, there are 1.6 million kids from poorer backgrounds in the UK who have no garden, and who in the course of a year never set foot in a park, let alone go to a beach or enjoy a holiday. That should concern us all, because, in the wise words of Sir David Attenborough,

“No one will protect what they don’t care about; and no one will care about what they have never experienced.”

Life, liberty and the pursuit of happiness—the guiding principles of the American declaration of independence—should feature high on our agenda as we move on from our membership of the EU. We should not value people simply by the level of their exam results or the size of their pay packets but rather by their contribution to the sum of human happiness—whether they are content in their own lives, and how much they contribute to the happiness of others.

Let us broaden our approach to education so that we give equal value to every facet of it, combining creative, academic and vocational skills, indoors and outdoors—whatever may help to nurture a rounded, confident and happy individual. And we should make that opportunity open to everyone. Let us also break down the ludicrous and outdated distinction between technical and academic education, to enable the apprentice to feel as highly valued by society as the Oxbridge graduate. That would help us to build a fairer state, in which no one fails to achieve their full potential because of the circumstances in which they were born, or where they may live.

4.33 pm

Baroness McIntosh of Hudnall (Lab): My Lords, like everyone else, I thank my noble friend Lady Morris for a genuinely inspirational opening speech for this debate. I agree with just about everything she said, particularly about early years and about teachers.

One range of opportunities that is increasingly unavailable to children in the maintained sector, as the curriculum narrows and budgets tighten, is access to the arts. We might ask why that matters. It matters because it is clear from plenty of evidence that for all children and young people, but particularly those from disadvantaged backgrounds, experience of the arts is a key way of building the social and cultural capital that is, I think, what the noble Lord, Lord Kirkham, was referring to in his own way—the social and cultural capital that they need to succeed.

In her excellent Lord Speaker’s lecture last month, the noble Baroness, Lady Bull, who is not able to participate today unfortunately, made this point with great cogency. If time allowed, I would reference in more detail one of her sources, the work of Sam Friedman and Daniel Laurison in their book *The Class Ceiling: Why it Pays to be Privileged*, which looks at how class and parental income affect who gets to the top in elite professions. I commend that work to the Minister.

[BARONESS MCINTOSH OF HUDNALL]

High-performing independent schools—massively overrepresented in top jobs—have long understood the value of the arts in education and promote it heavily as a key part of their offer. That is fine for those who can afford around £20,000 per child per year but not so good for everyone else.

I wish to mention three organisations with which I have close connections, each of which, in different ways, is doing first-class work to bring the benefits of involvement in the arts to children and young people who really need it. The first, the Artis Foundation, is a very small organisation that has been working for the past 15 years placing performing artists of all kinds in schools, principally primary schools, to support and enhance the curriculum. It has been successful and highly valued work, with special impact on children with disadvantaged backgrounds. However, many schools now struggle to afford its services despite excellent outcomes.

The second organisation, Chickenshed, which will be known to some Members of this House, is a brilliant company in which children and young people of all abilities work together to create theatre of high quality. Chickenshed also provides pathways to BTEC and degree-level qualifications. One in four participants have disabilities or disadvantages, often reflecting challenges in their lives, including exclusion from mainstream education and other social settings. Involvement with Chickenshed is a lifesaver for many of these young people.

The Royal Shakespeare Company needs no introduction but I want to emphasise the work of its education department and to draw the Minister's attention to research, called *Time to Listen*, commissioned jointly by the RSC, Tate and the University of Nottingham, which examines the benefits of arts and cultural education. This study brings out the voices and opinions of young people as well as teachers and gives insights into the positive difference that sustained engagement with the arts can bring to their lives. It also points to the increasing difficulties state-funded schools face in giving access and priority to this aspect of education.

I grew up in a large family where there was no money most of the time, but both my parents were university educated, both had a wide range of cultural interests and the house was full of books and music. Even at that time, many years ago, this set me apart from most of my fellow students in the grammar school I attended, and I am in no doubt that the cultural capital that I built up from that accident of birth has been a huge and entirely undeserved benefit to me all my life.

I hope that when the Minister comes to reply she will not only acknowledge the value of the arts in helping young people to find and make good use of their talents—I am sure she will—but also give an undertaking that she will do everything in her power to influence the more sceptical of her colleagues in the Department for Education who have yet to be persuaded.

4.38 pm

Lord Bhatia (Non-Afl): My Lords, I welcome this debate initiated by the noble Baroness, Lady Morris of Yardley. I wish to make my comments on the early years of children, from the ages of two to five.

At a debate on a similar subject on 8 January 2015, I said that,

“education starts at the age of two, which is why early years education, free for all, is an imperative. By the time the child reaches school age, most key brain wiring, language ability and cognitive foundations have been set in place. The early years are critical in the formation of intelligence, personality, social behaviour and physical development”.—[*Official Report*, 8/1/15; col. 469.]

Science also tells us that human development occurs more quickly in years two to four of life than at any other time in human growth.

I have been involved in the early education field since my days in Tanzania, from where I come, and in the UK. I have been associated with the Montessori system and the HighScope foundation in Michigan, USA. The single most important lesson I have learned is that unless a child receives good early childhood education from the age of two, his or her foundation education is ruined.

Since 2010, the Government have steadily reduced the funding for this sector. Sure Start projects have been reduced substantially. Funding cuts have hurt children from low-income families significantly. As a result, only families who can afford to send their young ones to private early years schools make it to better schools and reach university and professional careers. This is how the UK has become a society of haves and have-nots.

As a result, poverty in the UK is on the increase. Food banks are the only safety net left for low-income families. Despite this, and the fact that there is considerable evidence that funding for the early years education continues to be reduced, I request that the Minister respond to a simple question: as austerity is over, will more funding be made available for the important early years sector of education?

4.40 pm

Lord Hendy (Lab): My Lords, I declare an interest: I failed my 11-plus. I was a late developer; I do not want to talk about it. I want to talk about adult education, which is particularly relevant by reason of the deficiencies in the education of working-class children, which have been set out by many noble Lords this afternoon, in particular my noble friend Lady Morris in her powerful speech. I thank her for initiating this debate.

When I was about 10, I remember helping my dad cut the hedge in front of our house in Hayes, Middlesex. It was on a main road. A big lorry pulled up, and the driver jumped out and said to my dad, “Can you read?” My dad said yes, and the driver took him around the back of the lorry. Chalked on the back of the lorry was the driver's destination depot. He could not read it. My dad read it to him. He said, “I know how to get there”, and off he went.

Ten years later, in the holidays while doing a degree, I worked in a warehouse in Greenford. One tea break, I was sitting next to an old chap who had been working there for years. He was reading the *Sun*. I took my nerve in both hands and said, “You shouldn't be reading that. That really is rubbish,” and he said, “I'm not reading it; I'm looking at the pictures. I can't read”. It was true; he was looking at the pictures, including the demeaning page 3 pictures, and so on.

I have thought about those two vignettes many times in the decades since those events. I always imagined that the problem was some deficiency in the education system caused by the Second World War, when those men were young. But now, looking at the figures, it appears that virtually nothing has improved. There are 9 million people in this country with literacy and numeracy difficulties, and half of them are unemployed; there are 2 million fewer publicly supported adult learning places than in 2004; and there has been a 50% drop in student numbers in higher education in the past five years or so. In those circumstances, the Government's slogan that they will "unleash the UK's full potential" appears laughable.

The reasons for adult education are perhaps obvious, but I cannot improve on the language of two of our leading academic experts, Nigel Todd and Professor Sir Alan Tuckett, who last year wrote:

"the need for adult learning has never been greater. All the key challenges we face involve adults learning, adapting behaviour and helping to shape change. Whether we look at climate change, a rapidly ageing demography, the need for better alignment between services and people's well-being, or urban renewal, it is today's adults who will need to engage, adapt and shape change. To renew democracy, to rebuild a culture in which everyone's voice can be heard, and tolerance and diversity respected, we need strategies involving people in learning together throughout the life-span. And report after report from the United Nations, the OECD, the International Labour Office and the World Economic Forum highlight ... the rapid spread of robotics and artificial intelligence ... which threaten to eradicate many white collar jobs ... To be clear: adult learning matters. It can transform lives, fire new enthusiasms and satisfy old curiosities. It can be a route to gain or maintain employment, and the means to sustain livelihood ... It offers opportunities for people to rub shoulders with others from all backgrounds and to strengthen social capital".

I commend it.

4.45pm

Lord Livermore (Lab): My Lords, I thank my noble friend Lady Morris for securing this debate and for her inspiring opening speech. I want to focus on the opportunities for working-class young people in higher education.

Getting a degree from a leading university remains one of the surest routes to social mobility. I know this to be true. Twenty-five years ago, I was the only pupil in my school year who went to university. Today, I have the honour of speaking in your Lordships' House.

Two decades later, despite many reforms and much investment, young people from a working-class background are still: more likely to have their A-level grades underpredicted; less likely to apply to university; less likely to be accepted; more likely to drop out; less likely to achieve the highest degrees; and less likely to work in an elite profession after graduating. On average, they will have lower earnings over the course of their life than their middle-class peers, even with exactly the same degree in exactly the same subject from exactly the same university.

This year, the World Economic Forum published its first global social mobility index. The UK was ranked 21st out of 82 countries, behind all Scandinavian countries, behind a further 10 EU member states and behind Switzerland, Canada, Japan, Australia and Singapore. If the UK is to survive and thrive in this global economy, it cannot afford to limit opportunities and waste talent on this scale.

The number of school leavers entering higher education varies dramatically by socioeconomic background, from over 80% in the most affluent areas to just 3% in the most disadvantaged. This variation begins well before a young person ever sets foot in a university. The highest-attaining students from disadvantaged backgrounds are those most likely to have their A-level grades underpredicted, with 1,000 high-attaining disadvantaged pupils having their grades underpredicted every year.

Working-class students also often lack the advice, guidance and support needed to navigate the university application process, and when they do apply, they are much less likely to be accepted. Students from disadvantaged backgrounds are eight and a half times less likely to win a place at the most selective universities than those from more affluent backgrounds. Independent school pupils are twice as likely to gain a place at a leading university than state school pupils.

A recent report from the National Education Opportunities Network found that white youngsters in receipt of free school meals are the least likely of any group to study at university. More than half of universities in England have fewer than 5% white working-class students in their intakes, and of all applications to higher education by this demographic, only 22% were accepted.

Figures from the Higher Education Statistics Agency show that the gap in drop-out rates between rich and poor students is widening, with 8.8% of disadvantaged students not returning as second-year students, compared with 6% of students from more advantaged backgrounds. In some universities, more than a fifth of students from the most disadvantaged social backgrounds dropped out in their first year.

According to research by the London School of Economics, if you are a working-class graduate with a first-class degree, you are less likely to land an elite job than if you are a middle-class graduate with a 2.2. Even if, as a young person from a working-class background, you do get an elite job, you will earn on average 16% less than your middle-class counterparts.

The Sutton Trust, the leading think tank in this area, has proposed five policies to begin to tackle these issues. I would be grateful if the Minister could briefly indicate the Government's position on each in her response. First, all universities should make better use of contextual admissions, where the social background of a university applicant is taken into account in the admissions process. Secondly, post-qualification applications should be implemented, where students apply only after they have received their A-level results. Thirdly, all universities should rigorously evaluate their outreach activities and should spend at least 10% of their outreach budgets on evaluation. Fourthly, the number of degree and higher-level apprenticeships should be increased as an alternative to university. Finally, maintenance grants for students should be restored to at least pre-2016 levels to reduce the debt burden on the least well off.

4.49 pm

Baroness Falkner of Margravine (Non-Aff): My Lords, I too thank the noble Baroness, Lady Morris of Yardley, for initiating this terribly important debate and for her passion in sticking to this subject over many years.

[BARONESS FALKNER OF MARGRAVINE]

I am delighted to follow the noble Lord, Lord Livermore, because I too want to pick up on that end of the educational spectrum—the post-16 to 18 choices made by our young people. In our educational policy to date, the underlying assumption has been that levelling up requires a few limited pathways of social mobility. Therefore, if you are more cognitively able, it is university, and for the less advantaged, we have further education colleges and apprenticeships.

The route through university now results in more than 50% of under-30s in the UK being university graduates, which, along with that shiny degree, also carries significant burdens of debt. However, there is growing consensus that technological change—automation and AI—is changing the quality, quantity and types of jobs that will exist as children in today's schools make choices in the next five to 10 years. Whereas in the past, technological change was job-augmenting, the next wave of change—the fourth industrial revolution—is likely to be job-displacing. Although our new-found emphasis on technological education is welcome, it is not sufficient either to augment future jobs or to mitigate job displacement.

What jobs are vulnerable? The Oxford economist Carl Benedikt Frey, whose work is about labour market impacts of technology, shows that recent developments in machine-learning will put at risk a substantial share of employment across a wide range of occupations in the very near future. In Britain, the estimate is that about 35% of the workforce is in jobs at high risk of automation. Most of these jobs will be white collar and will probably result in a scenario where we get what is described as “job polarisation”. The cognitive elite will still have jobs—after all, judges, academics, scientists and software developers will always be fine—but, at the other end, so will baristas and hairdressers. The problem will be for all the people in the middle.

What is to be done? Our current system of education overall needs a rethink. Since 1945, educational systems have encouraged specialisation, so students learn more and more about less and less. However, as knowledge becomes obsolete more quickly, the most important thing will be to relearn and then to relearn again, rather than learning to do one thing very well. Therefore, what you learn in college and university will not be enough to keep you going for the next 40 years.

I go back to where schools comes in. The City of London Corporation is adopting a “fusion skills” agenda, which is pioneered in its schools. It is a response to what employers are demanding in terms of transferable skills that are capable of being reconfigured and adapted over time. It defines fusion skills as

“a mix of technical and creative skills which ... encompass a broader ‘bundle’ of skills categories including digital, creative, social, interpersonal competencies as well as a range of cognitive skills such as judgement and decision making, critical thinking and problem solving.”

To conclude, is the Minister aware of this new type of agenda, and will she take the time to have a closer at what the City of London Corporation is doing on fusion skills as a way to the future?

4.53 pm

Lord Judd (Lab): Like others, I want to say how much I appreciate my noble and good friend having introduced this incredibly important debate.

I have certain contextual concerns about the whole education debate. We have to remember that education should be an emancipator and enabler, letting people discover who they are and what their potential and contribution can be. There is far too much talk about the earning capacity and measuring this from an early age. Children need to reach the point at which they know who they are and what they want to do, and then we can talk about earning capacity and where we are going with it.

I also believe that we talk an awful lot of nonsense. If we are going to tackle this issue seriously—and it is a grave issue—the resources have to be in place. We have to make sure that the resources are going to the places of deprivation and disadvantage, the places where the issue of social integration of different ethnic groups is a bigger challenge than in other places. It is no good not doing this and then trying to sort the thing out with first aid measures.

It is also important to look at our language around how we inspect schools these days. I used to hold up the inspectorate in my younger days as one of the great British institutions. I do not do that any longer. Just think what it does to teachers, children, their families and the whole community if a school is told it has failed or is failing. The language is preposterous. It should be saying: how do we help this school to increase its capacity and its ability to do the job it wants to do, and how do we make sure that the resources are there?

There is another thing that concerns me in the debate about education. We may inadvertently—I think it probably is inadvertent to a large extent—be slipping into a situation in which we institutionalise social disadvantage still further. Why? Why do we assume that music, the arts and literature should be the preserve of certain children, whereas other children are more practically orientated and therefore should not need these things so much? It is terribly important that a mechanic or a window cleaner is able to hum or sing the music of Mozart or Beethoven or his pop music that he likes, certainly by choice, but that he or she has every opportunity to do that. Instead of doing this, we are concentrating those qualitative dimensions of education with the already-privileged.

If I was asked what I was looking for from the outcome of education, it is that children should certainly be prepared for citizenship and the heavy responsibilities of citizenship but also that they have really had the opportunity to discover what it is to live and to realise that whoever they are, wherever they are, their contribution matters, and in that sense the comprehensive approach is indispensable, because either we are one community or we are not.

4.58 pm

Baroness Massey of Darwen (Lab): My Lords, I thank my noble friend Lady Morris for initiating this debate and for covering important issues with her

usual expertise and dedication. It is a pleasure to see the noble Baroness, Lady Berridge, responding. Her concern for children goes back a long way.

The economist Esther Duflo said in a recent interview:

“What people are mobilised by is dignity. They want status and a place in life.”

I immediately related this to this debate. How much dignity and status do many schools give to working-class children? What place in life do they envisage for working-class children? We know the statistics on the educational achievement of working-class children. It has always been the same. It should have improved. Why has it not?

I was a working-class child. Many parents in the area where I grew up worked in the cotton mills, as did mine. I passed the 11-plus and went on to grammar school. Most of my cohort did not. There were three streams: A, B and C. We had no education on social skills nor any discussion of growing up and relationships, and no discussion of our hopes and fears. Few pupils went on to higher education. I had inspiration from two teachers; I was good at sport, and those teachers encouraged me to go on to university. I became a teacher myself. I was lucky, but luck is accident rather than design, and our education system should surely be more robust than that if working-class children are to succeed. Of course early intervention is important, but some children need consistent intervention, especially in adolescence.

I shall refer to two examples of ambition for working-class children. In my home county of Lancashire, the new executive director for children’s services, Edwina Grant, and Matt Lees, a consultant from East Learning, are working together to change poor outcomes. The area is the most deprived of the English county council areas, with a resultant impact on children’s readiness to learn and their life chances; at the end of primary school, the combined score for reading, writing and maths was below the national average in 2019, and the number of young people excluded from school has been double the national figure since 2015. With a new approach, Lancashire has recognised and researched missing data to show what is needed at community level, moving away from a single solution for schools. It is helping to identify what each community needs, linking action to partnerships with the NHS and other services. Data is collated and shared with young people to stimulate discussion on needs and to identify opportunities for change.

A different example of identifying need and improving the chances of working-class children is the Amos Bursary, set up 10 years ago to help the outcomes for black boys. Each boy in the scheme has a personal, academic and social mentor, with the intention of creating high achievers, role models and leaders. It works: 80% of the students attend Russell group universities and some Oxbridge, studying subjects from medicine to law and aerospace. Some 96% gain 2.1 degrees. One young man, brought up in a single-parent family in east London, recently graduated in anthropology at University College London and was a visiting undergraduate at Harvard. He has been selected, under intense competition, to be an intern on a Silicon Valley scheme aimed at creating the technical entrepreneurs of the future. I take great pride in being a patron of the Amos Bursary.

We need to look at new methods of delivery for children, especially working-class children. Will the Government seek out examples of good practice in education for mobility, of which we have heard many today? This might inform us when it comes to how our policies should be formed and local practice. Will the Minister respond in this fashion? What can we do?

5.02 pm

Lord Storey (LD): My Lords, I thank the noble Baroness, Lady Morris, for her debate and for her tremendous contribution to education. Everyone should have access to outstanding education, whether they are from a working-class family or a BAME community or have behavioural or learning difficulties. That means that all our schools need to educate and enrich our children to the very highest standards. That happens when schools are well-led and our teachers are well-trained, highly motivated and well-respected, and when we put in the resources to make this happen.

Noble Lords have all had four minutes, so here are my four points on how we can support working-class children. First, “It starts with early years, stupid.” If we do not get it right in the early years, as we have heard from the noble Baroness, Lady Morris, the attainment gap gets wider and wider as the child progresses through the school system. The first years of a child’s life are a critical period for social mobility. Evidence shows that the poorest children are already 11 months behind when they start school.

So what can we do? The Government need to review their 30 hours of free childcare and shift the entitlement from high-income families to those on lower wages. Secondly, we need to see the development, not decline, of children’s centres. They were an incredible way of providing for not just children but the whole family, particularly mums. Thirdly, as we have heard, the Government should invest in improving the qualifications of early years staff.

My second point is on special needs. Last night, we had a good debate on special needs in general and dyslexia in particular. Every speaker highlighted the need for early identification and intervention in providing the support needed. The education, health and care plans are not fit for purpose, and I welcome the Government’s proposal to review them. As my noble friend Lord Addington rightly said, teachers need to be trained to identify educational needs.

My third point is that children from disadvantaged backgrounds do not have the wraparound support that children from wealthier families have, such as one-to-one private tuition. For example, my daughter, at a secondary school in Liverpool, was told that she could not do three sciences because she was not very good at physics—surprise, surprise. We, as caring parents, bought in private physics tuition for her; we had the financial means to do that. Guess what? She passed all her science subjects with a first. She would be embarrassed if she knew I was saying this, but the point is that we had the means to provide that private tuition. When she was looking for a career—finally—we had the ability to network and to talk to friends. She was interested in the law, so was able to spend a week with a barrister. She also had the opportunity to enrich her

[LORD STOREY]

interests at weekends, with different clubs and activities. That should not be the preserve of only those who can afford it; it should be the preserve of everybody. Whether you come from a council house or a mansion, you should have those opportunities.

As a norm, we should expect one-to-one or small-group tuition in our schools. We should see schools offering a gold standard in careers education, with careers monitoring and mentoring, particularly for disadvantaged pupils. Business and organisations should be encouraged to offer paid internships to young people from disadvantaged backgrounds. I am delighted that the Liberal Democrats in the Whips Office all put money into a pot to employ, every year, an intern from a disadvantaged background on a living wage. Would it not be good if other groups did the same? We have had people from Bradford, Manchester and London. I very much like the proposal of the Sutton Trust, that state schools should be funded and incentivised to develop essential life skills, such as confidence and motivation.

My fourth point is on post-16 education. As the noble Lord, Lord Kirkham, rightly said, we should break down those barriers. Young men from working-class backgrounds are half as likely to take up an advanced apprenticeship than their better-off peers. Why is this? Our school system is still geared to academically able pupils. We need to realise that over half of young people would be better pursuing a vocational route in education. It took an amendment to the FE and research Bill from the noble Lord, Lord Baker, even to allow—God forbid—FE and university technical colleges to go into schools and show young people the variety of opportunities and courses available. I must tell the Minister that, sadly, many secondary schools actively discourage this from happening. There should be a proactive information service, where young people can easily find information about the best vocational opportunities and apprenticeship schemes available. This would help to increase parity of esteem with academic routes. Those are my four proposals.

Finally, I was interested in the comments from the noble Lord, Lord Knight, and the noble Baroness, Lady Thornhill, who talked about our present school system. I have always been concerned that children in our primary school are nurtured and developed, in small teaching and learning environments, but suddenly, at the age of 11—and some are summer-born children—we thrust them into large secondary schools, often with 800 to 1,000 pupils, and a very different ethos and environment. Children, particularly from working-class backgrounds, struggle to cope. Oh, how I regret the loss of middle schools. We have to think through how we can improve on those transitional arrangements.

I want to end by being positive and celebrating our education service, which is the means by which we are able to give every child and young person the opportunity to flourish, to be enriched, to discover the excitement of creative subjects and to find the joys of learning. It is wonderful. I have always taught in working-class communities—including some of the most deprived communities on Merseyside—and for me, it was an absolute privilege to teach those young children and see how, like a sponge, they soaked up knowledge.

Imagine how I felt when a girl of Nigerian parentage, Intang Ekoku, went on to university and came back to teach at my school, in a working-class community. As the noble Lord, Lord Baker, rightly said, it is about changing life chances.

5.10 pm

Lord Bassam of Brighton (Lab): My Lords, like all other noble Lords I congratulate my noble friend Lady Morris on securing this important debate and on her quite brilliant speech. It has clearly inspired all the other contributors to the debate, which will no doubt make the job of the noble Baroness, Lady Berridge, harder when she comes to sum up.

This debate is not only important but timely. It is timely because we speak less than three months after an election in which the Prime Minister talked about the need to level up, reduce inequality and invest in towns and communities that many of us believe have been left behind. It is timely for another reason, too. Next week we have a Budget and, in light of their new electoral priorities in working-class, leave-voting areas, the Government may have finally found the motivation to show the colour of their money in tackling issues of left-behindness and inequality.

It is inequality that drives this debate. In this House, we often say it is a privilege to speak; we who speak here are the privileged, a fact we should never forget. I say that as a white, working-class schoolboy who, statistically, really should not be here. I really should not. Just for fun, I decided to look at the social composition of the Lords and it is very revealing. I took a look at the Sutton Trust and Social Mobility Commission report, *Elitist Britain*, published last year. The Lords has the third-highest proportion of public school-educated members among all professional groups, just behind senior judges and Permanent Secretaries, at 57%. That figure—57%—has grown by 8 percentage points in the last 10 years. Of the rest, 22% went to grammar school, 17% to comprehensives and 4% to international schools. I confess that I went to none of those. I am a failure at the 11-plus and a product of a secondary modern school, along with, I think, two other Peers—perhaps three, after listening to my noble friend Lord Hendy. There are so few of us that we do not even register as a percentage point. To put it bluntly, there are as many Old Etonians in the Lords, roughly 100, as there were pupils in my school year. So I really should not be here.

What should we be looking at to tackle the inequality of which your Lordships' House is in many ways but a reflection? It is a fact that inequality holds people back at all stages of their life, but the early years are crucial in a child's development and play a decisive role in their chances of success through school and adulthood. High-quality childcare makes a huge difference, especially for poorer families, but there is a stark difference in the status of the availability of outstanding provision between the most and least deprived areas. This has been compounded by the Government's closure of 1,000-plus Sure Start centres since 2010, and a free childcare policy that excludes the disadvantaged families most in need of support from entitlement to the 30 hours of free childcare enjoyed by affluent families.

So, as part of levelling up, will the Minister tell her department of the need to review and reverse those austerity-driven cuts?

When children begin primary school aged five, the gap between pupils receiving free school meals and their more affluent peers is already the equivalent of 4.3 months of learning. By the end of secondary school, the most disadvantaged students are, on average, two years of learning behind their better-off classmates and 27% less likely to achieve five or more GCSEs at grades A to C, including English and maths. It is therefore unsurprising that the gap in higher education participation and attainment between the most and least advantaged students remains stubbornly high, at around 17%, for white working-class students in particular. Only 9% of those will go on to university, compared to around half in the general population.

Following the Government's disastrous decision to triple tuition fees and remove maintenance grants, it is even more important that we focus on ensuring access to our universities for the most disadvantaged. The Government insist that higher tuition fees are not a deterrent to university, but research by the Sutton Trust suggests that these and the £50,000-plus student debt may be starting to have an impact on the aspirations of children before they even take their GCSEs. Its survey found that the proportion of schoolchildren likely to go to university has fallen to its lowest level in eight years, and that the proportion of people from low-affluence households who believe they are likely to go to university has fallen to an all-time low of 61%. This is deeply concerning. The removal of maintenance grants in favour of loans is another reason why working-class young people avoid higher education. I hope that the forthcoming Budget will restore means-based grants to help support students from less wealthy backgrounds and ensure that all universities are more diverse in social and ethnic composition.

I make this point because there is evidence that the cumbersome system of predicted grades and conditional offers is especially unfair on students from disadvantaged backgrounds, who are the most likely to have their grades underpredicted. Poor predictions can blight young people's life chances, often becoming a self-fulfilling prophecy. Moreover, young people with huge potential but low predictions stand little chance of proper consideration from the top universities, especially when competing against more affluent students from schools that overpredict grades. UCAS has defended the current system, emphasising that predicted grades are one part of a student's application and that personal statements, references and interviews are equally important in assessing an individual's aptitude and ability. However, there is evidence that personal statements, in which students write about their interests and achievements to persuade tutors that they are worthy of an offer, are also used to game the system, with parents, teachers and even professional companies being found to have embellished middle-class teenagers' statements. That cannot be right. Reform of the system is long overdue. In that context, I eagerly anticipate the results of the Office for Students' university admissions review. Can the Minister ensure that the Government make those points to the reviewers? They need to be urgently considered.

A number of noble Lords referred to drop-out rates. Progress on widening the pool of applications and enrolments will continue to be undermined if we do not tackle the significant number of students from disadvantaged backgrounds who subsequently drop out of university. Disadvantaged students are likely to need higher levels of financial and pastoral support during their studies, and universities must ensure they are equipped to provide this as part of their work to continue to widen participation.

Success comes in all shapes and sizes. Although not every child will go to university, it is imperative that all have the opportunity to develop the skills needed to prosper. The noble Lord, Lord Baker, through his UTC programme, has been a brilliant advocate for the development of that sort of education. He is one of few Conservative educationalists whose interests I really engage with and support. As a number of other Peers have said, it is through high-quality apprenticeships and trainee schemes that we can unlock the door to the long and successful careers that many people would otherwise be prevented from pursuing. It is clear that more work is needed to promote this as a viable route. To do so, we must overcome the assumption that apprenticeships and vocational qualifications are just the preserve of working-class students and ensure that these routes enjoy parity of esteem with higher education. We must also ensure that the apprenticeship levy is being used appropriately, given evidence that employers are merely rebadging existing training schemes as higher apprenticeships for courses equivalent to a master's degree.

At present, half of all children in receipt of free school meals are educated in just a fifth of all schools, and more than half of universities in England have a white working-class student intake of less than 5%, despite the fact that 75% of universities, including the Russell Group institutions, claim to use "contextual information" to admit students from disadvantaged backgrounds.

This is an expansive agenda, and if the Government are serious about levelling up and tackling regional inequalities, it is vital that we encourage ambition and widen access to educational opportunities for students from low-participation, working-class groups, so that that no part of our country and no social group or ethnic minority feels as though they have been excluded and left behind. If we are to heal the social divisions that Brexit has laid bare, we should look to a fairer educational system to bring us to that point. This is one of the real-life challenges for the Government if they wish to burnish their one-nation credentials.

5.20 pm

The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con): My Lords, I too am grateful to the noble Baroness, Lady Morris, for bringing not only an important issue to the attention of the House but one that covers, in the first weeks of my job, the entire department. As a child from a working-class household, for whom education was the vital route to where I stand today, I agree with her that few issues could be so important. Like the noble Baroness,

[BARONESS BERRIDGE]

Lady Thornhill, I am the first generation to attend university—I agree with the noble Lord, Lord Judd, that it is the enabler—and I am part of the 17% that noble Lord, Lord Bassam, mentioned, as I was state comprehensive-educated.

I am sure that the noble Baroness, Lady Morris, read my mind, because my first question to officials was, “What is the definition of the term ‘working class’?” As a subjective expression, it is not used by the Government or my department. Our statistics deal with gender, ethnicity and place, so that means that no attainment gap data exist for the “class” of a pupil. I know, like many noble Lords, and in particular my noble friend Lord Kirkham, that many working-class families have sky-high aspirations for their children, so we recognise that we are dealing with a number of different situations here.

When we look at the evidence to see which pupil groups generally underperform at school we see that, for years, pupils from homes claiming welfare benefits have tended to achieve less than their peers. As a result of their lower qualifications they have often gained less secure employment or no employment, and have themselves created homes claiming welfare benefits in which to raise their children. This type of socioeconomic disadvantage is a key predictor of poor educational attainment. The best pupil-level proxy we have is eligibility for free school meals, either now or in the last six years. This measure enables us to provide funding to schools—in the form of pupil premium funding and certain factors in the national funding formula—to ensure that schools have the resources they need to tackle educational inequality.

There is good news—that since 2011 the attainment gap has narrowed by 9% at the age of 16, and 13% at the age of 11. On the comments of the noble Lord, Lord Woolley, the working-class issue cuts across all ethnicities, so we do not seek in any way to pit any group against another. Our aspirations in all our schools are for all pupils to attain, while recognising the particular context from which different groups come to the school environment. Our aim is for each child to have access to a world-class education, which is why the Government have set out an ambitious agenda and made record investment in opportunities for children and young people in our country.

I will start with the pupil progress from early years, which many noble Lords mentioned, and which is fundamentally important to social mobility. The more prepared a child is at the start of their education journey, the greater their chance of success. With regard to the comments made by the noble Baronesses, Lady Warwick and Lady Morris, and the noble Lords, Lord Bhatia and Lord Bassam, £3.6 billion in 2020-21 is being accessed for free childcare. In 2018 the Government set out a 10-year ambition to halve the proportion of children who finish their reception year without the communication, language and literacy skills they need to thrive, as mentioned by the noble Baroness, Lady Taylor. They need those skills to access the education on offer to them. The department has launched an innovative three-year campaign called Hungry Little Minds, to help parents support their children’s early language development, setting them

up for school and beyond. This is part of the wider £100 million investment we are making into the social mobility programme.

A number of specific points were made by noble Lords in relation to the early years foundation assessment. This is not a benchmark for schools, but we have seen the good level of development increase from 51.7% in 2013 to 71.8%. We are seeing more children with the skills to access the education system. The noble Baroness, Lady Morris, and the noble Lord, Lord Storey, and others mentioned the issue of children’s centres. It is a decision for councils in terms of the provision they make for these. There is a piece of work looking at working with MHCLG to see how the funding has been happening at local level, to preserve more for children’s social care. The Early Intervention Foundation is looking at all the evidence in relation to family hubs and children’s centres, so there is no sense that we are not seeking to use what has been done in the past and recognise and recommend what works in this sector. Over the period 2014-19, the gap between those who are on free school meals and those who are not has narrowed. In 2014 there was a gap of 18.9% in terms of the good level of development, and now that gap is down to 17.8%.

Many noble Lords made points about teachers. The professional development in this sector is very important, and there is £20 million being invested—particularly in disadvantaged areas—in the pre-reception workforce. In relation to some of the issues mentioned by the noble Baroness, Lady Taylor, more than £1 billion has been invested in the troubled families programme. In the debate in your Lordships’ House last week, I referred to the hundreds, if not thousands, of children who are not in care now and who are still in their homes because of the intervention of that service and other services and their key workers.

Education reforms, including those aimed at improving teaching, encouraging good attendance and behaviour and strengthening the curriculum and examination system, are designed to deliver opportunity and high standards for all, including working-class pupils. These reforms are underpinned by new accountability measures, which are intended to encourage schools to focus more closely on the attainment of all their pupils. We have high expectations for all pupils.

In relation to the points made by the noble Baroness, Lady Morris, I say that we measure the performance of disadvantaged pupils by comparing them to the national average for all pupils, because it is the measure that does not respond to individual school quality. Our reforms are working. By the end of the last academic year, 86% of schools were judged good or outstanding, compared to 68% in 2010. More children take the core academic GCSEs, more children read fluently, and more children attend good or outstanding schools. I disagree with the noble Lord, Lord Knight: the system is not perfect but it is not failing and there are many examples of extremely good schools. To give an example, in 2011, just 7.9% of those on free school meals in state-funded schools took English, maths, science, history, geography and a modern foreign language—that figure is now up to 25.1%. We have high expectations and aspirations for all, and we want

to see those opportunities grow. We want 90% of all 15-year-olds studying these core academic subjects by 2025.

In terms of the inspection framework, and the soft skills and experiences many young people from working-class backgrounds do not have access to—mentioned by many noble Lords—the new Ofsted framework not only says that there should be a broad and balanced curriculum but talks about the personal development opportunities for disadvantaged students. I was very pleased to learn of the programme outlined by the noble Lord, Lord Lingfield, taking students who have not had those personal development opportunities.

In answer to the noble Baroness, Lady Massey, I do not think it is specifically in the framework, but if Ofsted were to pick up any lack of dignity for working-class students, I am sure that it would make reference to that.

I thank the noble Baroness, Lady Morris, for mentioning the introduction of the pupil premium funding. It is not only reforming schools for the better, it is investing significantly in our young people. As noble Lords will be aware, the Prime Minister announced last summer that the budget for schools and high needs will be increased by a total of over £14 billion over the next three years, rising to £52.2 billion by 2022-23. This is a huge funding increase and every pupil will get more funding, so I hope the noble Lord, Lord Judd, will agree that the resources are in place. There is also specific targeted funding towards children from low economic circumstances. Since 2011, the pupil premium has seen £15 billion invested and distributed to schools, with a further £2.4 billion in the current financial year.

We know from the research that one of the best things for disadvantaged students is teacher quality. Schools are allowed to spend the pupil premium as they see fit, but we are providing them with what works: the overwhelming evidence from the Education Endowment Foundation is that they should spend that money on quality teachers. We are piloting a £2,000 after-tax payment in the first five years of a person's teaching career in maths and science, in the opportunity areas and in the north-east, Yorkshire and the Humber region, because we recognise that we must be specific and drive the best teachers into those areas.

The noble Baroness, Lady Wilcox, mentioned many different figures and statistics, so I will respond afterwards, but every pupil in England gets the same amount of money: there is no differentiation, when the money leaves the department, as to whether it will end up in a maintained school or in an academy school. Obviously, money for special educational needs is different, but all our pupils are treated the same. Of course, other aspects of development are important for working-class students, particularly such things as arts, PE and sport. The noble Baroness, Lady McIntosh, spoke very movingly of her environment—the home learning environment is another major factor for young people's attainment in education. Arts, PE and sport are an essential part of the curriculum.

The noble Lords, Lord Lingfield and Lord Judd, mentioned music and the arts. The Government announced funding of £85 million for music and arts

in 2020-21 and another £80 million for music hubs, coupled with further investment in film, dance, theatre and design. We are investing nearly £500 million from 2016-20 for a diverse portfolio of music and arts education programmes. In the manifesto there was a commitment to an arts premium worth over £100 million to secondary schools. I was very interested to hear about the Chickenshed project, which I had heard of. We know that access to arts can be essential for children who are struggling to access education.

Baroness McIntosh of Hudnall: Will the Minister say how and with whom the money she has just outlined is going to be spent? It sounds like a lot of money and is very encouraging to hear about, but the real problem for schools is that their budgets are so tight that they cannot incorporate these things into the normal curriculum, which is where it has the most effect.

Baroness Berridge: I will write to the noble Baroness on the mechanism by which the money is to be spent, but I thank her for asking for that detail.

In answer to the noble Lord, Lord Kirkham, being outdoors and being active in PE and sports is very important. The Government have invested more than £1 billion in a primary PE and sports premium, which is ring-fenced funding for primary schools to improve their PE and sports. The Government have doubled the premium that has been invested since 2013 to £320 million a year using revenue from the soft drinks levy.

Further education is often a lifeline for young people from disadvantaged backgrounds, and there is an input of £400 million-worth of funding to further education. The national funding formula, for 16 to 18 year-olds, includes extra funding for disadvantaged students, and we recognise that often they have barriers to accessing education. The discretionary bursaries also on offer are being reviewed and reformed, so that they meet the needs of those students. The noble Baroness, Lady Morris, referred to the workforce in this area, and there has been £20 million invested in development of the FE workforce.

I turn to higher education, the route for many people into their career. Higher education providers now have to give us ambitious access and participation plans. These are to be agreed with the Office for Students, which will monitor each provider's progress against the targets set out in those plans.

In relation to the question of the noble Lord, Lord Bassam, there will be a response to the Augar report in the spending review, and I think he will know the Government's position on maintenance grants when he receives that reply. There are record numbers of 18 year-olds accessing higher education. There is, in addition to the access and participation plan, a transparency condition, which requires higher education providers to publish their application, offer, acceptance, non-continuation and attainment rates by socioeconomic background, gender and ethnicity. This will help to drive fairness in admissions and outcomes.

The noble Lord, Lord Livermore, asked about contextual admissions. The Government hope that universities will look in appropriate circumstances at

[BARONESS BERRIDGE]

the background of students. The noble Lord, Lord Bassam, mentioned the post-qualification application to university; there is an ongoing review by the Office for Students, and I hear the arguments there. I am not sure whether we are allowed to submit to that review, but I am aware of the concern for disadvantaged students that post-qualification application might cut them off from the in-school support that they need to write their personal statement. So, we might inadvertently be placing them at a disadvantage. This hopefully will all be considered by the review, the outcome of which we are waiting for. It is a delight to hear of the involvement of the noble Baroness, Lady Massey, in the Amos Bursary; it looks like Stormzy has followed in someone else's footsteps there.

Many noble Lords, in particular the noble Lords, Lord Baker and Lord Glasman, referred to technical education. This, of course, needs to be a similarly world-class system; it is crucial to increase the skills of young people and to the nation's productivity. Therefore, we are and have been reforming the apprenticeships system to put vocational study on a par with academic study. Apprenticeships should encourage people to get the training qualifications that they need to enter the job market.

In relation to the UTCs, we see that there is a better progression to apprenticeships from schools, and there is wonderful employer engagement in many of the UTCs, particularly the outstanding Energy Coast UTC. I thank the noble Lord for his role in helping us to reduce the level of young people not in education, employment or training to the lowest it has ever been since records have been collected. I hope that the Secretary of State meets his high hopes, but I will say nothing further, because the applications he refers to might hit my desk before they hit the Secretary of State's.

For those aged 16, T-levels are essential to our plans for this world-class education system. The first three should be introduced by autumn this year, in construction, education and design. This is to enable students at the age of 16 to have a very clear choice between A-levels and T-levels. In terms of esteem, the technical will be on a par with A-levels, and there has been much investment to ensure that the workplace programme is high-quality from the beginning. It will be about an 80% classroom and 20% workplace placement.

On the comments by the noble Lord, Lord Bates, the Government are investing £24 million in Opportunity North East, working with local partners to tackle the specific issues holding back young people in the region. There is a great deal of freedom for them to spend that money as they see fit.

On a point made by the noble Lord, Lord Knight, a review of children's social care is planned; it was in the manifesto.

On grants, I think that the noble Baroness, Lady Morris, read my mind again. In my area of the department, I have asked what all these things are—these little grants—so that we can get a handle on that.

Time is against me here.

Baroness Warwick of Undercliffe: I note that the Minister has indicated investment in teaching quality in schools and in the further education workforce. Does she mind responding to the point I made about investment in a workforce strategy for early years?

Baroness Berridge: I will write to the noble Baroness about that. There is now a first-ever national strategy for teachers. I do not know whether that includes early years, so I will come back to her on that.

I will draw to a close. We are committed to diversity in the teaching workforce and are working with a number of partners, include BAMEed and the Ambition Institute, to encourage the most talented people into one of our most important professions.

It really has been a pleasure to respond to this debate. I know I said yesterday to the noble Lord, Lord Addington, that he would hold my feet to the fire on special educational needs; I was not expecting it to be the very next day.

The attainment of working-class students is one of the Government's top priorities. I look forward to many further debates and thank the noble Baroness, Lady Morris, for placing this front and centre at the beginning of my time in the department.

5.41 pm

Baroness Morris of Yardley: My Lords, I will respond briefly, primarily to thank everybody for their contributions. It has been an excellent debate. I do not think I have been in a debate in which as many Peers have spoken from personal experience as today. As I whispered to the noble Lord, Lord Knight, I suspect that if we looked at the backgrounds of the Peers who decided to speak in today's debate, it would probably not be representative of Members of the House. That is a good thing, really, because it means we bring those experiences with us and remember to talk about them. It also allows me to say to the Minister that listening is extra important, because people have not spoken theoretically but from their own childhood or working experiences.

I will not go over the points, because it has been a long debate and, when people have had four minutes to speak, I do not want to take four minutes winding up. I will say just a few things. The message about early years could not be stronger, given the number of people who have spoken about it. I want to acknowledge the people who spoke about adult skills and universities, because I did not; I thank them for adding that to the debate.

I have confidence that the Minister will take this seriously. I have worked with her in this place long enough to know that she cares about this just as much as me or anybody else. I know she will find her way around all those sections of the department. It is not easy for politicians—I am not sure I would have done it myself—but what we need at this time is a great degree of honesty about what has and has not worked. I will not criticise the Minister if she says that something has not worked.

Of the 12 opportunity areas, seven have seen the gap between the poor and the rich in early years widen rather than narrow. That is a problem. It is public

money and we might be wasting our time. For the north-east, £24 million is not a lot; it is our most underperforming region and it was not included in the opportunity areas. It pales into insignificance against the money put into London Challenge, which was successful.

As I say, I thank the Minister for listening and for her responsiveness, and have every confidence that she is the sort of Minister who will ask the right questions. Unless you ask the right questions, you will never get the right answers. In that frame of mind, I again thank everybody for contributing and wish the Minister well in her work trying to solve this problem.

Motion agreed.

Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020

Rules for Direct Payments to Farmers (Amendment) Regulations 2020

Guaranteed Minimum Pensions Increase Order 2020

Social Security Benefits Up-rating Order 2020

Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2020

Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2020

Parental Bereavement Leave Regulations 2020

Statutory Parental Bereavement Pay (General) Regulations 2020

National Minimum Wage (Amendment) Regulations 2020

Motions to Approve

5.44 pm

Moved by The Earl of Courtown

That the Regulations, Rules and Orders laid before the House on 16, 23, 27, 30 and 31 January be approved.

Relevant documents: 5th Report from the Secondary Legislation Scrutiny Committee (special attention drawn to the seventh and eighth instruments by the Secondary Legislation Scrutiny Committee, 4th Report). Considered in Grand Committee on 3 March.

Motions agreed.

House adjourned at 5.44 pm.

Grand Committee

Thursday 5 March 2020

Extradition (Provisional Arrest) Bill [HL] Committee (1st Day)

2 pm

The Deputy Chairman of Committees (Baroness Henig (Lab)): My Lords, if there is a Division in the Chamber while we are sitting, the Committee will adjourn as soon as the Division Bells are rung and resume after 10 minutes.

Clause 1 agreed.

Amendment 1

Moved by Lord Kennedy of Southwark

1: After Clause 1, insert the following new Clause—
“Report on risk of abuse in Interpol Red Notices

- (1) The Secretary of State must, before the end of the period of 12 months beginning on the day this Act is passed, lay before both Houses of Parliament an assessment of the reliability of Interpol Red Notices as a basis for arrest under this Act.
- (2) The report must include an assessment of the extent to which there is a risk of abuse by territories issuing notices.”

Member’s explanatory statement

This amendment would require the Secretary of State to prepare and publish a report on Interpol Red Notices.

Lord Kennedy of Southwark (Lab Co-op): My Lords, Amendment 1 in my name seeks to add a new clause to the Bill that would require the Secretary of State, within 12 months of the Bill becoming law, to lay before Parliament

“an assessment of the reliability of Interpol Red Notices as a basis for arrest”

under the Bill. That assessment must address the extent to which there is a risk of abuse of the red notice system. There are eight different types of Interpol notice, but most of the recent controversy has been over the red notices. My amendment seeks to shed some light on them to ensure that they are used properly; that, where we are complying with a request under a notice, we are more confident that we are working towards getting them to be more accurate; and that the risk of their being politically motivated is drawn out.

We have to recognise that some of Interpol’s member countries do not have as good a human rights record as others. There are allegations of corruption against some and some regimes have been accused of using red notices for political purposes to attempt to capture dissidents and people who oppose them. That is why I want to hear from the Minister how we will ensure that they are not abused.

Amendment 2 in my name, also in this group, is very straightforward. It would require the Secretary of State to report to Parliament, again, within 12 months and every 12 months after that, to provide us with a statement that ensures that what happens under the Act complies with Section 4 of the Equality Act 2010. I hope the Minister will be able to respond positively to both amendments, which are simple, straightforward and attempt to address issues of concern by providing information useful to government, policymakers and Parliament. I beg to move.

Baroness Hamwee (LD): My Lords, red notices are indeed controversial because they are open to abuse by authoritarian regimes seeking the apprehension of dissidents or “criminals” whose crime is dissidence. The House has talked about abuse in the cases of Russia, China, Turkey and a number of other countries. I understand that there are also sometimes queries about red notices from Latin American and Middle Eastern states. Of course there is a risk of political abuse, corruption and malicious notices.

I had forgotten, but recalled when I was preparing for today, the case of the footballer granted refugee status and residence in Australia three years ago, after fleeing Bahrain. He was arrested on his honeymoon in Thailand and held in detention for a while until he got back to Australia. Questions were raised about Interpol’s neutrality. I appreciate that reforms have been introduced over the past five or so years, but controversies do and will continue over red notices and Interpol’s diffusions, which serve as an international alert mechanism.

It is important to have as much transparency and availability of information as possible on how the recipient of the notice treats its subject, which is why the involvement of the judiciary at a later stage has such importance, and on how the NCA or any other designated authority triages the information—we seem to have adopted that term.

The fact that there is a risk of abuse seems no reason not to proceed with the legislation and I acknowledge that the amendment does not propose that. In any event, I understand that the certificate, not the red notice, is the basis for arrest, which is an important distinction.

I wonder whether this is the moment to ask the Minister about the EU’s future relationship with other European countries. The document published last week on the future relationship refers to achieving extradition arrangements with

“appropriate further safeguards for individuals beyond those in the European Arrest Warrant.”

I am sorry that I did not think to warn the Minister that I would ask this, but I imagine that it is pretty much at the top of everybody’s minds. What are the “appropriate further safeguards”? In other words, what are the problems with European arrest warrants that led to that statement in the document?

I am a member of your Lordships’ EU Select Committee. We took evidence on Tuesday about the future relationship. I asked an academic who was giving evidence what he thought this was about. He said that it was probably about human rights concerns. Of course, the noble Baroness will understand that I will not object to human rights safeguards.

On the noble Lord’s second amendment, as I have said, transparency is important. However, I was not aware that there was a major concern about discrimination, which is what is protected—as it were—by the protected characteristics. One would perhaps want to know the situation in other countries. I thank him for raising the issues and giving us the chance to discuss these subjects.

Lord Inglewood (Non-Affl): My Lords, if I may, I shall raise one small point. We are talking here about the ability to effect an arrest, not an obligation on the person

[LORD INGLEWOOD]

who discovers and identifies somebody who is suspicious and to be arrested. To clarify, if it against public policy for somebody to be extradited, there is no obligation on the person concerned who has been granted this power to carry out the arrest. Is that correct?

Lord Mackay of Clashfern (Con): My Lords, I assume that the process of extradition occurs under judicial control after the arrest and after the person arrested is in the custody of the judiciary or under the control of the arrangements made by the judiciary. That is quite important. In most of the speeches made at Second Reading, we distinguished between the Executive and the judiciary. They are two distinct parts of government. It is the Executive's responsibility to take people before the judiciary, which is then responsible for how they are treated, subject to the Executive sometimes being part of the treatment afterwards. It is important to distinguish between the two. Therefore, it is acceptable that the authority deciding whether this arrest should go ahead is not a judicial authority but the responsible executive authority.

As far as both amendments are concerned, the information sought is reasonable and might be subject to risk, but it would be very easy, particularly if there seemed to be any public concern about the matter, for a parliamentarian to raise this as a Parliamentary Question, rather than have an obligation on the Secretary of State to keep to a time when there might not be much in the way of information to put out. I can see why these arrangements are a subject of public interest, but the Parliamentary Question system is a good way to deal with that as and when they seem important.

Lord Deben (Con): I support what my noble and learned friend Lord Mackay just said. There is a fundamental distinction between the Executive branch and the legal branch. My objection to the Bill is that it includes a country where that division is nothing like as strong as ours. One of the issues is that these mechanisms for extradition are politically motivated in one of the five countries. The distinction between the Executive and the judicial system is crucial in people's protection. Therefore, I very much support my noble and learned friend making that distinction, which distinguishes us and four of the other countries from the fifth. We ought to underline that very strongly.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I thank all noble Lords who have made their points on these amendments and the noble Lord, Lord Kennedy, for moving Amendment 1. To recap, at Second Reading there was considerable cross-party consensus on the Bill's aims and measures, alongside the robust scrutiny that I expect from the House, and now the Committee. The amendments before us rightly tease out some of those points.

Noble Lords will be interested to know that the Director of Public Prosecutions, Max Hill QC, wrote to the new Security Minister on 2 March. His letter, which I will put in the Library following Committee, says:

"Overall, it is the firm view of the CPS that this Bill strikes the right balance between ensuring sufficient human rights safeguards and delivering the capabilities that the police and CPS require in order to safeguard the public ... under the current process there

remains a risk that UK law enforcement could encounter a potentially dangerous person wanted for a serious crime by a trusted partner, but for whom they would have no power to arrest and detain ... The Bill does not make it more or less likely someone will be extradited, but it does increase the chances that persons wanted for serious offences by some of our closest and trusted partners will enter, with all the existing safeguards, the extradition process."

I know that reporting on the effectiveness of the legislation, and the reliability of Interpol alerts, is a topic of interest. If the Committee will allow it, I will address Amendments 1 and 2 together as both concern reporting on the legislation's effectiveness.

On the perceived risk of abuse of Interpol notices highlighted in Amendment 1, I reassure the Committee that the immediate power of arrest proposed in the Bill will apply only to requests from specified countries—currently the US, Canada, Australia, New Zealand, Liechtenstein and Switzerland. These countries have been specified as we have a high level of confidence in their criminal justice systems and use of Interpol notices. The Government have no intention of specifying countries likely to abuse the system to political ends.

Additionally, the UK is currently working with Interpol to ensure that its rules are robust, effective and complied with. The former chief constable of Essex was recently made the executive director of policing services for Interpol, the most senior operational role in that organisation. A UK government lawyer has also been seconded to the Interpol legal service to work with it to ensure that Interpol rules are properly robust and adhered to by Interpol member states. We will continue to work with Interpol to increase the reliability and trustworthiness of the whole red notice system.

2.15 pm

International organisations such as Interpol are critical to our vision of a global Britain and international law enforcement co-operation beyond the EU. Interpol provides a secure channel through which we exchange information, on a police-to-police basis, for action. It is important to remember that we are putting our trust in particular countries and that we will certify certain international arrest requests from only those countries, not any other Interpol notices. An arrest request from our trusted partners may be in the form of an Interpol notice, but it will be certified not because of the method by which it is sent to us but because it comes from a specified country and is for a serious offence.

The noble Baroness, Lady Hamwee, asked about the safeguards that will be provided that go beyond those provided for under the EAW and what they will be. We are seeking to enshrine important safeguards in our extradition arrangements, including the ability for a judge in the UK to dismiss a warrant from an EU member state on the basis of proportionality and, if there has not yet been a decision, to charge and try the wanted person. Judges will also be required to establish that the offence is also an offence in the UK—we discussed that the other day, I remember. We will also retain the ability of courts to refuse extradition on the basis that it is incompatible with the requested person's human rights.

My noble friend Lord Deben asked about political motivation by "one country". We do not accept that any of the countries concerned will be in the habit of

making politically motivated requests. All those specified have justice systems in which the Government are prepared to put their trust.

Lord Deben: Did my noble friend notice that the President of the United States has just taken credit for 3,000 judicial appointments and said that he has therefore ensured that those judicial appointments will make decisions in line with his and Republican Party policy? How can one possibly say that this is the same kind of judicial system that we have?

Baroness Williams of Trafford: A judge would take a view on whether something was politically motivated. Something blatantly politically motivated would be rejected.

Lord Deben: I understand that, and we have the protection that the request has to go before a judge but, in this document, the Government give accreditation to the United States, which has no reciprocal arrangements with us, and talk about a “trusted partner” when it is not a partner. It will not do this the other way around and, clearly, it asks for the extradition of people on political or commercial grounds, which would not happen with Canada, Australia, New Zealand, Liechtenstein or Switzerland. We are saying something about the United States that surely none of us believes.

Baroness Williams of Trafford: I think my noble friend is referring to the Extradition Act itself, not the pre-extradition arrest process. I do not know whether he is questioning the Extradition Act’s efficacy, but that is not what we are talking about in the Bill. He also has an amendment down for later in Committee so perhaps we could come back to this at that stage if he wants to make further points.

Lord Deben: I am happy to do that; I merely say to my noble friend that I have tabled the amendment and wish to discuss it because this is our opportunity to do so and we are repeating our view. My noble friend is using phrases that are, I think, unsuitable, given the relationship. We are, after all, extending—perfectly properly, I think—the way the Extradition Act works. It seems reasonable at this point, before we go any further, to question whether one ought to use those phrases in these circumstances.

Baroness Williams of Trafford: We will get on to my noble friend’s point, but we use Parliament to make law rather than to make points. I hope he will respect the point that I make.

The noble Lord, Lord Inglewood, asked about obligation to extradite. He is absolutely right. The Bill creates powers for the police, not obligations to other countries.

Amendment 2 requests the publication of an annual statement on arrests. The NCA already keeps data and publishes statistics around arrest volumes in relation to Part 1 of the Extradition Act. It does it without being required to do so by primary legislation. We have no doubt that it will similarly do so in respect of arrests under this new arrest power, as this is a sensible operational practice. I have sympathy for the amendment, so I

have asked officials to look at how we can give the noble Lord, Lord Kennedy, some reassurance. I hope he will accept that I will liaise with him between now and Report.

I am not persuaded that either the Secretary of State or the NCA require a statutory obligation to take these steps. I hope I have been able to persuade the noble Lord not to press his amendments, but we will have further discussions between now and Report.

Lord Kennedy of Southwark: My Lords, I thank all noble Lords who have spoken in this short debate. I am obviously happy to withdraw my amendment for the moment.

I agree with the point made by the noble Lord, Lord Inglewood. The noble Lord, Lord Deben, has also made some important points, which I know we will come to later.

The noble and learned Lord, Lord Mackay, mentioned Parliamentary Questions. Sometimes, the Answers we get are not very good, to say the least. That goes across government. I am going to have to start tabling Questions about Parliamentary Answers. I asked one recently of another department. I asked, “What do we here?” and the Answer had no bearing whatever on the Question. I raised that with the Minister concerned and he accepted that. I thought, “Just answer the Question. If you can’t answer it, tell me you can’t answer it.” They had sent back a ridiculous Answer that had no bearing and it is not good enough. Unfortunately, that is a problem across government. Maybe we need a debate in the House about it. I am going to try putting in FoIs and comparing answers between PQs and FoIs. Will the answers be as bad there? We will see. But that is a separate issue. I would love to think that PQs were the answer; unfortunately, in my experience of being here for nearly 10 years, they are not.

Having said that, I am pleased with the Minister’s response, especially to my second amendment. I look forward to further discussions between now and Report. On that basis, I am happy to withdraw my amendment.

Amendment 1 withdrawn.

Amendment 2 not moved.

Clause 2 agreed.

The Schedule

Amendment 3

Moved by Baroness Hamwee

3: The Schedule, page 2, leave out lines 17 to 19
Member’s explanatory statement

This amendment precludes the period of imprisonment extending beyond 24 hours before the person is brought before a judge.

Baroness Hamwee: My Lords, I tabled this amendment following the speech of the noble and learned Baroness, Lady Clark of Calton, at Second Reading. She raised the issue of the time that a suspect—the person who has been arrested—might spend in custody before coming before the court. Someone arrested on the Friday before a bank holiday weekend might not go

[BARONESS HAMWEE]

before the court until the Tuesday, if one excludes weekends and bank holidays. The impact assessment tells us that the legislation is likely to involve only half a dozen people, so without wanting to impose too much on our judiciary—I accept that it is pretty hard pressed these days—I do not see that it would be too much of an extra strain on them or on the police to deal with these matters over the weekend.

I am grateful to the Minister for calling me just before we started the Committee stage to say that, basically, I had got the drafting wrong. Okay, this is what Committee stages are about: to raise issues and to see how we can deal with them. The schedule provides that in calculating the 24-hour period before a person is brought before a judge, no account is taken of weekends, bank holidays and so on. Reference is made to provision elsewhere. I understand that the noble Lord, Lord Parkinson, will deal with this matter. I look forward to him explaining this to me because I believe the argument is that that would mean that no one could be arrested on a Saturday or a Sunday. I am not quite sure that I follow that, but no doubt he will put that right.

When the noble and learned Baroness, Lady Clark, spoke at Second Reading on 4 February, she asked, at col. 1743, for some statistics on the number of arrests. I thought I should check on whether those have been made available. It may be that the matter was not pursued, the Minister having spoken to her. But as she said then, if there is a problem in relation to extradition to category 2 territories, the solution might be better co-ordination between the police and the judiciary to enable a warrant to be obtained at an early stage, or the involvement of the judiciary in a screening process instead of the designated authority. This is a useful opportunity for us to consider these points and I beg to move.

Lord Kennedy of Southwark: I rise briefly to welcome the noble Lord, Lord Parkinson of Whitley Bay. If he will now be covering some Home Office matters, we will be spending a lot of time together and will get know each other well, so that will be welcome.

The amendment moved by the noble Baroness, Lady Hamwee, is very sensible and I am happy to support it. She set out the issue clearly: someone can be picked up on the Friday before a bank holiday weekend and potentially wait until the Tuesday morning before being brought before a judge. That is a fair point. If people are arrested, they should be brought before a judge quickly, so I look forward to the noble Lord's response.

Lord Judge (CB): My Lords, I also support this amendment. Would you believe it, there is a judge on duty all weekend, every weekend, and all night? If the period is reduced to 24 hours and this happens over a weekend, it can be treated as urgent business.

2.30 pm

Lord Parkinson of Whitley Bay (Con): My Lords, I thank noble Lords for their words of welcome. There will, indeed, be plenty to keep us busy on the home affairs front. Amendment 3 in the name of the noble

Baroness, Lady Hamwee, concerns the period of detention. It seeks to delete the provision that, in calculating the 24-hour period within which an arrested person must be brought before the appropriate judge, no account should be taken of weekends, bank holidays and the like, as she explained.

It might be helpful if I first reassure noble Lords that this provision does not arise from any desire of law enforcement agencies to detain individuals for prolonged periods without judicial oversight. The Government have been very careful to ensure that sufficient safeguards exist against this. Our operational partners have already proved themselves effective at producing wanted persons before courts within strict timeframes. The practical question at the heart of this issue is one of being certain that, when a person is produced at court, an appropriate judge is available to hear their case. The key aspect perhaps is that, rightly, the requirement under the Act is for the person to be brought before the judge, not simply for a judge to consider the case on paper. I hope that addresses the point raised by the noble and learned Lord, Lord Judge. If the Bill were to be amended along the lines suggested, it would render the power largely unworkable; in some instances, because of perfectly normal court closure times, if a judge were not available for the wanted person to appear before them—

Lord Judge: I am sorry to interrupt the noble Lord. It is questionable whether the word “brought” requires the physical presence of the judge and the particular person so that they should be facing each other directly. Nowadays we have all sorts of technology that enables people to encounter each other while not in one another's physical presence.

Lord Parkinson of Whitley Bay: To be clear to the noble and learned Lord, it is the statutory intention that the person should be brought before a judge in person. It is an additional safeguard and a better situation for them to be seen in person before a judge. If the Bill were amended along the lines suggested, it would make the power operationally unworkable because, in some instances, normal court closure times would preclude that. As we have discussed, it could mean, practically, that arrests could not be made on a Saturday or on the Sunday before a bank holiday.

Lord Judge: I am sorry to interrupt the noble Lord again. This is his first outing and we are throwing bouncers at him. If that is the problem, we need to amend the legislation to make it clear that “brought before” does not mean that there is a personal, direct, physical confrontation. I would be very willing to talk to him about this at any time but, so far, I am not entirely satisfied with what he has had to say.

Lord Parkinson of Whitley Bay: I thank noble Lords for their forbearance on this, my first outing. It is our intention to replicate the existing provisions under the Extradition Act. It may be helpful for me to speak to the noble and learned Lord and others in greater detail about the statutory intention of what the Government propose. We seek to mirror the provisions already there, which are caught up in the usual formulation of “as soon as practicable” that already exists in the

Extradition Act. There are precedents for these arrangements for provisional arrest under Part 1, under which a person may be provisionally arrested without warrant and brought before the appropriate judge within 48 hours of their arrest, subject to exactly the same conditions as set out in the schedule under discussion here.

My noble friend Lady Williams of Trafford has already cited the letter sent by the Director of Public Prosecutions to the Security Minister earlier this week, which welcomes the way the Bill, as drafted, will avoid unnecessary delay and ensure initial judicial scrutiny as early as possible, before the case proceeds through extradition proceedings in the usual way. It is for that reason that the Government are not persuaded that the amendment is needed. I hope that gives some reassurance to the noble and learned Lord, the noble Baroness and others.

Baroness Hamwee: My Lords, I did not expect it to go in this direction, but I thank the noble Lord for his explanation. I am left a bit thrown and not entirely satisfied. I decided that I would not bring my iPad into Committee to scroll up and down through the 2003 Act; I reckoned it could wait until later, but clearly I should do so.

If this provision is to mirror the 2003 Act, which talks about bringing someone before a court as soon as practicable and in any event within 48 hours, that still does not meet the provisions of new Section 74A(4) because, as I said, if someone is picked up on a Friday afternoon, 48 hours lands them on a Sunday. There is an important point of principle in this: the way it operates—the noble Lord used the term “workability”—in terms of the position of the Executive and the work it has to do with the police and the rights of the individual who is the subject of this. That is why the judiciary is involved: to ensure that that person’s rights are properly protected. It looks as if the noble and learned Lord, Lord Mackay, wants to intervene.

Lord Mackay of Clashfern: I shall wait until the noble Baroness has finished.

Baroness Hamwee: I think I pretty much have finished.

Lord Mackay of Clashfern: I think the position is that, as times have changed and we are more modern than we once were, a judge is now available at all times to deal with this matter. Therefore, it is not necessary to leave out weekends or bank holidays because the reason that was put in was that the judge might not be there. Now, under the rules of the system, the person can have his case before the judge in the holidays because a judge is always there. Therefore, it needs to be changed to take account of that. That is my understanding. I hope the noble and learned Lord, Lord Judge, agrees with me.

Lord Kennedy of Southwark: My Lords, we have just heard from two very experienced former members of the judiciary. The noble Lord, Lord Parkinson, would be very wise to agree to take this matter away and try to sort it out.

Baroness Hamwee: As my noble friend Lord Paddick says, this is what Committee is about. He has reminded me that some courts are open on a Saturday to deal with custody cases, which adds another dimension to this. I look forward to discussing this to get the right balance, which is what we always seek. I thank the noble Lord, Lord Parkinson. I am sorry that, as the noble and learned Lord, Lord Judge, said, we have been bowling him googlies on his first outing. I beg leave to withdraw the amendment.

Amendment 3 withdrawn.

Amendment 4

Moved by Baroness Hamwee

4: The Schedule, page 3, line 9, at end insert “and
(e) it is satisfied that the request is not politically motivated.”

Member’s explanatory statement

This amendment is to probe the propriety of requests, and whether paragraph (d) provides adequate protection.

Baroness Hamwee: My Lords, I beg leave to move Amendment 4 and will speak to my Amendments 11, 11A and 11C.

Amendment 4 would insert into the criteria for a certificate under new Section 74B that the designated authority is

“satisfied that the request is not politically motivated.”

This takes us back to our first debate and is intended to probe how the propriety of requests is dealt with. We already have new Section 74B(1)(d), which says that the authority

“is satisfied that the seriousness of the conduct constituting the offence makes it appropriate to issue the certificate.”

I am not sure quite what that paragraph means. What is “appropriate”? It may go only to the offence for which the possible sentence meets the threshold. What is the seriousness of conduct constituting the offence? How does one assess the conduct as distinct from the offence as it is legally defined in the country in question? I am quite prepared for the Minister to tell me that this is in the 2003 Act and that there is case law on it. I will wait and see.

Amendment 11 would amend new Section 74C, which concerns the validity of requests, including from the requesting authority. The designated authority—in our case, the NCA—must believe that the authority in the other state has the function of making these requests. As my explanatory statement says:

“The amendment is to probe whether the designated authority should rely on a request if there is any doubt as to whether the requesting authority has this function.”

The word “believes” made me hesitate over this provision.

Amendment 11A would provide that, where someone has been discharged, the person should not be arrested again in reliance on the same certificate. There should be a further certificate. I am not sure that we have the amendment in quite the right place. However, it seemed worth raising the issues of concern to the organisation Justice, which has been following—and, in some cases, leading us on—the proceedings on the Bill. It is concerned

[BARONESS HAMWEE]

about it being quite wrong for there to be a new power in respect of the same extradition request should the designated authority issue a fresh certificate. Justice understands that the Government do not intend for fresh certificates to be issued where the first has been produced incorrectly and that this would be a matter for judicial scrutiny. I am again grateful to the Minister for having a word with me about this. I hope she will put on record what I know to be the Government's position on this.

Amendment 11C would provide for

“the affirmative procedure for regulations to designate the ‘designated authority’.”

We have been told that the designated authority will be the National Crime Agency, although it is not specified in the Bill. Given that reorganisations in the police service are not that unusual, I understand why one might need the opportunity to change the reference. There is clearly concern about ensuring that a future designated authority has the requisite expertise, as there is in the service at the moment. It would therefore be appropriate to use that procedure. I beg to move.

2.45 pm

Lord Kennedy of Southwark: Amendment 5 in this group is in my name. It would simply put “National Crime Agency” into the Bill. Throughout the Bill, there are references to the “designated authority”, but there is no mention of a specific agency. I am sure that the Minister will set out why the Bill is framed in that way and I look forward to that explanation.

Other amendments in this group are in the name of the noble Baroness, Lady Hamwee. They are all useful, as they give the Minister the opportunity to explain further the Government's reasoning in specific areas and to convince the Grand Committee of the protections in the Bill.

On Amendment 4, who will be responsible and accountable if the safeguards fail and we end up complying with a request that is politically motivated? Amendment 11 would take away the uncertainty built into the Bill. I do not like phrases such as “the designated authority believes”. “Believes” is a strange word to have in legislation. I like there to be a bit more certainty than is offered by a word such as “believes”. It seems very loose and open to all sorts of interpretations by all sorts of people.

Amendment 11A raises the circumstance where somebody could be rearrested under a new certificate. I accept that circumstances can change and maybe those powers are needed, but if somebody has been released under one certificate, we need to make clear what would need to change for them to be rearrested under a new one.

Amendment 11C has my full support. In many ways, it is a compromise between what the Bill says and what Amendment 5 says. Doing it through an SI is probably the best way forward, so I fully support Amendment 11C. I look forward to the Minister's response.

Baroness Williams of Trafford: I thank the noble Lord, Lord Kennedy, and the noble Baroness, Lady Hamwee, for their points on these amendments. They have been

grouped together as dealing with the functions of the designated authority and the criteria applied by it in certifying requests.

Amendment 4 proposes a new criterion for certification. This would require the designated authority to be satisfied that the request is not politically motivated. Making consideration of political motivation a precondition of certification for the designated authority would reverse the present position for arrests under the Extradition Act 2003. Presently, the courts are required to consider during the substantive extradition hearing whether any of the statutory bars to extradition apply. These statutory bars include whether the request for extradition is made for the purpose of prosecuting or punishing an individual on account of their political opinions—that comes under Section 81 of the Extradition Act 2003. The Government's position remains that it is right that the judge considers these points based on all the evidence before him or her during the substantive hearing and not the NCA prior to arrest. It is the judge who is ultimately accountable.

Furthermore, we are all aware that the Extradition Act contains substantial safeguards in respect of requests motivated by reason of the requested person's political views. These safeguards will continue to apply, and we fully expect the courts to continue to exercise their powers of scrutiny as usual.

Arguments of political motivation are of course not usually simple. It is right that the question of whether an individual extradition request can be described as politically motivated should be assessed by a judge before an open court. It is vital, of course, that the requested person should be able to put their arguments on this basis to a judge, but it is also crucial, in the fulfilment of our obligations under the international arrangements on extradition that give rise to such proceedings, that the requesting authority should be able to respond to such arguments and put their own case as to why the request is not politically motivated. This should be openly and fairly arbitrated, so importing this consideration into the process for determining whether an individual may be arrested would be at odds with existing extradition law. Noble Lords will be aware that judges and justices of the peace are not required to consider such factors when deciding whether to issue an arrest warrant under Section 71 or Section 73 of the 2003 Act.

Were the designated authority to make such a deliberation in effectively, it would need to be able to invite representations on the point from both the requesting authority and the requested person in each case before certification. Not only would this be hugely resource-intensive, it would also advertise to the wanted person that they are wanted. I should note that the designated authority, as a public body, would already be under an obligation to act compatibly with convention rights under Section 6 of the Human Rights Act 1998. At the point of certification, this will include consideration of whether an arrest is ECHR-compatible.

I bring the attention of noble Lords to the types of territories proposed as appropriate specified territories. These are democracies whose criminal justice systems are rooted in the rule of law. I am certain Parliament would not accept the addition to the schedule of

territories that we believed would send the UK politically motivated arrest requests. I hope I have been able to persuade the noble Baroness that there is no gap in safeguards here and that, consequently, she will be content with withdraw her amendment.

She also asked what is meant by the “seriousness of the conduct”. The language mirrors the test in Part 1 of the Extradition Act 2003. As she thought, there is indeed case law on the point. The intention is to capture only conduct sufficiently serious to ensure that the power is used only where proportionate. For example, the minor theft of an item of food from a supermarket or a very small amount of money is unlikely, without exceptional circumstances, to be sufficiently serious. Only when the designated authority decides that the offence satisfies the test will it be able to certify the request.

I turn now to Amendment 5, which seeks to define the designated authority as the National Crime Agency in the Bill. Our approach here mirrors that of the designation of the authority responsible for certification of European arrest warrants under Part 1 of the Act. The Government consider that the designation of the authority responsible for issuing a certificate is an appropriate matter to be left to secondary legislation. A regulation-making power affords the appropriate degree of flexibility to amend the designated authority in light of changing circumstances, including alterations to the functions of law enforcement bodies in the UK. To future-proof the legislation, the Government believe that the current drafting leaves an appropriate amount of flexibility. As I said, the Government’s intention is initially to designate the NCA, which is the UK’s national central bureau for Interpol, as the designated authority. I hope I have persuaded the noble Lord that we have got the balance right and that he will be content not to press his amendment.

I turn finally to Amendment 11, on requests made in the “approved way”. My noble friend’s amendment suggests that a request should be considered to have been made in the approved way only if it is made by an authority that has the function of making such requests in the territory concerned, rather than an authority which the designated authority believes to have this function.

Perhaps I may momentarily be a bit philosophical. The amendment attempts to base the assessment of the authority’s function on an objective truth. That is admirable from the point of view of legal certainty, but the designated authority does not have a monopoly on truth. The best it could do in practice, when making the assessment described in the amendment, would be to decide, to the best of its ability, whether the authority in question has the function of making such requests, arriving at what I think we would characterise as being a belief that it does so. Of course, the designated authority, as a public body, must take decisions that are reasonable and rational.

As such, we expect there to be no difference between how the assessment would be made in practice under the amendment and how it would be made under the existing text. The benefit of the text, as we have proposed it, is that it mirrors language elsewhere in the Extradition Act—for example, when the designated

authority under Part 1 may issue a certificate in relation to a warrant and when the Secretary of State may issue a certificate under Part 2.

On the perceived risk implicit in Amendment 11A—that an arrested person could be rearrested for the same thing, having been discharged by a court, perhaps because they were not produced at court on time or for some other failing—I reassure the Committee that this is neither the intention nor the effect of the new sections in the Bill. New Section 74A(8) makes clear that an arrested person may

“not be arrested again in reliance of the same certificate”

if they have previously been discharged. The intention of this drafting is to stipulate that an individual may not be arrested again on the basis of the same international arrest request once a judge has discharged them. This mirrors Section 6 of the Extradition Act 2003, which provides for the same thing, where a person provisionally arrested on the basis of a belief relating to a European arrest warrant may not be arrested again on the basis of a belief relating to the same European arrest warrant.

On top of that, new Section 74B(3) requires that a certificate has to have been withdrawn before any arrest takes place to allow a new one to be issued relating to the same request. This again illustrates that a further certificate cannot simply be issued on the basis of the same request once an individual arrested under this power has been discharged by a judge.

Of course, it is vital that a certificate can be issued on the basis of a new request, or on the basis of a wholly different request, so that an individual wanted for another crime is not immune to any further arrest because they were once arrested and discharged for a different crime. Organised transnational offences, such as people trafficking, often involve offences in different countries, on different dates, with different victims, and no individual should be able to avoid answering for more than one serious crime using a legal loophole. The amendment would create that impunity. For that reason, I hope I have been able to persuade the noble Baroness and that she will be happy not to press that amendment.

Amendment 11C would require an affirmative resolution procedure to apply to any statutory instrument that designates an authority as a “designated authority”. Given that the framework and criteria for the issuing of a certificate are provided for in the Bill, we consider that the negative resolution procedure affords an appropriate level of parliamentary scrutiny. We have plainly set out what the designated authority will do and how they must do it. Which particular body exercises that function is not, in our view, a matter that needs to be subject to debate in both Houses. The use of the power to designate an authority is necessary to accommodate any changing circumstances, including alterations to the functions of law enforcement bodies in the UK, and we consider it appropriate that we can respond to this promptly. The application of the negative procedure is also, again, completely consistent with the procedure for designating an authority for the purposes of issuing a certificate in respect of a European arrest warrant under Part 1 of the Extradition Act 2003.

[BARONESS WILLIAMS OF TRAFFORD]

I am sorry for my long-winded response to these several amendments. I hope the noble Baroness and the noble Lord are happy not to press their amendments.

Baroness Hamwee: I do not think the Minister was long-winded; it is quite a long group of amendments. I am grateful to her for that. I should have brought my iPad so that I could have followed all the references to the 2003 Act. I take all the points that the Minister made—in particular, the point about organised crime. One does not always remember how the nature of crime changes. I beg leave to withdraw the amendment.

Amendment 4 withdrawn.

Amendment 5 not moved.

3 pm

Amendment 6

Moved by Baroness Hamwee

6: The Schedule, page 3, line 34, leave out “, vary”

Member’s explanatory statement

This amendment is to probe the variation of a reference to a territory, as distinct from an addition or removal.

Baroness Hamwee: My Lords, I beg to move Amendment 6; I also have Amendments 7, 9 and 10 in this group. I start with Amendment 9, which I think is the most important. This amendment would restrict additions to Schedule A1 to one territory at a time. Orders are not amendable; one says either yes or no—and it is rarely no—to the whole thing. Let us consider an order seeking to add, say, Turkey and the Netherlands—it might not happen but I am thinking of two very different states—where one might want more protections than are proposed by the Government, but one would not want to reject an order to add the Netherlands. I think that is a sufficiently stark pairing to enable your Lordships to understand why I am concerned about this. I have written myself a note about the delegated powers memorandum. I cannot now find it but I am sure that it said something quite relevant. I might be able to find it by the end of the debate. Anyway, that is my particular concern. I do not think that I need to expand on it any further. I am grateful to the noble Lord and the noble and learned Lord for adding their names to this.

Amendment 6 is to probe how a territory can be varied, as distinct to being added or removed. It did not seem to me that one could vary a territory to make it part of a state. If it is about a change of name—some states do change their names—surely legislation here is not necessary. Amendment 7 is to take out the provision in new Section 74B of the Act that regulations can amend new Section 74C consequential on the addition, variation or removal of reference to a territory. New Section 74C is about the validity of requests for an arrest, which have to be made in an approved way; so, again, I am probing. What could be amended other than that the request comes from an authority with the requisite function? I table this because I am uncomfortable that there might be regulations in contemplation that widen the category of authorities entitled to make the request.

Amendment 10 would deal with the basis on which the Secretary of State may add a territory. The Minister at Second Reading said that we would apply the provisions only to

“alerts from countries that do not abuse Interpol systems, that respect the international rules-based system and that have criminal justice systems we trust; and only to alerts relating to sufficiently serious offences.”—[*Official Report*, 4/2/20; Col. 1727.]

I do not quarrel with a word of that. This amendment seeks to transfer those words into the legislation. I beg to move Amendment 6.

Lord Deben: My Lords, I very much support this Bill. My Amendment 11B relates to the names of territories that were not in the original legislation but are in this Bill. My noble friend perfectly reasonably suggested that I might be objecting to our extradition system in general and that that would not be suitable. I agree with her. However, this Bill has a list of “trusted partner” countries. That is true of all but one of them. All the others have a system of justice that is removed as far as humanly possible from politics. In this country, we are proud of that. That would not matter if one could not show—as I hope to—that the United States, because of its different kind of legal system, is using the extradition arrangements in a way that my noble friend rightly objects to, and why quite a number of other countries are not this list. The problem is that, by putting the United States on this list, we are making a statement about its use of extradition which seems unjustified. I will explain why.

We know that, unlike with the other countries, there is no reciprocal arrangement because the United States has said that it is contrary to its constitutional arrangements to have reciprocity. Our original Act is not reciprocated by the United States. I find that difficult anyway, but we are not discussing that issue here. In the case of the United States, unlike many other countries with which we have had and probably will have reciprocity after negotiation, we accept that it will not extradite people to us in circumstances in which we are extraditing people to it. We are confirming that by saying that we will extend our extradition procedure—perfectly properly in other circumstances, I think—to enable us to arrest people in the circumstances that this Bill makes clear.

We are very fortunate in this country because the whole system is overseen by the judiciary. It would be arguable that it does not matter because the new arrangements will mean that the judiciary will still be able to oversee that. After all, we are not putting every country on the list. We are not saying that the judiciary oversees everybody; we are saying it about these countries and distinguishing them from others.

I will remind your Lordships about two cases that show why I think that this is very real. We have the case of a woman who killed a British boy in Britain, has admitted it and has not been extradited although we have asked for that extradition. Not only has she not been extradited but the United States has refused to reveal what it claims are the special and secret arrangements under which the extradition cannot take place because the person is supposedly covered by diplomatic immunity. However, the United States will not publicly explain the special arrangement. Not only

is the lady not extradited, although we have asked for it, but it is on a basis that the United States has refused to reveal. Were this Turkey, Bangladesh or another country, this would be a very good reason for not putting the name on this list.

There is a second reason: the use of the extradition arrangements to pursue a political or commercial end. For the United States it is very often a commercial end. In this I speak of the case of my former constituent Dr Mike Lynch, chairman of one of our most successful companies. He sold his British company to an American company; it was sold under British law in Britain, bought by an American company and operated in Britain. After a bit, the American company had so badly mucked up the running of this business that it wanted an excuse for the sum it had paid, so it called on the British authorities to prosecute Dr Lynch, saying he had misled it. That may or may not be true. It had done very extensive due diligence before, so it is difficult to believe that so great an American company with so much opportunity to look beforehand should have been misled, but that is what it said.

The British authorities investigated and found that there was no case to answer. Therefore, they declined the prosecution. The American company, Hewlett Packard, perfectly rightly—I have no objection to this—went to the civil courts to claim its case. That case has now been heard at great length. It is probably the longest case of this kind ever held in this country. Dr Lynch was cross-examined for many days. The case is over as far as the evidence is concerned, but there has so far not been a judgment, so we do not know whether the civil courts in this country will find my former constituent guilty or innocent. Hewlett Packard is clearly worried about this case. Indeed, to read it one might be worried oneself if one were on that side. But still, we do not know. It is for the judge to decide.

British justice is known internationally as the fairest system in the world. That is why lots of companies that are not here agree with other companies that are not here for their court cases, should they come up, to be decided in British courts; they know that they will get a fair deal. Hewlett Packard has however demanded that Dr Lynch be extradited from Britain to have the case heard not in this country but in the United States. I am quite sure the reason is that it feels a United States court is more likely to make a decision which pleases it—particularly given the geographical position of the court calling for the extradition and its long-standing relationship with Hewlett Packard—and more likely to accept its case than the British one.

We all know that there are many situations in which British companies have found that courts in the United States make decisions that we would find, let us say, commercially political rather than judicially objective. Here we are, saying that this “trusted partner” should be treated in the same way as Canada, Australia, New Zealand, Switzerland and Liechtenstein, all of which have systems that any of us in this Room would be happy to be tried before, but how many of us would genuinely say that, if we had a commercial disagreement with an American company with power and political punch, we would wish to be charged before an American court? That is a different situation.

I have tabled the amendment not because I seek to undermine the original Act, although I think it was a mistake to allow a non-reciprocal arrangement with the United States. I am merely saying that I do not think that the United States should be one of those countries that benefits from a perfectly proper extension of our laws.

My noble friend said that she would not want to have this kind of arrangement with anyone whose judicial system was subject to political influence. President Trump has pointed out that he has changed the judges in the Ninth Circuit because it was

“a big thorn in our side”.

He has now appointed judges who will not be a big thorn in his side. He has made, I think, 181 judicial appointments and encouraged the majority Republican Senate to change as many as possible while he is there so that they get the judges who will to make the sort of judgments that suit the right-wing Republican that he is.

3.15 pm

I say to my noble friend that it is no good saying that America is so like us, that they speak English and all the rest of it. The truth is that, in this area, America is different. It is using the extradition system to promote its commercial interests. The case I referred to was of a British company—of a Brit who has created very many jobs in this country, is a serial entrepreneur and who the Government have used and lent upon because of his extreme expertise. Yet we are allowing ourselves to be used by the Americans to try to ensure their commercial interests are advanced.

I am perfectly happy to stand by whatever a British court decides, but I have certainly seen too many examples of American courts making decisions that would never be made in this country. Therefore, I ask the Government to remove the United States from the named countries, instead seek with it an understanding that has the reciprocity necessary and then add it to the list. Unless we have that reciprocity and can be assured that it is not being used for commercial or political reasons, I do not believe it ought to be given the status that is being given in these circumstances.

Lord Judge: My Lords, I support Amendment 9. As I indicated at Second Reading, I support the Bill. There is a great deal to be said for the proposition that there should be reciprocity between countries that respect the rule of law on the administration of criminal justice. However, I strongly support this amendment; I see absolutely no inconsistency between the two propositions.

The reasons why are very simple. We all know that there are countries in the world that do not respect the rule of law. I will not set about trying to give your Lordships a list because the list itself changes. Countries that respected the rule of law no longer do. Weimar Germany did; Hitler’s Germany did not. This is a moveable feast.

My concern is that we are giving the Secretary of State wide powers to add different nations to the list by regulations. At Second Reading I went through the possible reasons, and they are still there: political motivation, getting a good deal on a treaty, the fact

[LORD JUDGE]

that we need a bit of support on this or that, so we put a country on the list. There is a whole series of reasons why, in years to come, since this Act will be in force for many years, Ministers—not, I hasten to assert, either of these Ministers—will think it appropriate to add to the list countries that this House and the other place together think are inappropriate to be added.

We are doing this by way of regulation, as the noble Baroness, Lady Hamwee, pointed out. The consequence is that the Prime Minister of the day or his acolyte—and we are talking about a Prime Minister who would not perhaps respect the rule of law himself, but who knows what could happen—would insist on having a country that we in both Houses would regard as totally inappropriate to be a brother or sister nation on such a list and with whom we would think it quite inappropriate to have any sort of arrangement of this kind simply because it does not respect the rule of law. I have been through that.

What are our processes? They are that such a country could be included in a list of perfectly acceptable countries—the noble Baroness, Lady Hamwee, said the Netherlands and Turkey—but can we just cut down a little further into that? It means that when the House considers the regulation, it will have to decide whether to exclude Turkey—to use the country that the noble Baroness used—because it is really rather important and because we greatly respect the Netherlands, or whether to reject Turkey and the Netherlands. Or, to go the other way, we must have the Netherlands, so we must therefore have Turkey. If one or other of these courses is taken—whichever way round it is—if there is any amendment, the whole thing falls to the ground. We will not want the Netherlands to fall to the ground, nor Denmark, France or Germany. There are many countries that we would want to espouse as colleagues in respect for the rule of law.

What is proposed in this amendment is utterly simple. What is the difficulty in doing it one country by another? It might take a little longer; there might a little more typing, a little more printing—we could even have all the countries, except the ones objected to, come through as a job lot. I gave a little cricketing analogy earlier and I am sorry that I bowled bouncers not googlies at the Minister. One of the most famous things ever said at a cricket match was when, in 1902, Hirst came out to bat against the Australians with 15 runs to get on a difficult wicket in the dark; the story goes that Rhodes met Hirst and exchanged the words, “We’ll get them in singles”. Let us get this done in singles.

Lord Hope of Craighead (CB): My Lords, I cannot match the noble and learned Lord’s eloquence, except I remember that Lord Bingham used to use that phrase to describe how judges should nudge the law forward gently, step by step, rather than sit hitting sixes and fours.

I support this amendment for the reasons that have been explained. There are two features of the issue that are worth bearing in mind. First, the standard that the Government have set, which was described by the Minister, is a relatively high standard and, therefore, we are not talking about large numbers. Indeed, the

Schedule itself demonstrates that we are not expected to have a great list, they will come in twos or threes at the worst, preferably ones, as the amendment seeks. Secondly, the issue of a standard is something that we would wish to debate, as the noble Lord, Lord Deben, demonstrated in his contribution. It is a great shame if we are masked, as it were, by having one good country on the list that we would not object to but which is in the kind of pairing that the noble Baroness, Lady Hamwee, mentioned, so that we cannot really grapple with the one to which we are objecting because the instrument is not amendable.

With great respect, this seems a very sensible amendment that meets the problem of the non-amendable instrument without at the same time creating an insuperable difficulty for the Government. It enables a debate to take place that would have a real point to it instead of one that really does not have a point because one part of the list—if it is a list—is unobjectionable. I very much support the amendment.

Lord Inglewood: My Lords, I add my general support to the proposition and arguments that have been made. When I had the good fortune to chair the ad hoc committee looking at the workings of this legislation three or four years ago, this was one issue that the committee spent a long time discussing. Our concern throughout was essentially—and, I believe, entirely properly—about injustice. We must have an extradition system that is just at its heart. If there is any risk or probability of people being extradited into circumstances in which their human rights will be abused or ignored, or in which injustice will be meted out to them, we should not be party to it.

I was particularly grateful for the remarks by the noble and learned Lord, Lord Judge. He has touched on a point that I will come to when I move my amendment later on in the proceedings. I will not say that he has stolen my thunder—he has made the point a lot better than I might have.

Lord Kennedy of Southwark: My Lords, Amendment 6 is a very good probing amendment from the noble Baroness, Lady Hamwee. As I raised on the previous group, the words of the Bill need clarifying. This amendment gives the Minister the opportunity to do that and to explain why the word “vary” is in new Section 74B(7)(a). We have to be very careful with the words that we use in legislation. I can see why we would want to add or remove a territory, but why vary it? Is it to address a name change? I am sure that the Minister will tell us why. Amendment 7 allows the Minister to explain the need for this power. It may be perfectly sensible, but to make that clear would be most welcome.

My Amendment 8 is fairly simple. It seeks to improve the Bill—as do all my amendments—by requiring the Government to report changes before adding, removing or varying a reference to a territory. What is the process for adding a country? How will additions to the list be approved? What would the parliamentary scrutiny be? What is the process for the talks?

I also have my name to Amendment 9, which has been referred to in a number of contributions. The Government would have to add territories one at

a time; I very much agree with that. Parliament could reject a specific country or territory, which seems very sensible and proportionate. However, this came out in Second Reading: is this Bill also a back door to some sort of protection from the loss of the European arrest warrant? I know the Government said that it was not, but this would allow them to add the European Union straight away and in one go. That would be an interesting thing for the Government to do. When I thought of that, I was reminded of the interesting PNQ that the noble Lord, Lord Paddick, recently asked about the European arrest warrant. I also recalled the comments of the noble Lord, Lord Robathan. He asked a question of the Minister:

“My Lords, is it not the case that not all European arrest warrants are the same? A European arrest warrant from France or Germany, with whom we share the same respect for the rule of law, is one thing, but a European arrest warrant from one or two other countries—here I particularly mention Romania—is not the same because often political interference has taken place in the judicial system.”

The Minister replied:

“My noble friend makes a very good point about political interference. In fact, that is one of the safeguards within what we are seeking. He is right to make the point that not all EU states are the same.”—[*Official Report*, 2/3/20; col. 398.]

If the Government decide to put in the European Union in the future, that point could not be addressed. It is a valid issue—or, of course, it may not be an issue at all. It would be useful to have a response on that.

Amendment 10 should cause the Government no problem at all; I look forward to the Minister’s response on that. The noble Lord, Lord Deben, makes a valid case in Amendment 11B. “Levelling up” is the new buzzword in the Government. I think that we need a bit of levelling up in our special relationship with our friends across the pond as far as it applies to extraditing suspects who are wanted for crimes committed in this country. They must be very serious crimes which need to be investigated. Questions need to be asked, and potentially the evidence test is made and the matter is put before a court in the UK. The noble Lord cited two cases to illustrate that, which is very important in this respect. We are seeking a bit of reciprocity here, so I strongly support what he said and I hope that the noble Baroness can give a full response to these points because he has made the case very well.

3.30 pm

Baroness Williams of Trafford: I thank all noble Lords who have taken part in the debate. The amendments before us relate to the delegated power to specify any additional territories to which this new power may be extended. As I have said, in the first instance, the powers afforded by the legislation would be granted only to the UK’s closest criminal justice co-operation partners, these being the Five Eyes powers and the EFTA states. These are the countries in whose criminal justice systems and use of Interpol systems we have a high level of confidence. The amendments address the power to add, vary or remove countries from the Bill and a minor consequential amendment to vary what is meant by making an extradition request in the approved way if there is a good justification for doing so in the future.

I shall start with Amendment 9 because the noble Baroness, Lady Hamwee, began with it and other noble Lords have expressed a great interest in it. It specifies that territories should be added one at a time. I am grateful to the noble and learned Lord, Lord Judge, for speaking to me about this and I did slightly warn him ahead of time that we are not going to agree with it. That is not to say that we would want to add territories in multiples, but it is common practice to allow for multiple territories to be specified together for similar legislation. Noble Lords will know that this is the process for adding territories in Part 1 and Part 2 of the Extradition Act 2003. I hope that the affirmative resolution procedure would give Parliament the opportunity to scrutinise the Government by voting either for or against a resolution and to express an opinion towards any country being added to the Bill. I expect that if the Government attempted to add a territory which Parliament did not agree with, it would act accordingly. However, I understand the substance of the point that the noble and learned Lord made.

The noble Lord, Lord Kennedy, referred to our debate the other day on the Norway/Iceland issue. The Norway/Iceland surrender agreement operates under Part 1 of the 2003 Extradition Act, so an agreement with the EU based on that precedent would keep EU member states in Part 1 of the Act, where the power of immediate arrest already exists. The Bill is only for specified Part 2 countries where currently there is no power of immediate arrest. I do not want to prejudice the outcome of the negotiations, but we may well return to this issue.

I shall reverse engineer, as it were, and go back to Amendment 6. It looks to determine how varying a reference to a territory will be distinct from the addition or removal of a reference. I assure noble Lords that the term “vary” aims to future-proof the legislation and to ensure that technical changes do not place a restriction on the use of the power. An example of such a technical change would be a situation where part of a territory seceded from a specified territory and the Government wished to maintain this power in relation to only the successor state. This is of course not a particularly likely scenario but one for which it is responsible to be prepared.

Amendment 7 proposes to remove the power to vary the meaning of making a request “in the approved way” under new Section 74C. In the current draft, a request is made “in the approved way” if it is

“made by an authority of the category 2 territory which the designated authority believes has the function of making such requests in that territory.”

The power in new Section 74B(7)(b) is included to enable similar provision to be made, where appropriate, to that in Section 70(5) and (6) of the 2003 Act. These subsections set out the variations to the meaning of “the approved way” for extradition requests made from British Overseas Territories and for the Hong Kong Special Administrative Region. I will set out some examples of how that power might be used.

Where a newly specified territory had a number of different authorities which had the function of making requests, the power in new Section 74B(7)(b) would enable one or more authority to be singled out as the

[BARONESS WILLIAMS OF TRAFFORD]
 appropriate authority for making valid requests, should that be necessary. A further example might be if the Government sought to specify one or several of the British Overseas Territories. In such a scenario, the Government may wish to provide for requests to be made by the governor-general of the territory rather than the authorities within it. In such circumstances, the regulations might provide for requests to be made in the approved way by or on behalf of a person administering the territory.

Regarding preparing and publishing a report on adding a new territory, as well as any intention to add further territories or negotiations with prospective territories, to the scope of this legislation as specified in Amendment 8, the Government are committed to ensuring that Parliament has the ability to question and decide on whether any new territory could come within scope. Therefore, it is mandated in the Bill that any Government wishing to add a new territory to the scope of this legislation should do so through the affirmative resolution procedure. Any statutory instrument laid before Parliament will of course be accompanied by an Explanatory Memorandum, which will set out the legislative context and policy reasons for that instrument.

This procedure will give Parliament opportunity for scrutiny and will allow the House to reject the addition of any new territory to the Bill. Any Minister looking to add a new territory to the Bill would be expected to give Parliament good reason for doing so, therefore negating the need for this amendment. Having said that, I have sympathy with the spirit of the amendment and have asked officials to look into how we can give the noble Lord some reassurance on this. I will continue to liaise with noble Lords ahead of Report.

Amendment 10 would add a specification criterion for new countries to the Bill. This has not already been included to ensure that Parliament is given the full freedom to decide on any new territory. If criteria were to be added, Parliament might be put in the invidious position of having to accept that a particular territory that was not appropriate for specification for other reasons should be added. In this circumstance Parliament would likely want to consider all aspects of the proposal, so adding these criteria would limit Parliament's discretion. As I have outlined, any Government proposing to add a new territory would also need to give clear reasons for doing so, both in the explanatory documents accompanying any statutory instrument and during any subsequent debate. We would not want to bind the hands of future Governments to decide on the criteria they use to specify a new country.

I think we can all agree that the factors identified by my noble friend will of course be important and relevant considerations that we would expect any Government to take into account when deciding whether it is appropriate to seek to add a new territory. However, we do not consider that they need to be in the Bill. The current drafting ensures that Parliament can assess the merits of each territory which is due to be added to the Bill and scrutinise any addition through the affirmative resolution procedure. I am not persuaded of the need for this amendment.

Amendment 11B aims to remove the United States from the Schedule. The US is a critical partner in fighting terrorism and international organised crime. It is a responsible user of Interpol and has a criminal justice system with extensive checks and balances. We are confident of these points in relation to the US as much as to the other countries that we seek to specify. The new power of arrest, which is designed to protect the public in this country, has nothing to do with whether UK extradition requests to other countries are successful. It is about ensuring, when we have robust and trustworthy information that a person is wanted for a serious offence, that the police can arrest that person. Requests from the US are backed by judicial warrants predicated on probable cause. This is a firm ground on which to bring a person before a judge in the UK to decide on their further detention.

My noble friend talked about the US President's comments on judicial appointments. Of course, this was raised by the leader of the Opposition in another place. We need to bear in mind the context in which the President might have said that in an election year. The Prime Minister made his views on the US treaty very clear in another place last month. The Government's long-standing position is that the treaty with the US is fair and balanced in practice.

Lord Deben: Will my noble friend give way?

Baroness Williams of Trafford: Not at the moment. If my noble friend could wait until I have finished my comments, I will be happy to take his intervention. It is just that I have a number of points to make; I hope that is okay. The Prime Minister has committed to looking into the questions raised by the leader of the Opposition, so I am sure that my noble friend will look forward to that. This issue should not delay or undermine our efforts to ensure that police in the UK have the right powers in place to get wanted fugitives off British streets.

My noble friend talked about Anne Sacoolas, which is a valid issue; the US refusal to extradite her is a clear denial of justice. The Government and UK law enforcement continue to explore all opportunities to secure justice for Harry Dunn's family. I bring to my noble friend's attention the fact that this is the first case that has ever been refused under the UK-US extradition treaty. By contrast, we have refused 19 cases. The Government's long-standing position is that the treaty is fair and balanced in practice. My noble friend also mentioned Dr Lynch. As we have stated, consideration of the substance of an extradition request includes any statutory bars to extradition such as political motivation. These are properly a matter for a judge at the extradition hearing. I will not comment any further as this is before the courts.

My noble friend also talked about reciprocity. What we are doing in this Bill is creating powers for the UK police, not obligations on the countries concerned. I know that he is concerned about reciprocity, but the Bill will enable UK police officers to protect the public more effectively. It is about ensuring that UK police officers have the power to remove dangerous individuals from our streets before they can abscond or offend,

not relying on some sort of reciprocity that may depend on the nature of the regime in the other country. I am happy to take his intervention now if he wishes.

Lord Deben: I thank my noble friend the Minister. I realise what she is saying and acknowledge the care with which she is saying it; I thank her very much for that. I tried to intervene earlier specifically on the issue that President Trump had said what he said. The Minister said that we had to realise that that was an election situation. She then moved on to the Prime Minister. I put this to her: how happy would she be if our Prime Minister got up during an election and said, “I am very pleased that there are 181 judges that I have managed to get appointed, who will make decisions much closer to the Conservative Party’s views than the judges whom they replaced.”? I think that she would be deeply upset and would feel that that struck at the very heart of British justice. I am trying to make the point that the United States makes political decisions about judges, who are very often able to act in support of American business. In fact, this is one of the issues that President Trump has always raised—“America first”. My concern is that there is an actual case where that appears to be what happened. I do not think that it helps us to give the impression that the United States’ legal system is on a par with that of Switzerland, because it is not.

3.45 pm

I also ask my noble friend to reply to the noble and learned Lord opposite, who made a very important point about this, which is that if we say this about one country that is so different in a group such as this, we also say it about that group. It would be better if we offered Parliament the chance to make a decision on each country. In this case, it would be better not to give the impression that we were doing this because we wanted a favour from the United States on trade. That is what it looks and sounds like. Having read what the Prime Minister said, that is what I think. It is about doing nicely with the United States. The point about other countries that the noble Lord opposite made is a dangerous one.

Baroness Williams of Trafford: On the point about taking the countries one by one, and the group that a country is in, as I said, in any secondary legislation that comes before your Lordships’ House there has to be a statement about the rationale for that secondary legislation, which Parliament can reject if it wishes. However, as I said to the noble and learned Lord, Lord Judge, I utterly understand where he comes from.

On the point about judicial appointments in the US, putting aside what President Trump said, I think that the US judiciary is very protective of its independence. Certainly, on the issue of arrest warrants, the US has a criminal justice system in which we can justifiably put this level of trust.

I have a note from the Box about favours from the US. This power is, of course, in our interests. It benefits UK police. On that note, I hope noble Lords will feel content not to press their amendments.

Lord Mackay of Clashfern: My Lords, I will say a word on Amendment 9. I obviously agree with what has been said by a number of noble Lords about it. The views of the noble and learned Lord, Lord Judge, suggest that a Minister putting forward a list would have to be mightily careful that the list was of all good, or at least equally good, countries. If there was a doubtful one it would have to be separate. That lesson should be taken to heart. It is very unwise to have a great big list where we are not sure about two or three countries, because we would just lose the whole lot. I suspect that we may be faced in due course with a fair group about which we have some knowledge already. I do not think that that has anything to do with the Bill, but it might be a consequence of granting this power. I imagine that any Minister contemplating this who wished to be successful would be very careful to leave a country out of a list of very good countries and have it in a separate list if he thought that it would risk the others.

I have my own view on how judges are appointed in the United States and am rather anxious that nothing of the sort should appear here. On the other hand, judges in the United States, although they may be appointed for various reasons, have responsibility as judges. The point about this matter is that extradition to the United States or any other country will be decided by a judge, though ultimately subject to the discretion of the Home Secretary. The judiciary here will be in charge of that and obviously the degree to which the explanation given by the United States carries weight will be quite important.

Baroness Hamwee: My Lords, this is an interesting group. With regard to the United States and one of the Five Eyes seeing things a bit differently, if this matter comes back on Report, as it may, it would be helpful if the Minister could explain to the House how the human rights criteria that will be applied at the judicial stage would apply in any given situation without using specific cases. That is part of the whole picture.

On Amendment 6 and my suggestion that the word “vary” be deleted, we are told that this is to future-proof the arrangements in case one part of a territory secedes. I find it difficult to envisage all this and I do not see why the Government would not in that situation just delete the original but add the substituted territory. On Amendment 7, I confess I need to read properly what the Minister said. On the criteria listed in Amendment 10, the Minister said that Parliament would have to reject a territory if the criteria were not met. Actually, that is not the way round the amendment is written. Parliament would not be required to reject it but a reference to a territory could be added “only if”. I think those are different; these are on minima.

However, I see absolutely no down side to agreeing the amendment which at the start I said was the most important of this group with respect to the position of the United States. The justification proposing it is that it is not common practice. That does not mean that it is good practice in every situation. I am absolutely with the noble and learned Lord, Lord Judge, who said that it is entirely consistent with support for the Bill. I will not follow his cricketing analogies because I will probably

[BARONESS HAMWEE]
get them wrong again. As I said at Second Reading, we should not be in the business of bulk orders, if I may put it that way.

The Minister said that the affirmative resolution procedure gave Parliament the opportunity to scrutinise. Scrutiny means different things to different people, but it does not mean that you go straight from scrutiny to the remedy you are seeking. I do not think that it is an adequate response to an amendment which I really do not think would cause, as has been said, much more than a few more pieces of paper—a little more typing and standing up and sitting down. We will come back to this at the next stage. It ought to be such an easy one for the Government to concede to divert us from other amendments. For the moment, I beg leave to withdraw Amendment 6.

Amendment 6 withdrawn.

Amendments 7 to 11C not moved.

Amendment 12

Moved by Baroness Hamwee

12: The Schedule, page 10, line 14, leave out sub-paragraph (2) Member's explanatory statement

This amendment removes the provision in the bill that allows regulations to amend, repeal or revoke any provision made by primary legislation.

Baroness Hamwee: My Lords, I shall speak also to Amendments 13, while Amendment 14 in the name of the noble Lord, Lord Inglewood, is also in this group. Amendment 12 would remove the provision allowing “regulations to amend, repeal or revoke any provision made by primary legislation.”

This is something to which I have a natural aversion. I appreciate that the regulations in question, in paragraph 29(2) of the schedule, are limited by paragraph 29(1) which refers to regulations “consequential on the amendments made by this Schedule.”

Is paragraph 29(2) necessary? It suggests that the drafters were anxious that they did not have time to prepare the Bill. I have looked at what the 2003 Act says on this point. Section 219 provides for amendments, repeals and revocations but can deal only with one “contained in an Act passed in a Session after that in which this Act is passed.”

I do not think that alters my central point, which is my natural aversion to regulations amending primary legislation. Amendment 13 deals with the same point. I beg to move.

Lord Inglewood: My Lords, I shall speak to Amendment 14 in this group. I owe the Committee an apology for not adding an explanatory statement, but essentially this is a probing amendment. The reason is that when I tabled it, I was not entirely sure exactly what my anxieties about the proposed legislation might be, but I have spoken to the Minister about my general unhappiness. Interestingly, the noble Baroness, Lady Hamwee, has just talked about paragraph 29(2).

It strikes me as extremely clumsy and I am uneasy about it. As I say, that is why I have tabled this amendment and discussed it with the Minister.

Throughout the passage of the Bill thus far, the Government have emphasised that it is about powers of arrest. Of course, much of the Bill is about those powers, but it is clearly set within the context of the extradition system as a whole. One has not only to look at the Title of the Bill to see that; if you look at its substance, it becomes apparent. In the nicest possible way, I think “the Lady complaineth too much” in talking about the focus of the Bill on powers of arrest. The Bill is essentially about the workings of our extradition system as a whole. As the Committee knows—and does not need me to point out—it is essentially divided into two parts; I oversimplify, of course. There is the bit that relates to the European arrest warrant and the bit that relates to the rest.

4 pm

We know that, at the time that I was chairing the House's committee that looked at the workings of the 2003 Act, the question arose of whether the country should opt back in to the EAW. We on the committee believed that it was the right thing to do; we were clear but not unanimous about that. It was discussed on the Floor of the House and that view was endorsed by the House as a whole. Now, as everybody knows, there is a real possibility that we may leave the European arrest warrant. I was slightly surprised when looking at the Explanatory Notes to the Bill that there was not a great deal of reference to that. However, I then went further into the matter and got hold of a copy of the memorandum from the Home Office to the Delegated Powers and Regulatory Reform Committee. Paragraph 29 says:

“The Department considers that the proposed regulation-making power provides the appropriate level of flexibility to amend the list of specified category 2 territories, and to amend the definition of making a request in the “approved way”, in response to changing circumstances. Leaving such matters to secondary legislation ensures that the Government can respond in timely fashion to potential future developments, and that such response provides certainty and clarity as to the appropriate manner of request from amended or newly specified territories. For example”—

this is the important bit—

“if the UK were not to have access to the European Arrest Warrant or a similar tool, with the effect that EU Member States become re-designated as category 2 territories, it is likely to be appropriate to specify some or all of them for the purposes of this legislation (thereby replicating the immediate power of arrest which applies to a certified European Arrest Warrant).”

The point here is that it is clearly envisaged that, in some way, Part 1 of the 2003 Act will be collapsed. This power, and the powers contained within it, which may appear somewhat ancillary to the whole question of arrest, are—if I might use a cricketing analogy to follow that used by the noble and learned Lord—rolling the pitch, even if, to mix my metaphors, they are not a Trojan horse for bringing that about.

Clearly, if we are to leave the European arrest warrant scheme, something needs to follow. But it is objectionable and inappropriate that the substantial part of the extradition code of this country is not to be modified as a result of primary legislation. Extradition law is an important component of our country's wider

constitutional framework. As was pointed out by the noble Baroness, Lady Hamwee, and the noble and learned Lord, Lord Judge, and others, we will be faced with Hobson's choice. This is not in any way desirable. That is the point about which I am concerned and the rationale that I worked out for my amendment.

Lord Judge: My Lords, let us just look at what we are saying in paragraph 29(2): "Let's pass this Bill, which is a very good idea, and let's pass it in such a way that regulations may change the whole thing." Is that really what we want to do?

Lord Deben: My Lords, I feel very strongly that although we may have disagreed on the subject of the United States, that should not stop us recognising the wider argument to which the noble and learned Lord, Lord Judge, has referred. Far too much legislation going through both Houses ends up leaving everything to be decided in secondary legislation where it is almost impossible to make changes, and this is another example.

I want to underline what my noble friend Lord Inglewood has said, which is that extradition is far too important a matter to leave basic, material decisions merely to secondary legislation. This is part of the freedom that people in this country rightly feel they have and I do not believe that we should allow the Government to have the powers that this seems to allow. I hope that my noble friend will recognise that this is a matter of real principle, a principle that the party to which we both belong is supposed to believe in above all things—constitutional propriety. This is not constitutional propriety, but sleight of hand.

Lord Kennedy of Southwark: I do not have many remarks to make on this and I could not think of a quixotic quote. However, I really like Shakespeare because he is connected with the borough I grew up in, so I will remind you of this quote

"haste is needful in this desperate case."

Some of the points which have been made are very important and should be taken on board. What are we doing here? We support the legislation in principle, but we have asked for reasons why we are doing this and we have gone through some of the wording before.

I look forward in particular to the Minister's response to Amendment 12 because when you look at the wording it seeks to take out, it is quite worrying that it is in there at all. It may well be that there is a perfectly understandable explanation and I will be able to get up in a moment and say, "I fully support what the Minister intends to do", but as it reads now, I am worried about what we are passing here. Perhaps she will say that it is fine because it talks about further consequential provisions in the sub-paragraph above and the Government will do nothing. However, there is an issue about the powers we are giving to the Executive and our ability to scrutinise or change them at a later date. That point has been made by the noble Lord, Lord Inglewood, so I want this to be looked at.

Amendment 13 seeks to remove regulations about "saving" or "incidental" provision. What is that about? We could make all sorts of changes by saying that something is a saving. We could get rid of whole

swathes of stuff, so what are we agreeing to? We do not want to find ourselves saying months or years ahead that we did not realise when we agreed to this that we were giving those powers to the Executive. I will leave it there and look forward to the Minister's response, but I may intervene at some point for further clarification.

Baroness Williams of Trafford: I thank noble Lords for the points they have made and I hope to be able to allay any fears around what Amendments 12, 13 and 14 seek to address.

As noble Lords have said, paragraph 29(1) confers a power on the Secretary of State to make further provisions that are consequential on the amendments made by the Schedule to the Bill. This is a standard power which is commonplace in legislation and is naturally constrained. It can be used only to make provisions that are consequential and it is not a power to make substantive policy changes. Rather, it will allow the Government to make small, technical amendments for good housekeeping to ensure that that statute book is consistent and functions well.

As we implement the new arrest power, it is in everyone's interests to ensure legal continuity for law enforcement partners and those subject to arrest for extradition purposes. While many of the amendments required to other enactments are made by Part 2 of the Schedule to the Bill, it is anticipated that further consequential amendments may be identified as part of the implementation process. That is why the standard power is taken to provide the flexibility to ensure that the new arrest power can operate smoothly and efficiently. Placing a timeframe such as 12 months on the use of the power would unnecessarily frustrate the aim. In any event, as noble Lords will know, the power cannot be used to amend future legislation.

As to the scope of the possible amendments, the Bill is narrowly focused. Its purpose is to provide a power of provisional arrest for specified category 2 territories for extradition purposes. I stress the point that it does not affect or relate to the subsequent extradition process. The purpose of the consequential power is to deal with the consequences of those changes to the statute book. As such, just as wider amendments to the Extradition Act 2003 fall outside the Bill's ambit, so amendments to effect wider extradition policy would fall outwith the consequential amendments power. The power extends to provisions that amend, repeal or revoke any provision of primary legislation. As I hope I have made clear, this is not unusual or exceptional. It is standard practice to take such a power to provide flexibility for smooth and efficient implementation.

Similarly, the power to make saving or incidental provision by regulations found at paragraph 29(3) of the Schedule is a standard power commonly given in legislation for the purposes of smoothing the introduction of a change to the statute book. Incidental provision would include only amendments that are necessary or expedient to make the Bill's substantive provisions work. Saving provisions are required where it is necessary to preserve existing law following a change to legislation—for example, to ensure fairness or consistency in court proceedings in progress at the time of a change to legislation. As I have stated, these are standard

[BARONESS WILLIAMS OF TRAFFORD]
 clauses. Any amendment by regulations that amended, repealed or revoked primary legislation would be subject to the affirmative resolution procedure by virtue of paragraph 29(5), as befitting a Henry VIII power of this type. I hope that I have allayed noble Lords' fears about that.

As a final point to my noble friend Lord Inglewood, the power in this Act would not allow us simply to move countries from Part 1 to Part 2 of the Extradition Act, nor to substantively amend Part 1. Those are not consequential amendments. With those explanations, I hope that noble Lords will feel happy to withdraw their amendments.

Lord Kennedy of Southwark: I thank the Minister very much for explaining that. I am reassured to a large extent by what she said. Would it be possible to give an example of one of those little technical things that would be changed so that we are clear what we are all talking about? If she cannot now, maybe she could write to us.

Baroness Williams of Trafford: I am very happy to do that.

Baroness Hamwee: My Lords, I acknowledged that the regulations referred to in paragraph 29(2) must be within paragraph 29(1). I come back to the point that good housekeeping should be done before a Bill is presented to Parliament, not least because it would reduce the amount of time needed on the Bill in Parliament. For many years, I have recognised that it is a great deal easier to sit on this side of the House or Committee and pick holes than it must be to draft this stuff. Nevertheless, it is our job to pick some holes.

I do not apologise for raising this and cannot say that my concerns are wholly allayed: the words “necessary” and “expedient” were used in the delegated powers memorandum, along with “detailed and technical” about the nature of the amendments. I would like to assure myself that the words in the Bill reflect what has been said. I will possibly talk to the noble and learned Lord before the next stage. I beg leave to withdraw Amendment 12.

Amendment 12 withdrawn.

Amendment 13 not moved.

4.15 pm

Amendment 14

Tabled by Lord Inglewood

14: The Schedule, page 10, line 25, at end insert—

“() Sub-paragraph (1) and any regulations made under this paragraph expire at the end of the period of 12 months beginning with the day of this Schedule coming into force.”

Lord Inglewood: My Lords, I thank the Minister for her words and put on record, which I have not yet done this afternoon, that I support the basic principles surrounding the provisions relating to arrest in this context. I heard what she said about the powers in the Bill and the withdrawal of countries from Part 1 of the 2003 Act. I think I read earlier today that the powers to do that by secondary legislation are contained in the 2003 Act itself, so there is a possibility of the whole EAW system, if I can call it that, collapsing. Then something has to be done next, but I will not major on that any more at this point. The Minister said that these were usual provisions; they may be usual provisions in usual times, but we are in slightly unusual times.

Amendment 14 not moved.

Amendment 15

Moved by Baroness Williams of Trafford

15: The Schedule, page 10, line 29, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

This amendment replaces the reference to the National Assembly for Wales with a reference to Senedd Cymru, reflecting the change made by the Senedd and Elections (Wales) Act 2020 (anaw 1) to the name of the Assembly.

Baroness Williams of Trafford: My Lords, the Government have laid Amendment 15 to reflect Section 2 of the Senedd and Elections (Wales) Act 2020, which changes the name of the Welsh legislature to “Senedd Cymru or the Welsh Parliament”. This amendment is a technical consequential amendment. It follows the new practice of using the Welsh name when referring only to the Welsh legislature. I hope noble Lords will be able to join me in voting for this amendment.

Lord Kennedy of Southwark: I am very happy to support this amendment. While looking at it, I was thinking that Members of the Welsh Parliament are called Assembly Members. What will they be called in future? They are in a Parliament and are called AMs—will there be some consequential change there? Maybe someone could clarify that at some point.

Baroness Williams of Trafford: I will try to do that. It is a technical point to which I do not know the answer.

Lord Beith (LD): My Lords, it might assist the noble Lord if I point out to him that they are Aelodau Senedd, or AS, in Welsh. It is “Senedd” with a “th” sound, not a “d” sound.

Amendment 15 agreed.

Schedule, as amended, agreed.

Bill reported with an amendment.

Committee adjourned at 4.18 pm.

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