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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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

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

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THE
PARLIAMENTARY DEBATES

(HANSARD)

IN THE FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
COMMENCING ON THE SEVENTEENTH DAY OF DECEMBER IN THE
SIXTY-EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

FIFTH SERIES

VOLUME DCCCIII

THIRD VOLUME OF SESSION 2019-20

House of Lords

Tuesday 21 April 2020

Introduction: Lord Grimstone of Boscobel

1 pm

Sir Gerald Edgar Grimstone, CVO, having been created Baron Grimstone of Boscobel, of Belgravia in the City of Westminster, was introduced and took the oath, and signed an undertaking to abide by the Code of Conduct.

Introduction: Lord Greenhalgh

1.06 pm

Stephen John Greenhalgh, having been created Baron Greenhalgh, of Fulham in the London Borough of Hammersmith and Fulham, was introduced and took the oath, and signed an undertaking to abide by the Code of Conduct.

Business of the House (Virtual Proceedings and Topical Questions for Written Answer)

Motion to Agree

1.09 pm

Moved by Lord Ashton of Hyde

That, until further Order—

1. The following proceedings of the House may take place as Virtual Proceedings: Oral Questions, Private Notice Questions, Ministerial Statements, debates (but not decisions) on Statutory Instruments, Questions for Short Debate and motions for debate;

2. The procedure in Virtual Proceedings shall follow, so far as practical, procedure in the House save that—

(a) no member may participate unless admitted to the Virtual Proceedings;

(b) the order of speaking in Virtual Proceedings shall be facilitated by the Chair;

(c) the time allotted for Oral Questions shall be extended to 40 minutes to allow up to 10 minutes for each Oral Question;

(d) the time allotted to business in Virtual Proceedings may be varied by unanimous agreement of members taking part in the Virtual Proceedings; and

(e) Virtual Proceedings may be adjourned between items or classes of business at the discretion of the Chair;

3. A Virtual Proceeding may take place irrespective of whether the House is sitting that day;

4. A member may table one Topical Question for Written Answer in each week during which the House sits, and it is expected that it will be answered within five working days;

5. The provisions of this Order shall be applied in accordance with guidance issued under the authority of the Procedure Committee from time to time, which may vary the provisions of the Companion to the Standing Orders insofar as they apply to Virtual Proceedings.

Lord Ashton of Hyde (Con): My Lords, on behalf of my noble friend the Leader of the House, I beg to move the first Motion standing in her name on the Order Paper.

When the House last met, my noble friend the Leader of the House set out a number of changes to the way our business would be organised. She also said that work would be done over Easter to look at

[LORD ASHTON OF HYDE]

how our practices and procedures could be adapted to allow noble Lords to take part in our business while not attending the House.

While we have been away, a huge amount of work has been undertaken to enable some of our proceedings to take place virtually from today onwards. I pay tribute to the House administration, the parliamentary IT professionals and the usual channels, who have been working very hard to achieve a lot in a short space of time. In particular, I mention the leaders and my private secretary, Victoria Warren, who has also done an enormous amount to make this possible. Members of the House owe a huge debt of gratitude for the work that all these people have undertaken to allow us to do our work.

Connecting some 780 Members who have varying degrees of technical ability, who are distributed around the country and who cannot be visited to be given help, with little time for testing and using off-the-shelf technology, is not a trivial problem. At the end of last week, the Procedure Committee met virtually and agreed to the package of measures before the House today. If this Motion is agreed to, from today Oral Questions, Statements, UQ repeats, PNQs, Thursday debates and topical QSDs will all take place virtually. Noble Lords will not be able to participate in them from the Chamber.

Your Lordships will be used to signing up in advance to speak in debates and QSDs but will now need to do so for Questions, Statements, UQs and PNQs as well. The same system that we have used for many years to sign up to speak in debates will now be used for all these types of business, although the deadlines for signing up will be a bit earlier. The Procedure Committee has published guidance to help noble Lords navigate the system that we will use. All noble Lords signed up to take part in a Virtual Proceeding will be sent instructions on how to join that proceeding. I ask all noble Lords taking part in one of the early Virtual Proceedings to familiarise themselves with the guidance that has been produced and to ask for assistance if they need it. Noble Lords not taking part will also be sent a link so that they can watch what is going on.

We will also need to continue taking some legislative business in the Chamber. That is because our new Virtual Proceedings will not be empowered to take decisions on behalf of the House as a whole, and at the moment that is quite right. When this House considers legislation, it is considering proposed changes to the law. We have to be sure that the House's decision-making ability is not restricted or impaired by the use of remote working, but it is of course something that we can keep under review. In the meantime, I will endeavour to keep Chamber sittings to a minimum.

Finally, the Procedure Committee has agreed to the introduction of a new category of Written Question to allow Members of this House to get faster Answers from Ministers on topical matters. When they ask Questions in this new category, noble Lords will get their Answers in half the normal time.

I know that the system that has been devised will not entirely satisfy each and every noble Lord. It will not exactly mirror our normal proceedings, but in my view it provides a credible way for the House to continue

holding the Government to account. Its operation will be kept under review and will be revised if necessary. I urge noble Lords to be patient if glitches occur. The staff of the House will do everything they can to help us adapt and we should probably thank them in advance for their forbearance.

1.15 pm

Baroness Hayter of Kentish Town (Lab): My Lords, in supporting this Motion, I shall say two things. The first is that the seriousness of this issue was brought home to us by the loss of one of our own, my noble friend Lord Gordon of Strathblane, last month, but many others have lost family and friends and some of us have lost icons. Everyone is aware of the dedication and care of the NHS, and also of those in food supply and transport who enable life to continue, and we would be remiss if we did not pay tribute to them.

As the Minister said, at 3 pm we will see, we hope, the introduction of a wholly new and innovative way of working to meet the needs of Parliament to question the Government, pass legislation and continue with our democratic role. It is important that that continues. The work that there has been to enable us to achieve that is extraordinary and our thanks are due to the Chief Whip, the Lord Speaker, the party leaders, the Members on the Cross Benches and the Bishops who have been involved, and particularly to the technical and procedural staff, those in the Chamber and the cleaning staff who have done everything to get us here. It may not be perfect and there may be more to do, but, astonishingly, it is here and we are happy to support it.

Lord Newby (LD): My Lords, I join the Chief Whip and the noble Baroness, Lady Hayter, in thanking all those who have worked so hard to make this possible. A number of them will know that I have been quite impatient about some of the changes and in some cases do not feel that they have necessarily gone far enough—but, frankly, if we look at where we were a fortnight ago and compare it to where we are today, which is that from next week we will be having a wholly virtual House of Lords, it is by most tests, and certainly by House of Lords tests, a very quick rate of progress. We have achieved a position in which every Member will be able to continue to participate in the business of your Lordships' House, however vulnerable they might be in terms of their health, and that is very welcome.

I, too, thank everybody who has made all this possible. It is a work in progress to a certain extent. Those of us who have been participating in practices for various bits of virtual activity later in the day know that it will not go totally smoothly on the first day—but I am sure it will do so quite quickly, so I again thank all those involved.

Lord Adonis (Lab): My Lords, I join the noble Lord, Lord Newby, and my noble friend Lady Hayter in paying tribute to the officials of the House for the enormous amount of hard work that has gone in to making virtual proceedings a reality. Of course we welcome that, and I also very much associate myself with my noble friend's remarks about our noble friend Lord Gordon of Strathblane.

Obviously this is work in progress, as the noble Lord, Lord Newby said, but some elements of the arrangements are causing acute concern, not just to noble Lords but to the public at large. The one that causes most concern is the fact that the virtual proceedings will not be broadcast and that until at least two weeks' time it will not be possible for the public to observe what is going on, which is a breach of all precedent in parliamentary proceedings and a matter of very great concern. Will the Chief Whip tell the House the intention of the Government and the Procedure Committee in respect of the publication and broadcast of the virtual proceedings?

I assume, although it does not feature in what are effectively the new Standing Orders, that all proceedings of the virtual House will be published in *Hansard* in the normal way the following day. Will the Chief Whip clarify that that will be the case? Will he also say whether it is the case that the reason why the proceedings cannot be broadcast at the start of the virtual House in two hours' time is that we are using Microsoft Teams rather than Zoom, and that if we were using Zoom, as the House of Commons is doing, it would be possible to broadcast the proceedings? If that is the case, what is the mechanism by which broadcasting will be possible in a fortnight's time, assuming that that is the intention? Does the Chief Whip agree that for anything other than a very short period while technical difficulties are sorted out, it is absolutely unacceptable that the proceedings of this House are not broadcast and are not open to members of the public at the time that they take place?

Baroness Bennett of Manor Castle (GP): My Lords, I join other noble Lords in thanking the staff, in particular, who are operating under such difficult conditions, as we know the whole of society is at the moment, and also Members of your Lordships' House who have worked very hard on this. I particularly applaud the arrival of the new topical Written Questions. That is an excellent innovation that I hope will continue into the future.

I am sure that over the recess most noble Lords have, like me, been learning a whole new alphabet soup of videoconferencing technologies. I have been holding a great many meetings with local Green parties, explaining the work of the House of Lords. One of the things I explain when I do that is that, although they might not know it, the House of Lords is actually an anarchist collective. I am of course referring to the fact that when we are conducting Oral Questions and Private Notice Questions it is not a chair who decides who speaks; the whole House makes the decision collectively. That brings me to two points that I would perhaps have tabled as amendments under different circumstances. That is obviously not practical today, but I would like to put them on record.

The Green group and the noble Lord, Lord Wigley, who cannot be here today, have jointly put forward proposals for the allocation of Oral Questions. It is obvious that we cannot operate in the same manner as we do in the House, but it would maintain some of the democratic nature of traditional Oral Questions if those asking supplementaries were voted for by the whole House, rather than being selected by the usual

channels—the term “usual channels” is one we might want to reflect on. That is something we might look at in our new procedures.

The other thing I wanted to raise is of particular concern to the Green group, although I suspect that it is an issue for other groups, too. On Oral Questions, the guidance says that for each session:

“Non-affiliated peers and Bishops will be allocated 1 question”.

I clarified with the Whips Office that “each session” refers to each Question. Can that be confirmed?

Secondly, I point to the rather odd grouping, even within the traditions of your Lordships' House, of Lords spiritual and temporal together. Your Lordships' House often enjoys the benefits of hearing from the spiritual Lords, whatever I might think of their presence here, but if they come in on an Oral Statement, that leaves no space for the Green group, for Plaid or for other non-aligned Peers. That is a problem that those changing our future procedures should take a look at.

I thank everyone for their work. It is a work in progress and I ask that we consult widely to make sure that what we have is as democratic as possible and that we do not see the coronavirus taking away what democracy we have in this House.

Baroness Watkins of Tavistock (CB): My Lords, I support the Motion and join in the thanks to all the staff who have made it possible. I particularly want to raise that at the end of the previous sitting I was quite distressed when some Members of the House felt that closing early and looking to the future was not necessarily the best thing. I said at the time that we were at the beginning of a public health crisis that we could not imagine. In the last three weeks our imagination has become reality.

The fact is that we will be modelling to the rest of society that we are trying to do our jobs, and fulfil our roles and our responsibilities, in the best way we can. While I would like it to be more public in the next two weeks, I think our duty in public health terms is illustrated today. It will be an incrementalist approach that we can improve as we go along, but I wholeheartedly add my thanks to those who have made it possible, and in particular to staff in care homes and the NHS, who need our support at this time.

Baroness Northover (LD): My Lords, as seemingly the first who got through the virus, I add to the tributes to Lord Gordon of Strathblane. I was so sad to hear of his death, which is a terrible reminder of the threat of this disease.

I note that the Commons will be hybrid and we will be virtual—two different systems. I hope we will shortly adopt the same system. I also note the opportunity of this terrible circumstance. For example, I have had the privilege of joining meetings across the world that I have not had before and in a way that did not occur before. That is a huge benefit. There are new ways of working that I hope we will learn from in this circumstance.

Lord Mann (Non-Affl): My Lords, as a non-affiliated Peer, I wholeheartedly support the arrangements, including the ability of all Members of the House to participate. They seem thought out, fair and reasonable, and should

[LORD MANN]

not be altered. On broadcasting, in the dim and distant past I once tendered for the contract for this place. With that knowledge base, I ask whether audio, as opposed to visual, has been considered. One of the great dangers that I am sure we will be able to discuss virtually over the next few weeks is overreliance on the screen, perhaps to the detriment of other senses. The era of radio is re-emerging and, in my view, audio would be preferable to visual—not at all times, which is perhaps a little too radical, but I would be very happy if that were the case in the short term.

Baroness Uddin (Non-Afl): My Lords, I add my thanks not just to the leadership of the House and the usual channels but to all the staff and everyone who has made it possible for us to commence some of our work. I add one small question to the Minister. Some comments have been made in the press and elsewhere, in social media, about access for people with disabilities—such as the hard of hearing—who are not necessarily able to access the important public information during this crisis. What are the Government doing to ensure that we tackle that issue as soon as possible?

Lord Ashton of Hyde: My Lords, I am grateful to noble Lords for their support, especially their support—unanimous, I think—for the House authorities, the Parliamentary Digital Service and others, who have worked very hard. I am grateful to the Front Benches for their support on this. There were some very reasonable questions, and I will do my best to answer them.

I said at some stage that this will not be an exact mirror of what we have in our normal proceedings, and it may well be that as we progress we will try to emulate nearer our normal proceedings, but there will be some key differences. As the noble Baroness, Lady Hayter, said, we will have to start slowly and move on, but the key thing that we have tried to do and have done unanimously with the other party leaders and the Convenor of the Cross Benches is to focus, to begin with, on holding the Government to account. That is what we have tried to do today.

I take seriously what the noble Lord, Lord Adonis, said about not broadcasting. I agree with him that it would have been nice if we had been able to. He asked a specific question about *Hansard*. *Hansard* will report Virtual Proceedings in the normal way, so there will be a written record. As for broadcasting in the House of Commons and not here, it is true that it is using Zoom, a different system. The focus has been on using for our purposes something that is available now and secure. The Parliamentary Digital Service has only a limited amount of resource and is—I think it is fair to say—concentrating on the House of Commons, which is able to broadcast. In the absence of as many resources as we want, it is reasonable that we should focus on the elected House.

As far as the noble Lord's question about broadcasting is concerned, we hope we will be able to do that soon. We would like to broadcast and if that requires Zoom, we will move to Zoom if that is the technological solution. But we will move to Zoom only when it is secure, when we know it works and when we have the resources available to implement it correctly, which I hope will be reasonably soon.

1.30 pm

I appreciate the thanks of the noble Baroness, Lady Bennett, for the topical Written Question, which will be an interesting development. She also raised the system of selection for Questions. I have tried very hard, with the other usual channels, to make that as fair as possible. Of course, we will not have the give and take that we have in our normal Questions session. I am aware that she has been very successful in getting in, not only at Questions but in other means of debate in this House. It may be true that if we do it strictly in proportion to her party's percentage of the House, she may not have quite as much participation, but we have tried to make sure that all sections of the House have at least as much as their proportional representation. In fact, the only party that does not apply to is the Conservatives, which has slightly less.

I should also say to the noble Baroness, Lady Bennett, that we have agreed to review the system; we will make it fair. I have noticed that her party has at least two Questions down and is ready to participate in debates as well. I think she will continue to have a disproportionate share of debates.

The noble Baroness, Lady Northover, distinguished between the hybrid method that the House of Commons is using and our entirely virtual one. Our method of proceeding is slightly different, as we are less centrally controlled by the Speaker. However, she made a good point: not only in the Chamber, but in doing our business outside the House, this will allow us to learn lessons, just as we have managed, in the last three weeks, to learn a huge amount by using remote working.

The noble Baroness, Lady Uddin, talked about access for those with disabilities. My responsibility in answering today is on decisions regarding the Business of the House. For those who have disabilities, whether sight or audio, we are working as hard as we can to ensure that they are included. I know that some Members will try to participate today and that extra work has been done. I am not saying that it is perfect at the moment.

That brings me to the noble Lord, Lord Mann. Some partially sighted Members will be included on an audio basis because the current system may not be suitable for using touch screens and such things. I am not saying that it is perfect, but we are trying to take account of people with disabilities. As far as the Government's message is concerned, that is a very good point and I will make sure that it is taken away.

Lord Adonis: My Lords, the House will be very encouraged by the Minister's response. He has said that it would be "nice" to have the proceedings of the House broadcast, but I think that most people would consider it to be imperative that those proceedings are broadcast. Can he give a commitment that they will not be kept secret for longer than the next two weeks?

Lord Ashton of Hyde: I can give a commitment that they will not be kept secret at all because they will be reported in *Hansard*. However, I agree that this is more than "nice"; it is important and indeed imperative, if you like. We are doing our best to make sure that, when we have a suitable system, the proceedings will

be broadcast simultaneously with the Virtual Proceedings, although I think that there will be a 10-second gap. In the meantime, I beg to move.

Motion agreed.

Business of the House *Motion on Standing Orders*

1.36 pm

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 today to allow the Windrush Compensation Scheme (Expenditure) Bill (*Money Bill*) to be taken through its remaining stages.

Lord Ashton of Hyde (Con): My Lords, on behalf of my noble friend the Leader of the House, I beg to move the second Motion standing in her name on the Order Paper. This Motion will allow us to take all stages of the Windrush Compensation Scheme (Expenditure) Bill later today. It is a money Bill and, in keeping with the usual practice of the House, all stages after Second Reading will be taken formally.

I should also flag that there will be a virtual debate on the Windrush compensation scheme on Wednesday 6 May for the benefit of those noble Lords who have followed the party leaders' advice and have decided not to attend the Chamber today. I beg to move.

Motion agreed.

Deputy Chairmen of Committees *Membership Motion*

1.36 pm

Moved by Lord Ashton of Hyde

That, as proposed by the Committee of Selection, the following members be appointed to the panel of members to act as Deputy Chairmen of Committees for this session:

Alderdice, L., Bates, L., Duncan of Springbank, L., McNicol of West Kilbride, L., Russell of Liverpool, L.

Lord Ashton of Hyde (Con): My Lords, on behalf of the Senior Deputy Speaker, I beg to move the first Motion standing in his name on the Order Paper.

Motion agreed.

Science and Technology Committee *Membership Motion*

1.36 pm

Moved by Lord Ashton of Hyde

That Baroness Blackwood of North Oxford be appointed a member of the Committee, in place of Baroness Penn.

Lord Ashton of Hyde (Con): My Lords, on behalf of the Senior Deputy Speaker, I beg to move the second Motion standing in his name on the Order Paper.

Motion agreed.

1.37 pm

The Earl of Courtown (Con): My Lords, I beg to move that the House do now adjourn during pleasure until a convenient point after 4 pm. The exact time of our return will be notified via the Annunciator with at least 15 minutes' notice.

Sitting suspended.

3 pm

Prayers—read by the Lord Bishop of Newcastle in a Virtual Proceeding via video call.

Arrangement of Business *Announcement*

3.06 pm

The announcement was made in a Virtual Proceeding via video call.

The Lord Speaker (Lord Fowler): My Lords, Virtual Proceedings of the House of Lords will now begin. This is the first time that we will conduct Question Time in this way, rather than in the Chamber. I remind Members that these proceedings are subject to parliamentary privilege and that what we say is available to the public through *Hansard* as well as to those listening.

My Lords, I will call each Oral Question in the normal way. I will then call on the Minister to make the initial response, and then call on the noble Lord who has asked the Question to respond in the usual way. The Minister will again respond, and I shall then call in turn those noble Lords asking supplementary questions as listed on the speakers' list. Each of the four Questions will be given 10 minutes, as laid down in the Business of the House Motion which was agreed earlier this afternoon. So that we can fit in as many questions as possible, I ask that questions and answers be short. I apologise in advance if it is not possible for everyone to be called. Noble Lords should ensure that they unmute their microphone prior to asking their supplementary question. Microphones will be returned to mute when noble Lords have finished speaking. In accordance with guidance agreed by the Procedure Committee, if your name is not listed, I am afraid it will not be possible to ask a supplementary question or to take part in these proceedings.

Deaths of Members *Announcement*

3.07 pm

The announcement was made in a Virtual Proceeding via video call.

The Lord Speaker (Lord Fowler): My Lords, I regret to inform the House of the deaths of the noble Lords, Lord Gordon of Strathblane, on 31 March, the noble Lord, Lord Armstrong of Ilminster, on 3 April, and the noble Lord, Lord Tombs, on 11 April. On behalf of the House, I extend our sincere condolences to the noble Lords' families and friends.

Retirements of Members

Announcement

3.08 pm

The announcement was made in a Virtual Proceeding via video call.

The Lord Speaker (Lord Fowler): My Lords, I should like to notify the House of the retirements, with effect from 26 March of the noble Earl, Lord Selborne, with effect from 27 March of the noble Lord, Lord Steel of Aikwood, and with effect from 2 April of the noble Lord, Lord Brookman, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I thank the noble Lords for their much-valued service to the House.

House of Lords: Membership

Question

3.09 pm

Asked by Lord Balfé

To ask Her Majesty's Government what assessment they have made of the proposals contained in the report of the Lord Speaker's committee on the size of the House, published on 31 October 2017, for new appointments to the House of Lords to be on a "two-out, one-in" basis.

The Question was considered in a Virtual Proceeding via video call.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, I congratulate my noble friend Lord Balfé on being the first Peer in the history of the House of Lords to ask a virtual Question. Those who know me know that it will be the ultimate technological stress test for me to get through this. The Government are grateful for the work of the Burns Committee. I refer my noble friend to the response of the former Prime Minister in February 2018.

Lord Balfé (Con): My Lords, I am sure the House will agree that, particularly at the moment, we need to look to our reputation. This is not helped by the mass creation of new Peers. However, no Peer can be introduced to sit in the House without following the Standing Orders, in particular Standing Order 1.12 of the 24th edition of the *Companion*, 2015. It would seem that alterations to the normal procedure are achieved with the agreement of the House. So, a resolution of the House to amend this resolution, to reduce introductions to the number in the Burns formula, would theoretically be the way to try to import the target set by the noble Lord, Lord Burns; new Peers could be created but would have to wait to be introduced. Does the Minister agree that this matter could usefully be referred to the noble Lord, Lord Burns, and his committee—to look at this suggestion as a way of bringing some discipline to the procedure?

Lord True: My Lords, it is not for me to decide what should be referred to the committee. The size of the House is reducing, given retirements and departures; we have sadly heard some today. However, some new Members are essential to keep the expertise and outlook of the House of Lords fresh.

Lord Blencathra (Con): My Lords, I congratulate all those in IT, the usual channels and the Procedure Committee for their tremendous achievement in making this possible in just two weeks. It is extraordinary; I thank them all. While I entirely support the two-out, one-in plan, if it fails to deliver for whatever reason, will my noble friend the Minister not rule out other measures to reduce numbers? These could include creating non-legislative Peers who would not sit in this place, looking at an age retirement point, or simply ejecting those who failed to participate in our proceedings above a threshold of, say, 25% or 30% of sittings in any Parliament.

Lord True: My Lords, my noble friend makes some concrete suggestions, some of which would require legislation. The Government's view is that any reform of your Lordships' House would need careful consideration and should not be brought forward in a piecemeal fashion. On a minimum participation threshold, I think many noble Lords feel that it is not the quantity of participation that matters in this House but its quality.

Lord Burns (CB): My Lords, I am of course strongly in favour of the proposal for two out, one in, as it is an important part of the transition to a smaller House. However, I would not like to lose sight of some of the other issues which the Lord Speaker's Committee felt were important in the longer term. We concluded that the hard work of getting the numbers down would be in vain unless a cap on the size of the House is maintained and the allocation of new Members reflects each party's electoral performance and progress in achieving departure. Does the Minister agree that without some combination of proposals such as these it is difficult to see how we will bring an end to the almost continual growth in numbers that we have seen since the 1999 Act?

Lord True: My Lords, as a matter of fact, the recent history is not of numbers increasing. I pay tribute to the noble Lord, Lord Burns, and his committee for the inventive and constructive suggestions they have made and commend the spirit with which many in the House are following them. However, the longer-term proposals of the committee to maintain a steady-state size require further careful thought and wider engagement, particularly with the House of Commons. That was a point made by the previous Prime Minister.

The Lord Speaker (Lord Fowler): I think we can take it that the noble Baroness, Lady Taylor of Bolton, is not there, so I call the noble Lord, Lord Tyler.

Lord Tyler (LD): My Lords, this requires a simple yes or no. For clarity, can the Minister tell us whether the present Prime Minister has committed himself to the same self-restraint as of his predecessor in relation to the Burns committee recommendations?

Lord True: My Lords, I do not usually respond when a pistol is put to my head, but I have already told the House that some new Members are essential, always, to keep the expertise and outlook of the House fresh.

Lord Young of Cookham (Con): My Lords, further to the point raised by the noble Lord, Lord Burns, he will know that a year after his original report, he produced a progress report, which set benchmarks or targets for each of the main groups, for the remaining years of the 2017 Parliament. Since then, we have had a general election. Would it not make sense for that committee to be reconvened and new benchmarks for the current Parliament to be set, so that we can see what progress is being made towards the target of 600? Do the Government accept that 600 is a realistic target to aim for?

Lord True: My Lords, on the first point, it is a matter for your Lordships' House. We have had two follow-up reports from the noble Lord, Lord Burns, and the Lord Speaker, which have been very informative and helpful. As far as a specific number is concerned, the previous Prime Minister did not commit to that; nor I think will this one.

Baroness Hayter of Kentish Town (Lab): My Lords, in addition to two out, one in, there is the issue of the hereditary Peers having a different policy: one out, one in. Given that the Leader of the House got agreement before our recent Recess to postpone hereditary by-elections until September, would it now be possible to suspend all such by-elections as they arise, so that we are at least working towards two out, one in, rather than the hereditary Peer system of one out, one in?

Lord True: No, my Lords. This matter has been given extensive debate—I think “extensive” is a fair word in the context of the Bill of the noble Lord, Lord Grocott. The Government's position remains that reform of the House of Lords should be considered at the due and appropriate time, and not conducted in a piecemeal fashion.

The Lord Speaker (Lord Fowler): My Lords, I regret that the time allowed for this Question has now elapsed. I very much apologise to those Members who were not able to ask their supplementary questions.

House of Lords: Remote Proceedings

Question

3.17 pm

Asked by Lord Hunt of Kings Heath

To ask the Senior Deputy Speaker what plans have been made to enable peers to take part in the proceedings of the House of Lords remotely.

The Question was considered in a Virtual Proceeding via video call.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, earlier today in the Chamber, a Motion was agreed to enable certain items of business, including Oral Questions such as this one, to be held virtually. The Procedure Committee met last week to agree and publish guidance on how these Virtual Proceedings

will work in stage one. The committee will meet again next week to discuss proposals for moving to more extensive Virtual Proceedings in stage two.

Lord Hunt of Kings Heath (Lab): My Lords, I am very grateful to the Senior Deputy Speaker, his colleagues and the staff of the House for everything they have done to make this possible. I hope it means that never again will Parliament be silenced for so long during such a critical time for our country. On the further work that is to be undertaken, it is perfectly possible that many Members of your Lordships' House will be excluded from attending Parliament for quite a long time into the future. If that is so, will the further work look at the possibility of Members being able to vote in Divisions online? It would be wrong if people were excluded from taking a full part in the work of your Lordships' House because in the public interest they were remaining at home.

The Senior Deputy Speaker: This is an issue for the Procedure Committee. It will be informed by the views of members of the committee and the usual channels. However, I can say with confidence that the aim of having a virtual Chamber is for everyone to participate in Parliament, which is very important. If we have that as a primary objective, I am sure that noble Lords' views and comments will be in accordance with those of the Procedure Committee.

Lord Blunkett (Lab): Is this a means to an end or an end in itself? Is it a means to ensuring that all Members, wherever they live and whatever their circumstances, can continue to participate, rather than a Cromwellian move to have a lockout where Parliament does not function at all as a Chamber for the foreseeable future? Will the Senior Deputy Speaker be kind enough to reassure me that consideration will be given in stage 2 to developing a hybrid system so that we can move gradually out of the lockdown without ending up with a lockout?

The Senior Deputy Speaker: I thank the noble Lord for his question. He has already been in touch with me this week on this issue. I mentioned to him then, and reassure him today, that this is a temporary measure. Our primary aim at the moment is to have a virtual Chamber so as to ensure that every Member of the House is able to participate to the same extent if they wish. The Procedure Committee met last week; it will meet again next week. As chairman of the committee, I can assure the noble Lord that we will meet as and when. The views of Members are important to me and to the committee. I look forward to constant engagement with Members so that we get this right. The primary aim is to get the virtual Chamber in place now and then to review it as we go along, informed by the views of Members and the usual channels.

The Lord Speaker (Lord Fowler): Supplementary question: the noble Lord, Lord Newby.

Baroness Jones of Moulsecoomb (GP): I think that I was next on the list.

The Lord Speaker: You are right; I beg your pardon. I do apologise for cutting you out.

Baroness Jones of Moulsecoomb: Thank you, Lord Speaker. That is one aspect of the question that I was about to ask. I want to emphasise the point made by the noble Lord, Lord Hunt, that remote voting is already done in other places. Given the advances into virtual sittings that we have made in the past two weeks, I think that remote voting has to come to ensure that there is a democratic aspect to the legislation that we pass.

There is a formula for the allocation of Questions and supplementary questions. I am sure that your Lordships know that the two Greens in the House are very enthusiastic participants in almost its every aspect. I would hate to think that we were excluded because of some weird allocation of Questions. Is that something the committee can look into?

The Senior Deputy Speaker: On the point made by the noble Lord, Lord Hunt, the House of Commons authorities are developing the functionality for remote voting, but use of it would need to be approved by that House. The House of Lords could develop a similar platform if it desired, but due to the demands on the Parliamentary Digital Service, this would be at the expense of other work. Because of the differences in the technical platforms used by each House, such functionality would take a number of weeks to develop. I am open to the noble Baroness and others keeping in touch with me on this issue.

On the second point raised by the noble Baroness, I am aware from my conversations with her in the past that she wishes for Greens and non-affiliated Members to get their fair share of Questions and other business in this Chamber. I will ensure that they get that. There is not much in the guidance at the moment, but as a first step, I will bring her point to the Procedure Committee.

Lord Baker of Dorking (Con): My Lords, many congratulations to the team that has made this technological advance available. It is an historic day because we have shown that you can hold a Government to account not necessarily by being physically present in a Chamber in London. Whatever happens to our House, this will have some future in it.

The really exciting time is now Questions because here we are, 35 MPs, participating together. There is no other event envisaged where I can see that happening again in the technological future of the House. However, that means that 800 people have not had a chance to ask a question. Therefore, the number of Questions should be doubled to eight so that more Questions are asked and more Peers can get involved. Virtually, Question Time becomes much more important than it is physically.

The Senior Deputy Speaker: I agree with the noble Lord on Questions and scrutiny; given the environment today, scrutiny is extremely important for both the House of Commons and the House of Lords. His suggestion of doubling the number of Questions to eight could be considered by the Procedure Committee.

At our meeting next week, I will re-emphasise his point; if I meet him informally, he will no doubt give me some more advice on what initiatives we can take in this area.

Lord Newby (LD): My Lords, it is already clear from the questions asked that we will go into a long period during which a number of noble Lords will not be able to attend the Lords in person. I therefore reiterate my support for some of the suggestions already made, such as on a hybrid House and voting remotely. Can the Senior Deputy Speaker have as one of his principal aims to bring us into line with what the Commons do so that we are on the same digital platform and so that, as the Commons moves to virtual voting—it is likely to do that more quickly than us anyway—we follow in its footsteps?

The Senior Deputy Speaker: I agree entirely with the noble Lord. I have been privy to some of his views on this issue. The technical solutions that have been developed have been designed to meet the different requirements of each House, as the noble Lord is aware. I will certainly keep it as a primary aim to ensure that the points he has made here and in his communications with the Administration and the Procedure Committee are kept to the fore. I reiterate: the Procedure Committee will continue to meet as and when because this is a fast-developing situation.

Lord Kirkhope of Harrogate (Con): First, I congratulate everybody concerned with this effort to set up virtual TV for us. Can anything further be done to aid those Peers and Peeresses who are unable to join the virtual proceedings due to technical or broadband deficiencies in the places where they are locked down?

The Senior Deputy Speaker: I thank the noble Lord for that question. He will be aware that there are two stages to this process. The first—stage 1—is limited to 50 Peers, as we know. Stage 2, which we hope to implement on 5 May, will ensure a wider range of facilities, including live broadcasting. As the technology allows and as time passes, we will enhance the facilities available to Members to ensure, as I mentioned earlier, that every Member has the same opportunity to participate in the House.

Baroness Coussins (CB): My Lords, is the Senior Deputy Speaker aware that the Foreign Office language school has used Zoom to deliver its language classes since the lockdown began? As one of its language students, I found it very easy to participate—much easier than being on Teams. What have the security, or other, concerns been around this House using Zoom from the start when it appears to be acceptable to both the Foreign Office and the House of Commons?

The Senior Deputy Speaker: I thank the noble Baroness for her question. She may have heard me explain earlier that the House of Commons has precedence in taking up Zoom, so we have been behind on that issue. We have been advised by the experts that there are certain questions of security. I will not go through them now but I am happy to write to the noble Baroness on this issue. She may have heard the Lord

Speaker on the “Today” programme this morning, where he presented the House of Commons case very well indeed and mentioned that we will hopefully move to Zoom eventually in stage 2.

The Lord Speaker: My Lords, I regret that the time allowed for this Question has now elapsed. I very much apologise to those who have been cut out by that time division.

India: Scam Call Centres *Question*

3.30 pm

Asked by Lord Naseby

To ask Her Majesty’s Government what representations they have made to the government of India to request the closure of call centres targeting British citizens with scams.

The Question was considered in a Virtual Proceeding via video call.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the Government take fraud very seriously and are committed to combatting it. The City of London Police, which is the national lead force for fraud, has partnered with law enforcement and industry to combat call centre fraud from India and other jurisdictions. UK authorities continue to work with their Indian counterparts on a case-by-case basis to target criminals responsible for defrauding members of the public and businesses.

Lord Naseby (Con): Is the Minister aware that I have lived, worked and visited India, and I know both good and rogue call centres there? The BBC recently exposed call centres that target UK elderly people, saying that their computer is frozen and giving them a phone number for technical support that will unfreeze it in return for payment. These are vulnerable people who are currently in self-isolation. They are elderly people with no family support and are worried stiff that they will lose their only means of visual communication, so they pay up. Will the Minister urgently link up with the City of London Police fraud action force and the National Crime Agency to put real pressure on the Indian Central Bureau of Investigation to act on this matter?

The Lord Speaker (Lord Fowler): Minister. I was going to add “Baroness Williams of Trafford”, because I did not introduce you the first time.

Baroness Williams of Trafford: That is quite all right, Lord Speaker.

I thank my noble friend for that question. He raises a very pertinent point, and I myself have had representation from older people who are worried about scams. As regards our work with India and the Indian Government, my noble friend mentioned the City of London Police, which, as I said, is the lead force for economic crime and has partnered with law

enforcement and industry to combat call centre fraud from India and other jurisdictions. It has, for example, partnered with Microsoft, which has led industry efforts to combat this kind of fraud, and as a consequence of that partnership the City of London Police has supported Microsoft in the initiation of a number of enforcement actions, the most recent of which occurred in the Kolkata region. Obviously, things that happen overseas are a matter for the overseas authorities. Moreover, this type of fraud is global, and quite often you cannot trace where it originated.

Baroness Wheatcroft (Non-Aff): My Lords, last week I received an Outlook email that cited a password I have used, although not for the dubious purposes it alleged. If I paid \$1,900 into a Bitcoin account, discretion was assured. Clearly, the attacker had accessed the passwords from one site and sent out a blanket blackmail attempt. Is the Minister convinced that the platform operators are doing everything they can to detect the pattern of such blackmail attempts?

Baroness Williams of Trafford: My Lords, I know that law enforcement agencies are working extremely hard. In fact, every day I am on operational calls with various law enforcement agencies, and my mother was targeted by exactly the same scam last week. The FCA has conducted the ScamSmart campaign to raise awareness of this type of thing, particular pension and investment scams.

The Lord Speaker: The noble Baroness, Lady Neville-Rolfe, has the next supplementary question. She is not here.

Baroness Crawley (Lab): Thank you, Lord Speaker, and well done to everyone for getting us to this point. Given the rise in Covid-related fraud and scams in the UK, where we know unscrupulous criminals are exploiting fears about the virus in order to prey on older and vulnerable people, as the noble Lord, Lord Naseby, said, what are the Government doing to ensure that local government capacity, especially in trading standards departments, is fit for purpose, and what direct enforcement action has the Competition and Markets Authority taken in respect of companies breaking the law?

Baroness Williams of Trafford: I thank the noble Baroness for that question. She is right to raise this. Local government is at the heart of some of that local awareness-raising and enforcement action. We have given a grant of £500,000 and an additional £600,000 for National Trading Standards scams teams to provide call-blocking technology to vulnerable people.

Lord Sharkey (LD): My Lords, yesterday the *Times* reported the cybersecurity company Avast as saying that scammers have been targeting healthcare providers worldwide since the pandemic struck. Its CEO said:

“We’ve seen an increased number of attacks against hospitals and the NHS is one of the top targets right now.”

These attacks use ransomware and shut down NHS systems unless a ransom is paid. The last large ransomware attack on the NHS was in 2016 and led to disruption

[LORD SHARKEY]

in at least a third of trusts. In 2018, the NHS published a lessons-learned report that made 22 recommendations to protect against future attacks. How many of those recommendations have been implemented, and how safe from ransomware attacks is the NHS at the moment?

Baroness Williams of Trafford: I hope the noble Lord will forgive me when I say that I do not have specific information to hand on the NHS. It is pretty disgusting how this exploitation takes place very quickly on the back of a vulnerable event. Counterfraud guidance is being circulated alongside further advice and guidance from cybercrime technical work, which consists of more than 100 police officers across the country with a focus on helping businesses and individuals to protect themselves from these sorts of crimes. The public sector is a huge part of national business as we know it. I have certainly had a lot of information on Covid-19 exploitation, such as selling people protective equipment that is absolutely fraudulent and tests that are absolutely fake. It is an appalling practice, but it is happening and we are working across agencies to try to combat it.

Baroness Altmann (Con): My Lords, I thank everybody who has made all this possible. It is much appreciated. I declare my interests as listed in the register.

I have a particular question on pension fraud and pension scams. I know the Government have been doing a great deal of work trying to protect people better, but there are practical ways in which we can try to prevent money leaving pension funds. So far, there is a ban on cold calling, but it is not a complete ban: your provider can call you or others can call you. Individuals are not clear about where to report scams. There is Action Fraud, City of London Police, the Scorpion campaign, ScamSmart, the FCA and the Pensions Regulator.

I would be grateful if my noble friend would ask the department whether, on pension fraud, it might be possible, with our pensions Bill going through at the moment, to look more carefully at asking pension providers to clamp down on people who are in a rush to transfer quickly, to direct people to Pension Wise, and perhaps to help people protect their pensions with a line of defence at the provider level. Obviously we cannot stop scams completely; these are very unscrupulous people who can change IP addresses and phone numbers and can even pretend not to be in the country they seem to be coming from.

Baroness Williams of Trafford: My Lords, I am sorry; I am looking for the appropriate bit in my notes but cannot find it. The noble Baroness raised a very important point. Particularly at this time, when people are feeling vulnerable, it is really pertinent to raise that point. Obviously I am not in the pensions department, but I will take that point back and alert my colleague, my noble friend Lady Stedman-Scott, to it.

The Lord Speaker: My Lords, I fear that, again, the time allowed for this Question has elapsed, so we will have to move on, with apologies to those who have not

been able to ask their question. We come to the fourth Oral Question, which is from the noble Lord, Lord Foulkes of Cumnock.

Covid-19: Removal of Restrictions

Question

3.41 pm

Asked by **Lord Foulkes of Cumnock**

To ask Her Majesty's Government when they expect to announce (1) the arrangements, and (2) a timetable, for the removal of restrictions in place to address the COVID-19 pandemic.

The Question was considered in a Virtual Proceeding via video call.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, our priorities are to save lives and protect the NHS. When the evidence demonstrates that it is safe to do so, we will adjust the lockdown arrangements. We have set out five clear conditions that need to be met. Adjusting the lockdown arrangements could involve relaxing measures in some areas, while strengthening measures in others. In formulating the right balance, we will be guided at all times by scientific advice and by the evidence.

Lord Foulkes of Cumnock (Lab Co-op): I am grateful to the Minister, but why do he and other Ministers think that the British public are unable to deal with two messages simultaneously? Will the Government now set out a plan for lifting the lockdown in stages when it is safe to do so in each area, just as is being done in other countries and, indeed, is being looked at by the Scottish Government?

Lord Bethell: The noble Lord is right that the British public have been incredibly diligent, and I commend all those who have followed the guidelines to stay at home for the impact they have had on the infection rate and the mortality rate. However, we cannot fool ourselves into thinking that the epidemic is over. We have to be clear with, and level with, the public that any changes in the guidelines are some way off, and that they will be presented to the public when our understanding of the medium-term strategy is clear.

Baroness Thornton (Lab): My Lords, I thank the noble Lord for the answer that he has just given, but it still begs the question of why the Government are treating the British public as if they were children. I am sure that it would be possible for them to share their thinking, even at this stage. My question concerns testing. Professor Paul Nurse, director of the Francis Crick Institute, said on 19 March about the way to deliver vital testing at scale:

“Institutes like ours are coming together with a Dunkirk spirit—small boats that collectively can have a huge impact on the national endeavour.”

Does the Minister agree with that approach? Can he tell the House when the Government will be able to utilise all the laboratory capacity, which will ensure mass testing and tracing, and will speed up the likelihood of an exit from the current lockdown?

Lord Bethell: The noble Baroness is entirely right. I have spoken to Paul Nurse and commend the Crick Institute on the work it has done to build up the remarkable capacity of 2,000 tests a day. However, there are practical issues with the “Dunkirk spirit”. There are enormous logistical challenges in getting swabs and serology to laboratories. There are logistical problems with them registering the correct patient details and then getting the responses back. We have made substantial advances—the Crick Institute has been a pioneer in this—in bringing industrial levels of organisation both to the very large number of tests done each day and to the logistical backbone necessary to process those results.

Baroness Brinton (LD): Yesterday, the World Health Organization said that Covid is not going to go away, there is not yet a treatment or vaccine and we have to be a Covid-ready society. It still says that any release from lockdown must involve testing, tracing and isolation. Can the Minister say whether there will be enough local sources for testing, comprehensive tracing and arrangements for isolation ready prior to any release from lockdown in the United Kingdom?

Lord Bethell: The noble Baroness is entirely right. Tracking and tracing will be absolutely essential for keeping down R_0 , the transmission rate, when it comes to the implementation of our medium-term strategy. We are working extremely hard to dramatically increase our testing capacity. I assure the House that that capacity is growing enormously, at scale and exponentially. It is our expectation that it will easily meet the requirements of tracking and tracing. That tracking and tracing will be implemented by several work streams. The app already unveiled will be an important part of that, as will the PHE manual contact-tracing resources and the use of any other technological advances and innovations developed as part of this response to the epidemic.

The Lord Speaker (Lord Fowler): Lord Mackay of Clashfern. No? Okay, we will go on. Lord Patel.

Lord Patel (CB): Noble Lords cannot see me, but I hope they can hear me. One of the five conditions the Government have set themselves before any changes will be made to the current lockdown is that they will have to be confident that there will not be a second wave of infection. What scientific evidence will the Government need in support of this decision, and what role will population-based serology testing play in this decision?

Lord Bethell: The noble Lord, Lord Patel, asks an incredibly perceptive question. The ultimate decisions will be made by the CMO, who, as noble Lords know, has enormous experience in this exact area. Serology

tests play an extremely important role in this by giving an indication of the number of antibodies there are, whether people have a degree of immunity and therefore a sense of how far the virus has spread through the community. However, we are aware of reports that there are recurrences of the virus in people who have emerged and recovered. That creates a great sense of concern around our serology tests.

Baroness Healy of Primrose Hill (Lab): Will making face masks compulsory form part of the exit-from-lockdown strategy? Other countries have implemented it.

Lord Bethell: The noble Baroness is entirely right that the use of PPE—certainly in the workplace and, more commonly, in other parts of our life—is likely to be part of our lives in the forthcoming period. However, to date, the British Government have been sceptical about the efficacy of face masks. We do not want to be in a position of misleading or providing false reassurance for the public when there is not sufficient scientific evidence for the relevance of face masks. However, should that evidence emerge and should the guidance change, we will of course follow the science and make the recommendation if it is helpful.

Lord Ravensdale (CB): My Lords, in response to the question from the noble Lord, Lord Patel, the Minister talked about the limitations of antibody testing. Antibody testing can provide crucial information on the penetration of the disease within the population, its lethality and how widespread asymptomatic cases are, complementing work being done in a number of other countries. Can the Minister provide an update on what is being done in the UK on antibody testing?

Lord Bethell: Forgive me, my Lords, the beeping of my computer distracted me during my answer to the previous question. I did not want to give the impression that I was sceptical of the use of serology tests; far from it. We are investing a huge amount in research into serology tests of various kinds, both lateral flow and ELISA tests. We have been in touch with more than 180 providers of these tests. The Government recently backed a British-based consortium developing a British lateral flow test of which we have very high hopes and expectations, with a view to potentially doing a large amount of mass testing in the months to come. As the noble Lord rightly implied, you need a level of antibody prevalence for the testing to be accurate and useful. This type of test will be important to us further down the road and I will update noble Lords on the progress of our research as it develops.

Lord Wigley (PC): My Lords, does the Minister agree that the best outcome by far would be for the unlocking to be simultaneous in the four nations of these islands? Does he also accept that that can happen only by the unanimous agreement of the four Governments? Will he confirm that there can be no question of areas ahead of the curve of the pandemic unlocking prematurely and putting in jeopardy the lives of citizens in other areas which are behind the curve?

Lord Bethell: The noble Lord is entirely right. I commend the colleagues from all the nations with whom I have been working over the last month. One of the most singular and impressive aspects of the response to Covid-19 has been the way in which the four nations have worked together. I am enormously grateful to my colleagues for the consistent, collaborative and helpful approach that has characterised this response. Geographical difference is the kind of subject that the CMO will give us advice on. This is, naturally, a huge concern to those who feel that they might be left behind, but the CMO will provide the best advice and we will follow the science.

The Lord Speaker: My Lords, I afraid that the time allowed for Questions has now elapsed. I thank all noble Lords who have contributed to the first Oral Questions session by way of a Virtual Proceeding. As the noble Lord, Lord Baker, said, it shows that we can hold the Government to account in different ways. We will, doubtless, get better at it as the weeks go by, but this was a very important beginning and the information that came out was valuable. I thank all noble Lords and apologise to those who did not get to speak. That brings the Virtual Proceeding to an end.

3.54 pm

Virtual Proceeding suspended.

Windrush Compensation Scheme (Expenditure) Bill

Second Reading (and remaining stages)

4.15 pm

Moved by Baroness Williams of Trafford

That the Bill be now read a second time.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I am a bit out of practice—I am so used to doing things on Zoom now—but I am very pleased to be able to move that the Bill be now read a Second Time.

The whole country was shocked by the unacceptable mistreatment of some members of the Windrush generation by successive Governments. As the Home Secretary said on publication of the *Windrush Lessons Learned Review*, despite the diverse and open nature of our country, too many people still feel that they may be treated differently because of who they are or where their parents came from. Many noble Lords have spoken passionately and movingly about the contributions made by the Windrush generation, men and women who came to the United Kingdom to rebuild the country after the Second World War. They built their lives and their home in Britain, and they have done so much for this country—their country. They worked hard, paid their taxes and contributed to our communities, our culture and our society. That is why we were all so shocked to discover that they and their families were subject to such insensitive treatment. Lives were ruined and families were torn apart.

This Government recognise that no amount of money can undo the injustice some members of the Windrush generation have faced or the hardship they have suffered. However, it is only right that all those who have been affected are offered proper compensation. This Bill, brought to this House as a money Bill, is therefore a vital part of delivering the Windrush compensation scheme. The compensation scheme was launched in April 2019. It includes a specific apology to each person, issued with the award of compensation. Most importantly, it allows those who have suffered to avoid court proceedings in pursuit of justice. There are 13 categories under which people can claim compensation, including “Impact on life” and “Discretionary”, and while some categories of award have an upper limit, there is no overall cap on the amount an individual can receive in compensation under the scheme.

Our priority has been to ensure that payments are made as quickly as possible. The first payment was made last July, within four months of the scheme being launched. To the end of December we had made 36 payments totalling £62,198, and many more payments have been made since then. However, some cases are more complex than others and it is right that we take the time to ensure these are dealt with properly. Where we can resolve part of a claim more quickly than other parts, we are making interim payments to ensure claimants receive their awards as quickly as possible, although we recognise the strength of feeling that we need to do all we can to ensure many more receive what they are due quickly.

Evidential requirements have been designed to be straightforward and not too onerous. Claim forms have been designed to be simple and easy to understand and were tested with users, so legal assistance is not required to complete an application. However, the Home Office has a contract with Citizens Advice to provide independent advice and support to claimants in the UK and overseas should they need it, and yesterday we announced the launch of a tender to select an organisation to provide this support to claimants for the duration of the scheme. The tender will be open from 22 April and close on 1 July and interested organisations can find out how to access the relevant documents on GOV.UK. The design of the scheme was informed by a public consultation, and the advice of Martin Forde QC, the independent adviser to the scheme. I thank Martin Forde QC for his ongoing support and invaluable insight.

We have listened, and will continue to listen, to feedback on the scheme to make sure it is delivering for those it is designed to compensate. Details of the scheme are set out in non-statutory rules, which gives us the flexibility to amend them where appropriate. For example, we announced earlier this year that we are extending the duration of the scheme by a further two years and changing the rules so people will no longer be expected to show they took immediate steps to resolve their status. This change means that some people may qualify for higher awards, particularly where it relates to loss of employment.

A review process for those dissatisfied with their compensation offer has also been established, first through an internal Home Office review and, if the claimant is still dissatisfied, through an independent

review by the adjudicator's office. Information supplied as part of a claim for compensation will not be used for enforcement action.

My department continues to work extensively with communities and stakeholders to raise awareness of both the Windrush compensation scheme and the Windrush scheme. The Home Office has attended or hosted over 100 engagement and outreach events and surgeries throughout the UK, but there is more to do to fulfil our commitment to those affected. That is why we announced last month a £500,000 community fund to enable grass-roots organisations to promote these schemes, including provisions for advice surgeries, the design of which will be shaped by community stakeholders, and a national communications campaign to raise awareness and ensure that people know how to apply.

No compensation can ever hope to undo the injustice of being told that you are not welcome in your homeland, but we hope that the Windrush compensation scheme can go some way to righting the wrongs of the past, in particular towards easing the financial burden that some endured as a result. That is why, even in the midst of the current circumstances, we have this Bill before us to fulfil our commitment to the Windrush generation and to discharge our financial duties to Parliament responsibly. Payments are currently made under a ministerial direction issued in July last year, but the Bill will ensure that expenditure under the scheme meets the expectation of financial regularity relating to both the 1932 concordat between the Public Accounts Committee and the Treasury, and the principles of *Managing Public Money*.

The Bill received support in the Commons, where it passed quickly without amendment. We want swiftly to grant Parliament the necessary financial authority for expenditure under the compensation scheme, and I hope noble Lords will give the Bill the support it needs to avoid any further uncertainty for members of the Windrush generation. I therefore commend the Bill to the House.

4.22 pm

Lord Newby (LD): My Lords, I commend the Minister on her appearance in the virtual Questions earlier. As the only Liberal Democrat speaking in this debate, I am in several respects in a most unusual position. I am speaking from an unaccustomed place and in place of a number of colleagues, in particular my noble friends Lady Benjamin and Lady Hamwee, who are unable to be in their places because they are self-isolating as a result of Covid-19. However, I am grateful to the Government for agreeing to schedule a debate in government time, virtually, on 6 May to discuss the Windrush scandal, which will enable my noble friends and other colleagues across the House to discuss not only the compensation scheme but the broader issues covered so comprehensively in Wendy Williams's *Windrush Lessons Learned Review*.

The individual stories of victims of the Windrush scandal are of lives damaged and destroyed because of the actions of the Home Office. They shame every politician who, over decades of public debate, has chosen to use pejorative language and stoke up resentment about decent people legitimately living in the United Kingdom and contributing to our economy and our

way of life. It is particularly poignant that we are discussing this scandal when those of a BAME background, and those of a Caribbean background, are making such a major contribution, at a disproportionate cost of their own lives, in fighting the coronavirus crisis.

The Bill before us is extremely brief and its aim obviously worthy, but its very language—that it is providing compensation

“in recognition of difficulties arising out of an inability to demonstrate ... immigration status”—

shows how the Home Office got into this mess in the first place. We are in this mess primarily because Home Office officials failed to recognise the rights of the Windrush generation to British citizenship, and applied the law disproportionately and insensitively in a manner that brought about the scandal. We are not in this mess primarily because of failings on the part of the victims of the injustice.

On the compensation scheme itself, I have a number of questions. First, the impact assessment states that the cost will be between £20.5 million and £301.3 million. The fifteenfold degree of uncertainty is almost certainly unprecedented and suggests that the Home Office really has no idea of the true scale of the problem. Can the Minister explain why such a high degree of uncertainty still exists?

The latest figures we have show that, of 1,108 claims, only 36 awards have been made, at an average award of just over £1,700. Therefore, the number of claimants is low, the number of claims accepted is low, and the amount of compensation looks—to me at least—low. Can the Minister give any indication of how long the Home Office is taking to deal with claims on average and, of the applications so far made, what proportion have been accepted, either in whole or in part, and what proportion rejected?

Despite what the Minister said in her opening speech, is she really satisfied that the claim form does not discourage claimants, given that it is 18 pages long and comes with 44 pages of notes? Will she consider simplifying it in the light of experience? What help is the Home Office prepared to give to those—particularly the old and vulnerable—who will find completing the form by themselves a simply insurmountable challenge?

The number of people who have so far come forward is a very small proportion of the possibly eligible claimants. The noble Baroness talked about looking to the citizens advice bureaux and national tendering for support, but does she accept that the most effective support for many claimants will be from small, very locally based community and faith groups and civil society organisations? Does she accept that some people who do not have the relevant documentation, or who have a criminal record, are holding back from making claims because they retain a fear of being deported? For such people, the work of the local intermediaries I have just mentioned will be crucial, if they are ever to make a claim at all.

What efforts has the Home Office made to publicise the scheme to those currently living in the Caribbean? What support will they get in completing their applications?

As this is a money Bill, we cannot have a proper debate in Committee about the details of the scheme. To me, some of the tariffs and caps look low and arbitrary. Why is denial of access to higher education

[LORD NEWBY]

limited to compensation of £500, for example, when the average benefit of a degree to an individual's lifetime earnings is many times that amount? Why, unlike other large-scale compensation schemes such as PPI, are legal and other fees not eligible? Why is interest on such outgoings not eligible?

If the Government really want to ensure that all those who could possibly benefit do so, why have they set a deadline for claims of two years from now? Why not make it longer—for, say, five or six years?

Finally, why are some components of the claim required to meet criminal standards of proof—the very requirement which led to some of the worst injustices in the first place and which is justified neither in law nor by common humanity?

The reason such detailed questions matter is that unless they are satisfactorily resolved, the compensation scheme will fail in its purpose. It will not be accessed by many who are entitled to do so, and it will become another source of grievance, rather than helping to bring an element of closure to those directly involved. But even if the compensation scheme is successful and all those who are eligible to receive compensation do so in a full and timely manner—that is a very big if—it can deal with only one aspect of the past failings of the Home Office.

As Wendy Williams eloquently points out in the introduction to the recommendations section of her review, there are three elements to her recommendations on what needs to change. The first and easiest is to “acknowledge the wrong which has been done”.

The Government have largely done this; the compensation scheme is part of that acknowledgement. The other two elements are arguably of even greater importance. They are that the Home Office

“must open itself up to greater external scrutiny; and it must change its culture to recognise that migration and wider Home Office policy is about people and ... should be rooted in humanity.”

To me, this last phrase is the crux of the problem and the challenge now facing the Home Secretary and her senior officials. It is abundantly clear from reading the review, and from press coverage of the Windrush scandal over the past three years, that Home Office action has not been rooted in humanity. If it had, the distressing individual cases which pepper the review could simply not have happened.

How is this approach to be changed? The review makes some 30 recommendations, all of them very sensible. I would be grateful for any further information the Minister can give on how the Government will respond to and implement them. For me, there are two central things which have to change. First, we must see an end to the demonisation and belittling of those who live in the UK and who come from a different country or culture. The history of immigration policy over the last 50 years has been for Governments to welcome the economic contributions made by immigrants and indigenous BAME communities but all too often to pander to intolerance and the semi-racist language of parts of our national media.

The hostile environment was not just a Home Office policy. It was what immigrants and BAME communities faced in their daily lives. While the worst excesses of the discrimination faced by the Windrush generation

have been removed by legislation and changing social mores, the discrimination faced by many Europeans, who have also settled in the UK over several decades, has increased exponentially in recent years, since the Brexit referendum vote.

Against this background, it is hardly surprising that those working in the Home Office have often reflected the culture around them rather than showing the humanity which we ought to have expected, particularly when ministerial rhetoric has inflamed rather than calmed public debate on the issue. Today, the Government lost a High Court case which found that the right-to-rent scheme causes racial discrimination. They could signal a new approach to these issues by scrapping that scheme. I hope that the Minister will be able to say that they plan to do so.

The second thing that has to change—which the Covid-19 crisis and Brexit will, I fear, make more difficult—is that the resources in the Home Office have to match the task in hand. If you ask officials to achieve an ever-increasing throughput of cases with ever-diminishing resources, they simply do not have time to deal with them thoughtfully and with the thoroughness which the applicants have every right to expect. A change of culture and the increased resources needed to make it possible are now urgently required, not just to deal with remaining Windrush cases but because there is a danger of similar injustices flowing from the operation of the EU settled status scheme. Some of the case histories from this, which have already received publicity, have all the hallmarks of another Windrush scandal in the making.

These broader issues will rightly be the subject of the debate on 6 May. In the meantime, I hope that the Government will look carefully at the issues which I and other noble Lords raise on the Bill today, to ensure that the Windrush compensation scheme achieves its stated aims and does not become another source of grievance.

4.34 pm

Lord Hastings of Scarisbrick (CB): My Lords, this is a short Bill of just two paragraphs; I will aim to keep my remarks similarly short. I realise that there is to be a wider debate—the noble Lord, Lord Newby, has referred to it—which we will be able to conduct at greater length and depth. Fundamental to the quality of this Bill and to the achievement of the scheme, I say in a spirit of appreciation that this compensation programme is a matter of honour for the Government. How it has been brought about may be considerably more complicated in its genesis but at least, thank goodness, the scheme and its resources are possible.

In the Statement on the Williams report made in another place and repeated in this House on 19 March, the Home Secretary apologised, saying that she was deeply, sincerely sorry. She commented further that people's trust had been betrayed and that this was because the Home Office had

“institutional ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation”.—[*Official Report, Commons, 19/3/20; col.1154.*]

Even though there are independent assessments and the possibility of independent considerations and committees, this is the same department with possibly

the same individuals who will make the judgments on payments. Given the admission of the Williams report and the Home Secretary's apology, can the Minister tell us who has left the Home Office in disgrace for being institutionally ignorant and thoughtless towards the issue of race—or is everybody still in place with the same mindset and approach, making those adjudications and informing how payments will be released?

It is interesting that the scale of the payments is potentially so large—in the 300 millions—yet could be as small as tens of millions. Those will be matters of judgment. I know that the Minister's intentions are right, and are understood to be right, but can she, with her hand on her heart, say that the Home Office and its civil servants share the same desire for a more mature understanding of the impact on the Windrush generation and for the eradication of that ignorance? What cultural change programme has been undertaken in the Home Office among not only the civil servants responsible but the wider department?

As the Minister mentioned, the notes accompanying the Bill say that there will be different aspects of compensation in the scheme including a good list of categories, with their caps, of course. Will the Minister clarify whether what we might call mental health claims are available under the category of health compensation? These claims could be made, for example, by those who feel they have been unduly distressed, or whose distress arises from the severity of discrimination due to ignorance; or they could come from a category of people—many of whom I have heard from—who say that their reputations have been significantly tarnished as a result of being identified for removal, not being able to work or being unable to get appropriate public support. Does this category of help include mental health distress or other mental health impacts of discrimination, and does the category of detention and removal include compensation for reputational damage? We talk about reputational distress, about how much or how big or small, but who measures that? It would be interesting to learn in the Minister's reply how assessments of that nature will be undertaken.

During the Commons debate, the Home Secretary referred to the establishment of a

“cross-Government ... working group to develop programmes to improve the lives of those affected.”—[*Official Report, Commons, 19/3/20; col. 1156.*]

It is not clear whether the funding of that group will be associated with the compensation scheme, whether any of its outcomes will be funded by the scheme, or what the group will seek to do to improve the lives of those affected. Many tens of thousands of people, possibly hundreds of thousands, are affected, not just here in the UK but, of course, in other countries. They can apply for the compensation scheme and they rightly should. But how are their lives to be improved? What are the criteria for consideration of improvement and who will make those judgments?

Again, the Minister has referred to the £500,000 fund for enabling grassroots organisations to promote the compensation scheme. We are all grateful for that, but how will the fund be allocated? Will civil servants—who, I am afraid to say, have institutional ignorance—be making that decision? At the heart of my questions is this: how do we ensure that there is some genuine

cultural independence and appreciation, and that communities of people affected feel that there has been a robust, mature understanding and some accountability within the Home Office as a consequence of this? These communities cannot simply be expected to believe that the same people who have made the bad decisions will make good ones.

4.40 pm

Baroness Bull (CB): My Lords, it is a pleasure to follow my noble friend and to speak today in support of this Bill, which has taken on even greater significance—if such a thing were possible—in the light of the crisis that we are living through. As the noble Lord, Lord Newby, pointed out, this unprecedented challenge has highlighted once again the massive contribution that the Windrush generation, their children and their children's children, make to the fabric of our lives in the UK. In these changed circumstances, as perhaps a truer perspective on what really matters in life emerges, as we redefine our views on what “key worker” means, as we reflect ruefully on past debates in this Chamber about immigration and the notion of low-skilled workers, we have occasion on a daily basis to be grateful to those members of our community who are of, or descend from, the Windrush generation.

They were brave pioneers. They came here, at our invitation, to help rebuild a nation battered by war. They did not come here asking to become British citizens; they travelled on passports which said that they were British citizens. Despite the discrimination and racism that they encountered and endured, they stayed on and made vital contributions, not least to the foundation of the NHS and the establishment of London's transport system, and so 70 years later, as this generation endures its own global crisis, we are reminded every day of the contribution of those original pioneers, as we lean harder than ever on the health infrastructure that they helped to build, and as we witness the daily sacrifice of NHS workers and transport staff who risk their lives to support others.

The impact of the Windrush scandal and the hostile environment that enabled it has been well documented. It has affected the lives of individuals, their families and communities—homes and jobs have been lost, access to healthcare, pensions and social security refused. People have been subject to immigration enforcement, those travelling abroad have been refused re-entry to their home country, while others were unable to visit family to say final goodbyes to loved ones or to pay last respects at funerals. Some died before they received any acknowledgement of the appalling way they had been treated, let alone any sign of compensation. These people were and are British citizens, and we must all share the sense of shame at the treatment that they endured. This Bill is an important part of the process by which we will begin to right those wrongs. That is why I felt compelled to come in and speak today. I support the Bill, but I have some questions for the Minister, which I hope she can address when she winds up.

First, can the noble Baroness offer any explanation as to why, as we have heard, so few applications to the scheme have been received? The Home Office estimates that 15,000 people could be eligible to apply, yet

[BARONESS BULL]

1,000 applications have come in, with just over £62,000 paid out to 36 people. I share concerns that people may be dissuaded from coming forward by the absence of provision for legal aid, the complexity of the claims process and the extensive requirements for documentary evidence, exactly the kind of evidence that people were denied as a result of this scandal. When you add in the understandable mistrust of the Home Office, and individuals' fears of testing their own status, lest they suffer the same consequences as others, it is probably less surprising that so few have yet to make a claim.

Secondly, is the Minister confident that the £500,000 fund for community-based organisations will be sufficient? Community-based groups are effective because they are just that—they are rooted in and specific to that community and locality. But this scheme is open to a range of different communities, and certainly not just those who originally came from the Caribbean Commonwealth. We should not imagine that these people are all part of a single community just because they share that same characteristic of having suffered as a result of the Windrush scandal.

Finally, can she tell us what progress the stakeholder advisory group is making on its stated purpose to build trust with the affected communities? How many times has it met? What recommendations has it put forward and which have been taken up?

Since this Bill had its Second Reading in the other place, we have now seen the Wendy Williams lessons learned report. Her important recommendations take on an added poignancy today. "Go further," she urges, "to right the wrongs." She does not add, but I will—and I think that the noble Lord, Lord Newby, has already mentioned this—that the lessons learned from this shameful episode need to be applied as we implement a new immigration regime for the post-Brexit environment. Worrying reports are emerging of EU citizens who are resident in the UK being denied access to universal credit right now, despite having pre-settled status, but because they do not pass the right to reside test. The Home Office has said previously that whether they have pre-settled or settled status, they have been accepted through the scheme and have secured their rights in UK law.

This may not be the moment to push this particular issue further, but I would urge the Government to hold the Windrush lessons and that simple but powerful phrase in mind,

"Go further to right the wrongs",

because, however important this Bill is, it cannot in itself end the Windrush scandal. That is because it is one of discrimination, of the denial of rights and of the perpetuation of inequalities that stretches back over decades, and it is a scandal that is still playing out, as is clearly evident in the relative rate of poverty among black and Asian minority ethnic communities as well as in access to education, housing or employment and in the social and health-related inequalities. It is horribly revealing that, of the first 3,882 patients critically ill with Covid-19, more than a third were non-white, despite those communities representing only 14% of the population. BAME staff make up 44% of the NHS workforce and yet they account for 68% of deaths, including every one of the 14 doctors who had died at the time at which I wrote this speech.

Last month, the Government called for retired doctors and nurses to come back into service to help manage the coronavirus crisis. For many, that call to action will have evoked memories of 1948, when they answered a similar call and boarded HMT "Empire Windrush" to come to the UK and help build the embryonic NHS. Yet despite the prejudice they faced in their careers, despite spending decades nursing others only to be denied healthcare when they needed it themselves, despite their children being told that they were aliens in the only country they had ever called home, many of these nurses and doctors have put their own safety on the line and signed up. The Windrush generation and their descendants have twice answered the call to help this country through its darkest hours. We are clapping for them now, but what happens when the weekly applause no longer rings out? That will be the true test of whether the lessons have been learned. We need not only to compensate these people who have been so shamefully wronged; we need to ensure that nothing like it is ever allowed to happen again.

4.47 pm

Baroness Bennett of Manor Castle (GP): My Lords, it is a great pleasure to follow three such powerful contributions in this debate. Along with others, I welcome the fact that we are talking about and providing compensation, but I am worried about the slow pace of the claims being made and the concerns which have been expressed about the details of this Bill, but of course this House has no power to change those details. What I want to do in this short Bill is to address four points, although of course we are to have a broader debate later. One of my points is the narrative around the Bill while another is about what actions have been taken following the Windrush scandal. I also have two pressing questions, which cannot wait until 6 May, about the risks of the next Windrush.

I turn first to the narrative. In introducing the Bill, the Minister did not really address the framework for how we got to the point of needing to pay compensation. If we go back to the Second Reading debate in the other place, we can see that the Secretary of State said that

"the whole country was shocked by the unacceptable treatment of ... members of the Windrush generation by successive Governments over a significant number of years ... yet they were ... told that they were not welcome."

I do not believe that anyone would challenge anything in that statement. The right honourable Lady went on to say

"This was a terrible mistake by successive Governments".

Also from the government side in that debate, the right honourable Member for North Dorset said that the scandal

"was not a conspiracy but a cock-up of the most enormous magnitude."—[*Official Report*, Commons; 10/2/20, cols. 618-20.]

That must be parliamentary language since it is in *Hansard*.

Since that debate was held, we have had the independent report about the scandal which says that the behaviour of the Home Office was

"consistent with some elements of the definition of institutional racism."

In her response to today's debate, I hope that the Minister will acknowledge that this was not a mistake or an accident but that there was racism behind the way the Windrush generation was treated, so it is very important that we acknowledge that.

The report says that the scandal was “foreseeable and avoidable”. That then raises the next urgent question: what direct action is being taken? The report quotes a Home Office official as saying:

“I think it is unfortunate that most of the policymakers were white and most of the people involved were black.”

What steps are the Government taking to address imbalances in the Home Office to ensure that its culture changes? These urgent questions cannot wait. We must acknowledge, accept and apologise for the treatment of the Windrush generation throughout their time in the UK, not just during recent immigration events.

The independent report was called the *Windrush Lessons Learned Review*, but we have to ask whether lessons have been learned. The noble Baroness, Lady Bull, raised the issue that was raised this week by the 3million, a group campaigning for the rights of EU citizens, and others about universal credit and people in the UK with settled status. This cannot wait. These people are at risk of being left destitute and penniless because of the colour of their passport, even though we have said that we accept them as a member of our society. That threatens to be one of the next Windrushes.

Another issue that has been raised today by people from a range of political groups, including the Mayor of London, is that of people in the UK who have the status of no recourse to public funds in the crisis caused by Covid-19. Many of these people will be working. Some of them may be dependents in households where they are at risk of domestic abuse. With that status attached to them, they may be forced to put themselves in danger or face starvation. Obviously, our treatment of them is a question of humanity; it is also a question of public health and safety. Will they be forced to drive a minicab? Will they be forced to work in a store, even if they are ill or have been exposed to illness, because they have no real alternative because of their immigration status and the way we are treating that status?

My underlying question concerns that horrendous phrase “hostile environment”. It was not the party of our current Government who invented the phrase, I am afraid to say—it was a preceding Government—but the party of the current Government has certainly ramped up its application hugely. Are we at a point where the hostile environment is utterly reversed and our Government are saying that migrants are welcome?

4.54 pm

Lord Taylor of Warwick (Non-Affl): My Lords, I thank the Minister for presenting this important Bill to the House.

My Jamaican father fought for Britain as a sergeant in the Eighth Army in the Second World War, yet when he came to England on the “Empire Windrush”, he was shocked to see posters warning, “No blacks, no Irish, no dogs.” As my father later remarked, if he had been a black Irish Labrador, he would have been in real trouble.

He was saddened, though. As a member of the Commonwealth, he did not think that he was coming to a foreign country. He believed that he was returning to the motherland. He was one of thousands from the Caribbean answering the call from the British Government, who were desperately in need of immigrants to help to rebuild post-war Britain. He could have stayed in Jamaica—the weather is better there—but Britain was calling him.

Although my father was a qualified accountant, he soon discovered that it was his manual labour in a factory that Britain valued more. However, his personal fortunes changed when Warwickshire County Cricket Club discovered that he could play cricket. The headline in the local *Sports Argus* was, “Warwickshire sign Jamaican immigrant”, but in the following year, 1949, when he scored 121 not out against Leicestershire, the news this time read, “Warwickshire saved by local Brummie Taylor”.

That same year my mother also came from Jamaica to Britain. She served for decades as a nurse in our National Health Service. When she retired she became a volunteer hospital visitor for the Stroke Association, so my parents were examples of a Windrush generation which endured racism and other challenges, yet still made a positive contribution here. It must be recognised that many of that brave Windrush generation, like my mother, became the dedicated backbone of and inspiration for the excellent National Health Service that we are presently saluting for saving lives and keeping us safe during this Covid-19 virus pandemic.

In 2002, I had the privilege to open an orthopaedic hospital in Kingston, Jamaica, but it was ironic to hear from its management that a major challenge that Commonwealth hospitals, including that hospital, have faced over decades is the continuing loss of nurses and other skilled medical staff to more prosperous nations such as Britain.

I was also privileged to become Britain's first black university chancellor, at Bournemouth University in 2001. At that time, it had relatively few students from the rest of the Commonwealth, so it was a delight for me to help build a link between the university and the University of the West Indies. In the process, Bournemouth University continued to grow an international reputation. It is against that personal background that I find the Windrush scandal so outrageous.

“Windrush” was named after a river, but the path to justice for the Windrush victims has not been anything like a flowing river: it has been like a swamp dragging down and drowning the dreams of totally innocent people. In principle, I welcome the Bill. It is only right that victims are properly compensated for the suffering they experienced as a result of not being able to demonstrate their lawful status in the United Kingdom. Having said that—the Minister concedes this—nothing can fully wipe out the hurt and loss that should never have been suffered in the first place. I emphasise that this is not about the rights only of the Windrush generation: this scandal offends the whole nation and the reputation of Britain in the world. As Martin Luther King said:

“Injustice anywhere is a threat to justice everywhere.”

[LORD TAYLOR OF WARWICK]

I have some questions for the Minister to answer either today or in due course. First, can she give an updated figure regarding how many people have been affected by this scandal? I ask this because the initial focus was on Caribbean Commonwealth countries, but it has become clear, as we know, that individuals from non-Caribbean nations were also affected. As of 27 February, the published data show that 1,108 claims were made, 36 payments were made and just over £62,000 was paid. That is a pitiful sum, and I do not think I am playing with words there when we consider that victims lost jobs and homes, were denied their legal rights, were wrongly detained, deported and refused re-entry to the UK. In some cases, they were strangers to the countries they were wrongly deported to.

The Windrush compensation scheme is time-limited and was initially due to run for two years until April 2021. I welcome the fact that the Government have extended the deadline for applying to 2 April 2023: this provides more time to reach people who are not yet aware of the scheme. However, I wonder how fair and realistic even that extension is, bearing in mind that the whole nation is still subject to lockdown restrictions. Surely victims will need more time to access lawyers and get legal advice. Will the Minister please reflect on the possibility that the deadline may need to be further extended through no fault of the applicants themselves?

Next, when will the independent adviser to the scheme be finally approved? We have been operating under this scheme now for several months, and I sure that Martin Forde QC is doing the best he can, but he is only an interim adviser.

Will legal aid be available to the claimants? I am still confused about that; can the Minister clarify the position? Will full legal costs be reimbursed? I read in the debate in the other place about a £500 cap on legal fees, but surely that is unrealistic, bearing in mind the complexity and age of these cases. The Home Office has even suggested that applicants for compensation need not require legal advice. In view of the troubled history of the scandal, that adds insult to injury.

We heard about the wording of the application form. Consider that section 1 alone asks about “lapsed status”, “settled status”, “ordinarily resident” and “right of abode”. These are not straightforward terms, especially without legal advice. Can that wording be reviewed? The noble Lord, Lord Newby, went into this in far more detail than I propose to do today, but the application form has to be simplified in the course of justice, so that justice is seen to be done. Also, the criminal standard of proof surely should be reduced to a civil standard of proof.

The present pandemic might not only cause more suffering to claimants but slow down their application process. Will the Government look again at a special hardship scheme for those in urgent need of compensation? Examples were given in the other place on 10 February of four people whose urgent cases were highlighted in a 2018 report. Two years later, two of them had still received nothing, while the other two had died before receiving any compensation at all. Surely that is just a disgrace.

Is it right for the Home Office to be managing this scheme? The traumatic nature of claimants’ previous dealings with the Home Office means that they have little trust in that department.

Finally, when will the Government respond to the *Windrush lessons learned review* by Wendy Williams, published in March? This is a money Bill, so there are wider issues to be considered that are outside the remit of today’s debate. The Windrush generation and its descendants have become a deep-rooted part of British life and culture, including the professions, politics, business, the Church, media, arts and sports, yet they have not been treated with the respect and dignity they deserve. There are many biblical examples of immigrants who transformed nations, including Joseph and Daniel. Both journeyed to a foreign land in a hostile environment, overcame prejudice, prosecution and even unjust imprisonment; yet, despite it all, they rose to be government leaders in those nations.

Because of the current pandemic, we are learning to value many people who have previously been overlooked—the noble Baroness, Lady Bull, made that point most eloquently. However, Parliament has now come from recess to reset. We must learn the lessons of the past so that the Windrush scandal never happens again. As far as getting justice for the victims is concerned, the Bill is just the beginning, not the end. As President Nelson Mandela said:

“There is no such thing as part freedom.”

5.04 pm

Baroness Watkins of Tavistock (CB): My Lords, it is a real pleasure to follow the noble Lord, Lord Taylor of Warwick. It will become clear why in a minute. It is essential to understand the history of Windrush in order to put right at least some of the wrongs of an overzealous application of the Immigration Rules. The Immigration Act 1971, which came into force in 1973, gave Commonwealth immigrants already settled in the UK indefinite leave to remain. That was the year in which I entered nurse education, and two of my excellent tutors in mental health came from the Commonwealth. When I was appointed here, they were both alive and really delighted. Hearing that my noble friend’s mother was also a Commonwealth nurse, it gives me great pleasure to follow what he just said. They are why I really wanted to speak today.

The Immigration Acts 2014 and 2016 were part of a policy where the Government’s reforms were based on the principle that the right to live, work and access services in the UK should be available only to migrants who were eligible. The environment and general approach to immigration at the Home Office changed, as a range of checks and controls on migrants’ access to services were instigated. The controls were designed to prevent illegal immigration, remove incentives for illegal immigrants to enter and/or remain in the UK, and encourage them to leave. In practice, these controls were inappropriately applied to some Commonwealth immigrants who had already been given indefinite leave to remain. We now know them as the Windrush generation, the vast majority of whom were lawfully resident but did not necessarily have the documentation to prove their rights.

While it was in theory possible for these people to apply to the Home Office for confirmation of their status, there were application fees and the amount of supporting evidence required posed obstacles for many. The Government recognised this in April 2018 and have apologised several times for the harm caused; the Minister has just apologised again in this House. Measures were announced to address the affected members of the Windrush generation, which included conducting a review of historical Caribbean cases and establishing a Windrush scheme to issue confirmation-of-status documents free of charge to eligible applicants.

In 2019, the Government launched the compensation scheme following an extensive consultation process, with which this Bill is associated. Initially, the scheme was designed to be open for two years, with an expectation that up to 15,000 people might be eligible. I too warmly support the fact that the Government have extended the period of application to 2023. However, it is clear from the information provided in the briefing from the House of Lords Library that even this extension may not be of sufficient duration, as others have said this afternoon.

By the end of December 2019, just over 1,000 claims had been made but only 36 payments totalling just over £62,000. The Government announced the alteration extending the scheme in February 2020, before the coronavirus challenge that now faces us in the UK. I have examined the websites associated with making a claim, which currently state: “Please email your claim because the post may be delayed.” There is further information stating that you might get files of a certain size rejected. Looking at the kind of file one might need to send to make a claim, I have a feeling that it is highly likely that your file would get rejected.

Finance has been made available, with up to £500,000 for grass-roots organisations to promote and explain how to make applications for the scheme. Yet with social distancing currently in place this is not feasible, except possibly through internet groups—not traditionally associated with grass-roots, face-to-face explanations of complex systems. Will the Minister please ask the Government to consider extending the scheme to at least five years since their original announcement? This is particularly important as claims can be made by people who have already left the United Kingdom but may be entitled to settled status. The Government must ensure that these people have sufficient knowledge, time and information to make appropriate claims for compensation and/or have their right to return to live in the UK.

Having argued for an extension of the duration of the scheme, I reiterate the message given in relation to the Bill by several MPs in the other place: that many people are in urgent need of compensation because they face immediate hardship, which may indeed be exacerbated by the difficulties associated with coronavirus.

We have seen a fantastic response to the furloughing interventions from the Treasury, with hundreds and thousands of people being facilitated to make claims this week for payment by the end of April. This is in stark contrast to the complex processes required to make an application through the Windrush scheme, which offers very small amounts of compensation for

the loss of certain rights, such as £500 for the loss of access to free NHS care—less than one day in an ITU—and £1,000 for denial of access to social housing. Surely some of these allocations, if they are to remain so low, could be made very swiftly.

The findings of the recent independent review, which others have referred to, are highly critical of the Home Office, stating serious concerns that

“these failings demonstrate an institutional ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation”.

It is worth noting that a national campaign to encourage engagement within the community that can make applications seems to have been very slow and possibly underfunded. There needs to be more urgency in resolving claims and the process should, as the report notes, be rooted in humanity.

This is a money Bill and therefore, I appreciate, can receive Royal Assent without being passed by the House of Lords. However, how swiftly does the Minister expect the national campaign to encourage applications and to fund grass-roots organisations to work with potential applicants will be achieved? These issues need to be resolved so that people whose lives have been severely affected can seek and receive appropriate compensation to improve their futures.

It appears, from my examination of the website guidance to applicants, that those who can demonstrate that they have suffered major physical or mental health impacts that are unlikely to be reversible may receive in excess of £10,000 and, if they had become homeless, an additional £25,000. Taken together, this could enable some applicants, particularly those who were detained in immigration centres, to be awarded immediate payments in the region of £50,000. If such payments were made swiftly to those most affected, it would remove some of the serious defects in the process of handling immigration issues for the Windrush generation in the past. Making some of these larger compensation awards quickly would also probably result in more people coming forward to make applications, which would be a good thing.

I note that the other place raised several concerns about the scheme itself and the low level of some awards, but I accept that it chose to support the Bill in principle. I of course support the Bill in principle, but I ask the Minister to outline how frequently the Government will report on the number of applications made, how many are successful and the levels of payments made to individuals. Does she agree that a report should be made available to Parliament at least every six months over the next six years so that progress to ensure that the compensation scheme achieves its end is properly monitored? This in turn should lead to righting at least some of the wrongs to individuals whose immigration status was, in fact, an indefinite leave to remain in the UK.

5.14 pm

Baroness Boycott (CB): My Lords, it is a great delight to follow so many wonderful speeches setting out all the ghastly details of the Windrush affair. In the next few minutes—I assure noble Lords that it will be a few minutes—I want to take a slightly different view.

[BARONESS BOYCOTT]

I want to talk about how we came to know about it, how we came to be here today in this Chamber and how this Bill is about to pass. I also want to pay tribute to the power of journalism, when it works. This is a situation that the Government did not want us to know about. They had hidden this truly appalling scandal—something that, as we have heard, affected the lives of totally innocent men and women, not in the past but in our time.

The story, like all good stories, begins with an individual. It began in November 2017, when the *Guardian* journalist Amelia Gentleman was contacted by a charity which was very concerned about one of its clients. A woman called Paulette Wilson had been taken into detention and was threatened with deportation back to Jamaica—a country that she had not set foot in for 50 years. Paulette was 61. She came to Britain at the age of 10 and had lived almost all her life here. She had even worked in this building as a chef in the House of Commons. There was no reason to deport her.

The *Guardian* published the article and, in the weeks that followed, Amelia Gentleman was contacted by more and more people who were experiencing, as she said, peculiar and very harsh decisions at the hands of the Home Office. Initially, she had thought that Paulette's case was a one-off, but quite soon she realised that this was systemic. She said at the time that the coalition Government had made a commitment to get migration down to the tens of thousands but were quite unable to do it. Quarter after quarter, the migration figures would come out showing that they were nowhere near their target.

In 2012, the Home Office made a concerted effort, through the Cabinet Office, to introduce policies that would turn Britain into an extremely hostile environment—those were the words of Theresa May—for anyone who was here illegally. It required people to show their passport on many occasions, not just at borders but when they were trying to get housing, jobs or even healthcare.

It soon became clear that the Home Office was not very good at determining who was here legally and who was here illegally. As Amelia Gentleman added, all the people affected by the scandal were here legally. They had arrived in the 1960s and 1970s but just did not have the paperwork. One man in particular concerned her. He had been taken back to Jamaica, as a treat, to celebrate his 50th birthday. It was his first time back since his childhood and, on his return, we did not let him in.

Amelia Gentleman did not give up. Her reports ran in the *Guardian* every day and were very soon in newspapers across the country. The Government were squirming. They were desperate to deny it and to obfuscate their way out of it. However, the evidence was both overwhelming and, ultimately, unarguable. The fact that we are here today is a testament to the part that journalism played, and, for me, it underwrites the crucial need to maintain a free press in our society. Let us remember that it was journalists, not MPs or Select Committees, who found this story. I know that some parts of my profession peddle fake news and do completely ghastly things but, when they get it right, they sure as hell get it right.

I would like to leave noble Lords with one thought. In China, there is no free press. Without a doubt, the fact that there was no free press allowed the Government to repress the details of what was happening when Covid-19 started to spread through their country. The world was kept in ignorance. If there had been a really serious journalist there and a bunch of brave and determined editors, I wonder whether we might have known about it earlier and whether the outcome might have been different.

5.19 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, this has been a short but very good debate, with some very powerful contributions from around the House, and I am delighted to be able to speak in it today. At the outset, I offer my full support to the Government for this short, two-clause Bill, which gives them the necessary parliamentary authority to make payments under the Windrush compensation scheme.

As we have heard, there would normally have been a much longer debate on the Bill. Like other noble Lords, I am really pleased that we will have a virtual debate on 6 May, when I know that many other noble Lords from all sides of the House will make the points that they would have made today. We know that there has been a ministerial direction to allow compensation payments to be made ahead of this Bill becoming law. However, as we have heard again today, there has not been a huge number of payments and we have to be a little concerned about that. As we have also heard, people have suffered terrible injustice, and the sooner that financial compensation and a proper and fulsome apology is made to them, the better. I concur with the noble Baroness, Lady Williams of Trafford, about the contribution that the Windrush generation has made to our country, and we will forever be grateful to them for that.

Any financial compensation and apology can go only so far to alleviate the hurt and injustice that has befallen people who have been treated so badly, as was highlighted by many noble Lords. That is something that we should not forget. What of the people who have since passed away and are not alive to see the action being taken today to at least correct the wrong that was done to them?

When we discussed these matters previously, I made the point that it is important to have a robust communications plan so victims are informed that there is a scheme in place to compensate them and to right the injustices they have suffered. The Government have been very imaginative with their communications plan. I welcome the Minister outlining that a fund has been made available. That is very important, because we will not get away with a few Facebook posts and a couple of tweets; that would not be good enough. Particularly when we look at the age now of some of the people who suffered this injustice, careful thought has to be given to how we are going to contact people and get in touch with them so that they understand, first, that they have suffered an injustice and, secondly, that the Government want to put this right and that there is a scheme in place.

People have suffered real financial and other hardships. They have been split from their families and friends. It may well be that people have lived or are living very

difficult lives elsewhere in the world; we should not forget that. It may well be that people are living off-grid, as it were, where they are presently. We must recognise that.

There also needs to be an acceptance from the authorities that claims for compensation have to be as easy as possible and that excessive form filling, an insistence that items must be submitted online and other bureaucratic obstacles will not be accepted. The description of the form by the noble Lord, Lord Newby, is an example of a bureaucratic obstacle; that is just not acceptable. We cannot have a situation in which people have to fill in these forms and submit them online, or cannot get the file through because the file of evidence is so big that the server will not take it. That is just not acceptable. I look forward to the Minister answering the points made by the noble Lord, Lord Newby. We have to get this right. If these obstacles become another source of grievance, we are just making a dreadful, terrible situation even worse. I know that many noble Lords in this House will not accept that.

The noble Lord, Lord Hastings of Scarisbrick, asked the key question of where communities will be. How can they be assured that the officials operating this scheme will now get this right? What assurance can the Minister give that the Home Office will now get this right? People are genuinely worried about that.

The noble Baroness, Lady Watkins of Tavistock, made the powerful point that we need to be flexible in accepting people's claims. We will also need an extension of the scheme. I understand why maybe they do not want to extend it over a number of years, but I do not believe that everyone will be covered in the relatively short time the Government have outlined. It will have to be extended, and I fully support the noble Baroness's call for an extension of the scheme. That would just be plain common sense. I hope Ministers will make sure that the attitude of the officials administering the scheme is right. The last thing we want to hear of in this House or anywhere else is further injustices. Perhaps the noble Baroness, Lady Williams of Trafford, can outline how she will assure the House how she, other Ministers and in particular the Home Secretary will review what is happening. How will they apprise themselves of the scheme as it develops, keep it under review and ensure that nothing is mentioned ever again about hostile environments and how people are treated? It would also be good to hear from the Minister what has been going on since the scheme has been up and running. What has the Home Secretary done to ensure that it is being administered properly? It would be good for the House to hear that.

The noble Lord, Lord Taylor of Warwick, highlighted the contribution his parents made—a contribution typical of people who came from the Commonwealth to fight in our wars and to work in our armed services, the NHS and our other public services.

The noble Baroness, Lady Bull, made a similar contribution on the Windrush generation. Her speech and that of the noble Lord, Lord Taylor, reminded me of my friend Sam King, who came from Jamaica, fought in the RAF in the Second World War, then came back and served as a postman. He was a councillor in Southwark—I was privileged to know him—and

was its first black mayor. He was a wonderful man who did so much for the Caribbean community and the wider community in Southwark and beyond. He was awarded the MBE for his contributions. He died in June 2016, an example of service and a life well lived. It was a privilege to know him.

We also need to remember that we live in a great country. I am very proud to live in this country and to have been born here, but when you look at our country and its achievements, you see that they were made by immigrants who came here to make a better life for themselves and their families and to contribute to their country. Quite a lot of Members of this and the other House are immigrants, or the children of immigrants. I know that the noble Baroness, Lady Williams, is an immigrant, and I am the child of immigrants. Her parents came here as doctors; my mum came here to work as a nurse in the National Health Service. That is quite typical. I recall the Irish embassy a few years ago doing some work which identified how many Members of the other place had parents who were nurses who came over from Ireland to work in the health service. That highlights to me how lucky we are.

As we battle this terrible Covid-19 pandemic, I am struck by how many people in our police and other blue light services, how many people keeping us safe in our hospitals and care homes, how many people ensuring that our bins are emptied, keeping our children safe from abuse, protecting women from domestic abuse, working in local authorities, keeping the shelves filled in our supermarkets are immigrants. What a disaster would fall on us if they were not here keeping us safe and looking after us. I have seen NHS staff many times holding up signs saying what countries they have come from. That shows what a small world we live in and how lucky we are that they are here.

I am very pleased that the purveyors of awful politics have been silent recently. I hope we hear less and less from these people. They are absent from our screens, and long may that continue. They are not elected and they are appointed to nothing. I certainly hope we never see them again.

I give my full support to the Government on this Bill. Clearly more needs to be done, but it is a step in the right direction. I thank the Government for that and I look forward to the contribution of the noble Baroness in answer to the points we have made.

5.28 pm

Baroness Williams of Trafford: My Lords, I thank the noble Lord, Lord Kennedy, and everyone who has spoken in this debate. Several things came to mind as I heard the various speakers.

First, my noble friend Lord Taylor of Warwick commented on “no blacks, no Irish, no dogs”. Were that still in force—the noble Lord, Lord Kennedy, and I were babies then—half the speakers taking part in this debate would not be allowed in your Lordships' House. It was lovely to hear the noble Baroness, Lady Watkins, on the back of my noble friend's point, talk about some of her inspirations as a student nurse.

I also support the point made by the noble Lord, Lord Newby, and the noble Baroness, Lady Bull, about our BME friends who have worked in the fight

[BARONESS WILLIAMS OF TRAFFORD]
 against Covid-19, many of whom have died in the fight. Many people in this country owe them their lives, and we are eternally grateful to them.

This is rightly a money Bill, because it focuses on matters of financial regularity. The Home Secretary has said that there are still people out there who need our help but whom we have not yet reached—many noble Lords have referred to them today. That is why we have confirmed that we will launch an expanded cross-government Windrush working group to develop programmes to improve the lives of those affected. That might be through employment support programmes, dedicated mental health support or specialist education and training schemes. We will continue to listen to stakeholders as we take forward establishing this group.

Most noble Lords talked about the scope of the scheme. My noble friend Lady Verma, who cannot be here today because she is self-isolating, has asked me to talk about certain aspects of it. The Windrush Compensation Scheme is not limited to men and women who originally came to the UK from the Caribbean Commonwealth and have struggled to demonstrate their lawful status. It is open to Commonwealth citizens who arrived in the UK before 1 January 1973 and who are lawfully here because they have a right of abode or settled status or are now British citizens. It is open also to Commonwealth citizens overseas who settled in the UK before 1 January 1973 and to any person of any nationality who arrived in the UK before 31 December 1988 and is lawfully here because they have a right of abode or settled status or are now a British citizen. The scheme is open also to the children and grandchildren of Commonwealth citizens in certain circumstances, to the estates of those who are now deceased but who would have otherwise been eligible to claim compensation, and to close family members of eligible claimants where there is evidence of certain direct financial losses or significant impact on their life. The noble Lord, Lord Hastings, asked about mental health. Mental health would be covered by this aspect of impact on life.

Data published by the department on 27 February demonstrates that claims are being made by individuals of a range of nationalities, spanning the Commonwealth beyond the Caribbean. The scheme covers a broad range of losses: there are 13 categories under which claims can be made, such as impact on life, which I have just mentioned. There is also a “discretionary” category, which will enable people to claim for other losses not necessarily identified within the scheme. We want to be as flexible about this as possible.

The Government are committed to making sure that everyone who is due compensation can receive it. In designing the scheme, 650 responses to a call for evidence and nearly 1,500 responses to a public consultation informed our approach. We held several public events. Martin Forde QC, who is an experienced barrister on all aspects of health law, was appointed by the previous Home Secretary to advise on the design of the compensation scheme. We have made the evidential threshold as low as possible and will work with claimants to support them in providing as much information as possible to support their claim. However, it is important that we spend public money appropriately

and therefore a minimum level of information and evidence is required. Where awards are for actual losses, it is right that we seek to obtain an appropriate level of assurance that those losses were incurred so as to fulfil our duty properly to manage public money.

The aim of this approach is to reimburse in full those who can evidence actual losses. For those who cannot meet the evidential requirements for an award based on actual loss, a tariff award may be made. Our approach is comparable with employment tribunals’ approach for calculating loss of earnings, where an award to cover actual losses generally would be paid where the claimant was able sufficiently to evidence what those could have been.

We have always said that we will listen to feedback on how the scheme is operating and continue to make improvements where they are identified to make sure that it is delivering for those whom it is designed to compensate. The changes announced by this Government earlier this year demonstrate our commitment to do this and to build on changes made to the rules last October.

I can understand concerns that the department which caused the issues facing these individuals should be the one deciding whether they are eligible to receive compensation. I hope that I can give some comfort on this. The Home Office is determined to learn lessons and right the wrongs experienced by the Windrush generation, and the compensation team is working hard to ensure that people get the compensation they deserve. As the Home Secretary said in her Statement on Wendy Williams’ *Windrush Lessons Learned Review*, we will continue to do everything possible to ensure that the Home Office protects, supports and listens to every single part of the community it serves.

On the operation of the compensation scheme, moving it from the Home Office would risk significantly delaying payments to claimants. I am sure that that is not what anyone would want. The first stage in deciding a claim for compensation is to confirm an individual’s identity and eligibility, and that is linked to the immigration status of an individual. It would be difficult to decouple this from the Home Office without increasing the time taken to process an individual’s claim and issue payments.

We have established an independent review process for those dissatisfied with their compensation offer. The independent review is conducted by the HMRC adjudicator, a non-departmental public body that is completely independent from the Home Office and can look at, among other things, whether the department has followed its policies and the use of discretion by the Windrush compensation team.

Lastly, as an independent adviser to the scheme, Martin Forde continues to provide external scrutiny and challenge on its operation and implementation, and we continue to listen and respond to feedback received from stakeholders to ensure that the scheme is operating effectively for claimants.

The noble Lords, Lord Newby and Lord Taylor, and others, spoke about funding, the impact assessment, award tariffs and caps on the scheme. I say again that the Government are making sure that everyone who is due compensation can receive it. The Windrush compensation scheme awards compensation according

to both actual losses and tariff-based awards. While some categories of awards have an upper limit, there is no overall cap on the amount that an individual can receive in compensation under the scheme. There is also an uncapped discretionary category, which is for significant impact or loss not necessarily identified within the scheme.

Noble Lords referred to the updated impact assessment. Published in February, it outlines the Home Office estimates that the Windrush compensation scheme will cost between £90 million and £250 million, based on 11,500 eligible claims. That answers the question from the noble Lord, Lord Taylor of Warwick.

Other noble Lords, including the noble Lord, Lord Newby, talked about the sheer breadth and extent of the spectrum of compensation. It has actually reduced since the previous impact assessment was published, due to lower than anticipated claims to date. However, there remains a high degree of uncertainty around the likely volume of compensation claims and the level of claims against the different categories. As a result, the impact assessment uses a number of different volume scenarios with a wide range of possible costs. The department will continue to review estimates as more payments are made, but I want to make it clear that there is no cap on the amount of compensation we will pay out to individuals.

The noble Baroness, Lady Watkins, asked about data on the number of applicants. There will be a quarterly update on GOV.UK. Given that the last update was in December, I am expecting one fairly soon.

The noble Lord, Lord Newby, talked about the number of payments made and the time to process claims, and I think that his challenge is absolutely fair. Up to the end of December, 36 payments had been made, totalling £62,198. We aim to award compensation as quickly as possible, but it does take time to process each claim, and it will depend on the complexity of individual cases. It is right that we take the time to ensure that they are dealt with properly. Where we can resolve part of a claim more quickly than other parts, we are making interim payments to ensure that claimants receive their awards as quickly as possible. Many of the payments made so far are interim payments, which means that claimants may receive further awards later.

The noble Lord, Lord Newby, and the noble Baroness, Lady Watkins, asked what proportion of claimants are successful. The latest data, released in February, to the end of December 2019, show that nobody had been rejected on eligibility grounds. There were some zero awards to eligible people who had not suffered financial loss or detriment.

The noble Baroness, Lady Bennett of Manor Castle, made a very good point about people with no recourse to public funds. Many of the measures that Her Majesty's Government have put in place will support such people—for example, the coronavirus job retention scheme, the self-employment scheme and statutory sick pay are not public funds and are available to all. The Government have given more than £3.2 billion to local authorities to help them support those in need. Of course, for people with no recourse to public funds, that is quite often where the money comes from. Rental and mortgage protections are also available and people on human

rights routes can apply to have their “no recourse to public funds” status lifted if their financial circumstances change.

On the length of time, just as a comparator, the Criminal Injuries Compensation Authority website suggests that claims under that scheme take 12 to 18 months to conclude, but that is not a reason to justify this. I recognise the strength of feeling, and we are working very hard to ensure that many more receive what they are due quickly. To the end of December, as I have said, no claims had been rejected. The noble Lords, Lord Newby, Lord Kennedy and Lord Hastings, made very good points about communications efforts. Of course, those efforts are not just by way of a quick tweet, as the noble Lord said; they are across the world and we are working extensively with communities and stakeholders to raise awareness of both the Windrush compensation scheme and the Windrush scheme.

The Home Office has attended or hosted more than 100 engagement and outreach events and surgeries throughout the UK, but there is definitely more to do to fulfil our commitment to those affected. It is essential that we engage with people directly. That is why last month we announced the £500,000 community fund that the noble Lord, Lord Hastings, mentioned, to enable grass-roots organisations to promote these schemes, including provision for advice services. We are committed to working with members of the community to shape the design and principles of the fund. That is why we intend to work with stakeholders to co-design the fund.

One thing that the compensation scheme covers under quite a broad category—I have already alluded to it—is the impact on life. This category is specifically designed to cover non-financial impacts that individuals might have faced as a result of being unable to demonstrate their lawful status; for example, an inability to attend significant family occasions, celebrations or events, or family separation. We have heard awful examples in this House of how that has happened. This category is awarded at a series of levels, with payments ranging from £250 for detriment where the effect on the claimant was fairly short lived, up to £10,000-plus where the effect was profound and likely to be irreversible. The scheme is also open to close family members of eligible claimants who may claim compensation in their own right where they have suffered a loss or impact.

The Government also consider it reasonable to expect that individuals who encountered difficulty evidencing their lawful right to be in the UK would have taken steps to try to resolve this. However, we have listened to feedback from stakeholders and affected individuals, and earlier this year we amended our mitigation policy so that a wider range of circumstances and actions taken by individuals to resolve their immigration status or mitigate losses or impacts are considered when deciding awards. Individuals are no longer expected to show that they took immediate steps to resolve their status, and this was clarified in new guidance published on 5 March. These changes mean that affected individuals may qualify for higher awards, particularly where loss of employment is involved.

The noble Lord, Lord Taylor of Warwick, and others talked about claimant assistance and legal advice. We have designed the compensation scheme to be as clear and simple as possible so that people do not need

[BARONESS WILLIAMS OF TRAFFORD]

legal assistance to make a claim. The claim forms have been designed to be simple and easy to use and were tested with users.

Evidential requirements have also been designed to be straightforward and not too onerous. However, for those who want or need support to make a claim, the Home Office has funded Citizens Advice to provide free independent advice and support. This is available to individuals at home and overseas. As I said, yesterday we launched the tender to select an organisation to provide free independent advice and support to claimants for the scheme's duration.

The noble Lord, Lord Newby, mentioned the length of the form. Claimants need to fill in only the bits of the form that are applicable to them. While it might seem like a long form, they have to fill in only the pieces that refer to them.

Many noble Lords—the noble Lords, Lord Newby and Lord Kennedy, and the noble Baroness, Lady Watkins, in particular—mentioned the duration of the scheme. We want to make sure that everyone who wishes to make a claim can do so. That is why we announced earlier this year that we are extending the duration of the scheme until 2023 and why we are doing all we can to raise awareness of it. However, as the Immigration Minister said at Second Reading in the other place:

“There is a balance to be struck between having a date far enough in the future to enable people to feel confident that they have time to make their claim, but soon enough to encourage people to put in their claim.”—[*Official Report*, Commons, 10/2/20; col. 668.]

We felt that the two-year extension provides this, but the option remains to further extend the duration if it is required. The rules allow for an extension.

Noble Lords also talked about destitution, immediate need and significant hardship. Where people are in immediate need, we have measures in place to provide that extra support. The task force has a dedicated vulnerable persons team to provide help and advice where safeguarding and vulnerability issues are identified. To the end of February 2020, the vulnerable persons team has provided support to nearly 1,400 individuals. We have a fast-track service with the Department for Work and Pensions to confirm status and residence and to arrange access to benefits. We can also help with securing accommodation for those identified as homeless with local authorities. To provide support to members of the Windrush generation who have an urgent and exceptional need, we may also be able to consider a payment under the support in urgent and exceptional circumstances policy. To the end of February 2020, 33 payments have been made under that policy. Finally, the Home Office also has an agreement with Citizens Advice to provide bespoke professional advice, including debt advice, to anyone experiencing immediate financial problems.

All noble Lords talked about the *Windrush Lessons Learned Review*. On 18 March, the Home Secretary received the review from Wendy Williams, and updated

Parliament and published the review at the earliest opportunity on 19 March. It makes compelling reading. It makes it clear that some members of this generation suffered terrible injustices spurred by institutional failings spanning successive Governments over several decades, including

“ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation”.

We are truly sorry on behalf of this and previous Governments that people's trust has been betrayed.

The Home Secretary will bring forward a detailed formal response in the next six months, as Wendy Williams recommended. As noble Lords will recall, she specifically asked the Home Secretary to take time to reflect on this before she responded.

Noble Lords talked extensively about the compliant environment. The previous Home Secretary, my right honourable friend Sajid Javid, said that the words “hostile environment” would no longer be part of the way that the Home Office operated. The Government are absolutely committed to a fair and humane immigration policy which welcomes and celebrates those here legally, deters immigration offending and protects the taxpayer.

The noble Lord, Lord Newby, talked about the right to rent. This was introduced under the coalition Government and was about tackling unscrupulous employers and landlords to protect the vulnerable while also protecting good employers and landlords. It is in the interests of a fair society that those who play by the rules are supported while those who would otherwise be exploited are protected. The noble Lord talked about losing the right-to-rent judgment. We did not actually lose the judgment: the appeal has been allowed and we will await its outcome.

Gosh, I have gone on for 24 minutes, but I am sure that the House will indulge me. The noble Baroness, Lady Bull, asked about the stakeholder advisory group and how many times it has met. The cross-government group announced by the Home Secretary has not yet met because of Covid-19, but the Home Office stakeholder advisory group has met three times and has focused on communications campaigns—engagement and outreach, grass-roots campaigns and the new national campaign—and working on digital outreach options in the light of coronavirus. She also made a comparison with the furlough scheme. It is not really comparable because that scheme is just about employment and this is so much broader than that. The Windrush Compensation Scheme is dealing with people's lives in the round and a lot of this goes back many years.

I hope I have answered all noble Lords' questions. I am sorry to have gone on for 25 minutes. I thank all noble Lords and commend the Bill to the House.

Bill read a second time. Committee negatived. Standing Order 46 having been dispensed with, the Bill was read a third time, and passed.

House adjourned at 5.55 pm.