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PARLIAMENTARY DEBATES  
(HANSARD)

# HOUSE OF LORDS

## OFFICIAL REPORT

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The following abbreviations are used to show a Member's party affiliation:

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

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# House of Lords

Friday 19 March 2021

The House met in a hybrid proceeding.

11 am

Prayers—read by the Lord Bishop of Winchester.

## Arrangement of Business

### Announcement

11.06 am

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, others are participating remotely, but all Members will be treated equally. I ask all Members to respect social distancing. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

## Education (Guidance about Costs of School Uniforms) Bill

### Second Reading

11.06 am

Moved by **Baroness Lister of Burtsett**

That the Bill be now read a second time.

**Baroness Lister of Burtsett (Lab) [V]:** My Lords, I pay tribute to my honourable friend Mike Amesbury for steering the Bill through the Commons unscathed and with such strong cross-party and, indeed, government support. I also pay tribute to the Children's Society and the children and parents with whom it has worked for their pivotal role, reflecting the impetus provided by the Children's Commission on Poverty. I am grateful to the Government Whips for making this Second Reading possible and to the Minister for meeting with me at short notice.

This is a modest Bill, which simply imposes a duty on the Secretary of State to issue statutory guidance, in place of the current voluntary guidance, on cost aspects of school uniforms. It is important to emphasise at the outset that it is in no way anti-school uniform; the strong support in the Commons from MPs across the House who expressed their belief in uniforms bears testimony to that. In its focus on affordability and value for money, the Bill, through statutory guidance, strengthens the case for uniforms, as there is no better recruiting agent against uniforms than the inability of too many parents to afford them. This is particularly timely, as we know from a wide range of research that many families are really struggling a year into the pandemic.

There is some disagreement as to the actual average cost of uniforms, which may well be reflected in briefings received. This is in part a question of different methodologies, but I hope that we will not get hung up on these differences. What matters is this, to quote Christopher Chope MP, one of the Bill's more critical interrogators:

"We know that there are people for whom the current cost of school uniforms are a significant burden".—[*Official Report*, Commons, 12/3/21; col. 1178.]

This Bill aims to reduce that burden, described as "crippling" by one parent in CPAG's Cost of the School Day project, which highlighted the cost of compulsory branded items in particular.

The Competition and Markets Authority has twice drawn attention to school uniform costs, most recently in a 2019 letter to the Education Secretary, which concluded that statutory guidance would be "the simplest and most direct way of delivering change."

Research by the Children's Society, conducted before the pandemic, shows that many parents struggle to afford the costs of school uniforms. Its survey of 1,000 parents found that one in five families from lower-income backgrounds cut back on food and other essentials because of uniform costs. Nearly one in five reported borrowing money from someone else because of these costs. Nearly a quarter said that the cost of the school uniform had meant that their child had worn ill-fitting, unclean or incorrect uniform.

The research also documented some of the damaging consequences for children. Wearing the wrong uniform can lead to children being bullied, feeling left out or even being sent home from school, which can mean them missing out on education or on fully participating in school life, because their parents cannot afford to buy specific uniform items. One parent reported:

"My daughter has requested I write a letter saying she is injured in order to miss PE as she had lost her socks and I couldn't afford to replace them (so I had asked her to tell the teacher and ask if she could borrow some from lost property). My daughter would rather have skipped PE (which she enjoys) than possibly be overheard by one of her peers and risk the embarrassment of being poor."

CPAG's research found that children had been picked on and laughed at. I know from my own work on poverty how devastating the shame it engenders can be, particularly for children.

At Third Reading in the Commons, the Minister made clear his

"intention to engage with representatives of schools, parents and other interested parties",

which I understand rightly includes the Children's Society, "in drafting and finalising the statutory guidance."—[*Official Report*, Commons, 12/3/21; col. 1181.]

He gave some indication of the lines being developed therein. I look to the Minister to do the same today and would welcome an assurance that any future iterations of the guidance will be subject to similar consultation.

I also press the Minister on timing, as it is vital that the consultation be completed within a specific timeframe, so that the guidance can be implemented at the earliest possible date. The Act is due to come into force two months after the day on which it is passed. We need the guidance to come into effect for this September, so that parents can begin to benefit from the new policy as soon as possible. That said, I realise that this could create difficulties. In the Commons, the Minister advised that the guidance would not require schools to drastically change policy this September. Could the Minister clarify what this means, please?

I make it clear that introduction of the statutory guidance in time for the new school year should not mean an overnight overhaul of uniform policies that

[BARONESS LISTER OF BURTERSETT]  
could see existing items suddenly in breach of the new policies. Rather, I believe that implementing the guidance from September, but allowing a suitable grace period, where voluntary practice is not already followed, should allow time to adapt to the changes that so many families desperately need.

I was delighted to be asked to sponsor the Bill in your Lordships' House because, being aware of the burden created for parents on low incomes by costly school uniforms, I have from time to time asked what happened to the Government's 2015 commitment to put the school uniform guidance on a statutory footing. The response has always been that they had to wait for a suitable legislative opportunity. Finally, over five years later, this Bill provides such an opportunity and it is good to work with the Government in trying to ensure that it reaches the statute book.

At the risk of sounding like a government Minister, I urge noble Lords to resist any temptation to improve the Bill through amendments. I am sure that it could be improved but, if it were, we would risk losing it altogether, because time is so tight before the end of this Session. Instead, I encourage noble Lords to press the Minister for such assurances on the record as we might need to ensure that the guidance is all that we want it to be. The debates in the Commons were very positive and I am sure that they will be in this House also. I beg to move.

11.13 am

**Lord Lucas (Con) [V]:** My Lords, I declare an interest as the editor of the *Good Schools Guide*. I thoroughly support this Bill and congratulate the noble Baroness on having been chosen to bring it through this House. I also thoroughly support school uniforms. As doubtlessly many others will say, they are a leveller, they stop competition among children to show their parents' wealth through choice of uniform items, they give a strong identity to the school and they help children to realise that a different set of rules—a different way of doing things—applies within school. As long as the cost is reasonable and the quality is good, they should absolutely be supported.

The originator of the Bill, and the Government, are getting things right. A second-hand shop is important, specification is important and a competitive process for finding a supplier is important. All that I ask is that the DfE commits that, should a major revision of guidance be proposed in the future, it will conduct a thorough assessment of the impacts, economic and otherwise, on children, parents, schools and uniform suppliers before bringing it in. We have an excellent system in this country for providing school uniform. We must be sure that the people involved have a prosperous and effective future in front of them.

11.15 am

**Baroness Garden of Frognal (LD):** My Lords, this sensible and small Bill had an easy ride through the Commons and hopefully will through this House, too. The number of speakers seems overkill for one small cause; it is difficult to see how 21 speakers will each have different things to say about the Bill, but I am quite sure that your Lordships will find a way.

When I was a teacher, I was hugely supportive of school uniforms. They gave cohesion to the school and meant that there was no competition for who was wearing the most expensive clothes. Curiously, when I taught in Germany, where school uniforms seemed not to exist, the youngsters with the wealthiest parents aimed to look the scruffiest—at least, the boys did. Where you knew that the father was an extremely well-paid surgeon or lawyer, the lad would arrive at school looking like something that the cat had brought in.

One of my daughters, aged eight, had a year at a school with no uniform. The time spent every morning discussing what was and was not appropriate for her to wear to school was quite draining. I was relieved when her next school had a uniform and we could dispense with the pre-school fashion ritual. The key factor must be cost. These days, most state schools opt for items easily bought at high street shops as cheaply as possible, given that children sometimes grow surprisingly quickly.

I really felt for what the noble Baroness, Lady Lister, said. I was horrified to read the estimate that nearly half a million children have been sent home from school because the costs meant that they were wearing incorrect uniform. This cannot be right. Schools should be encouraged to be understanding, even as they wish to uphold standards and pride in the school. As the noble Lord, Lord Lucas, said, it is valuable if schools have second-hand shops for uniforms and/or a hardship fund, but uniforms will often be outgrown before they are outworn and thrift shops for disadvantaged children could be a lifesaver. Might this be at least in guidance, if not on the face of the Bill?

Why does the proposed new Section 1(5)(e) read, "a pupil referral unit not established in a hospital"?

I taught in a hospital school many years ago. Many of the pupils are not there for long, so uniform for the hospital school would not make sense, but would allowing them to wear the uniform of the school that they had left perhaps encourage a learning culture? I was there to teach a stick-like, very bright anorexic girl, but some of the other pupils were young thugs, exceedingly threatening and ill-disciplined. Might their behaviour have been tempered by school uniforms? Uniforms are helpful in ensuring the community aspect of a school—the belonging and the being part of a team. They are valued by teachers, parents and pupils. I fully support the Bill and wish it a speedy passage, hopefully before the start of the next school year, as we heard, although earlier would be even better.

11.18 am

**Lord Moynihan (Con):** My Lords, I declare an interest as a member of a number of all-party parliamentary groups concerned with the welfare of children. I will not spend time on the cornerstone merits of the Bill, except to say that I completely associate myself with the remarks made by noble Lords on all sides of this House in support of the measure. The Bill provides the potential for high-quality uniforms at an affordable price for all parents. The points about the advantages of uniform have been well made. Uniforms serve a central and important function in education. They create a sense of belonging, pride, consistency, focus and personal discipline. Above all, as has been said, they are levellers.

I know from a lifetime in sport the excitement and the cohesive and levelling effect that receiving a well-designed kit can bring to a school or an Olympic team, but we must keep the cost of school uniform to a minimum, to ensure that it acts as a leveller without shifting difficult and often soul-destroying decisions into homes for those facing unenviable financial choices at the beginning of a new school year. While school uniforms help to remove the inequalities caused by differences, the costs can place the same families who benefit at the disadvantage of tough financial decisions behind closed doors. School uniform grants should be available for those most in need of support.

Physical education and sport is one of my major interests, and in the context of the Bill we are still not in a situation where sufficient consideration is given to the design of what I would term inclusive and acceptable PE kit for girls in schools. Today I seek just one assurance from my noble friend the Minister in this context: to take the proposal by the noble Baroness, Lady Gardner, further.

The year 2020 will be remembered in years to come as much for Covid as for being a transition year for transformation in the digital world, with online communication matched by a leap forward in online product and service provision. As we enter a new decade, we are starting to see previously hyped digital capabilities beginning to reshape the way in which we experience the world as both individuals and organisations, and what the implications could be for business.

I encourage the Government to support the Bill by placing their technical experts at the heart of the consultation exercise. Why? Because critical to many parents are the second-hand shops, many of which today will seem Victorian in their appearance to future generations. User-generated content and better service can all be integrated into modern-day versions of online second-hand shops. Specific families can be prioritised by the school. Families should have immediate access to all uniform that comes on to the secondary market from a well-designed facility allowing online access and specific systems for the school to communicate directly with, for example, those families who do not have access to IT or are in financial hardship.

The Bill is welcome and important. I hope it now makes rapid progress towards enactment.

*11.21 am*

**Lord Hain (Lab) [V]:** My Lords, I praise my noble friend Lady Lister, not just for moving the Bill but for her fantastic social policy work over decades. Nearly one-quarter of parents say that the cost of a school uniform means that their child has worn ill-fitting, unclean or incorrect uniform, leading to cases of bullying, feeling left out or even being excluded from school through no fault of their own. It has been estimated that nearly half a million children have been sent home from school because the costs involved meant they were wearing incorrect uniform.

I congratulate the Labour Welsh Government on introducing in 2018 their pupil development grant access funding to help families cover the costs of school uniforms, sports kit and IT equipment, as well as equipment for activities outside school, including sports clubs and

trips for outside learning. That funding goes directly to the families who need it most. The Welsh Government introduced new statutory guidance in 2019, providing advice for governing bodies and head teachers on issues relating to school uniform policy. Governing bodies are expected to consider ways of keeping down the costs of uniforms, which could include stipulating basic items and colours but not styles, meaning that items could be bought from more than one outlet. Schools are also expected to consider whether school logos are strictly necessary and if they should apply to just one item of uniform or be provided free of charge. I ask the Minister to look carefully at this admirable Welsh initiative.

However, the truth is that even if the Bill passes, as I hope it will, school uniforms will still be an unaffordable expense for too many. Uniform dress codes often involve a badge, sweatshirt and dark trousers and, typically, shirts, ties, blazers and PE kits, indoor and out, all branded and often available from only a single supplier. In some areas, more than half of children live in poverty, the number rising year on year, and that is before the terrible impact of Covid-19. In such areas, as many as one-fifth of children have been sent home for wearing incorrect uniform as a result of being unable to afford the uniform specified by the school. In some cases, children miss school altogether because either they or their parents feel ashamed of the condition of the uniform that they could not afford. Tragically, too many families wanting their children to go on school trips have to choose between those trips and either feeding them properly or paying for uniforms.

We have to make guidance on affordable uniforms a statutory duty, as it is in Wales. I therefore ask the Government to provide generous funding to implement the Bill and speed it to Royal Assent.

*11.24 am*

**Lord Bourne of Aberystwyth (Con) [V]:** My Lords, it is a pleasure to follow the noble Lord, Lord Hain. I very much agree with him about the dangers of single-supplier contracts. I congratulate the noble Baroness, Lady Lister, on championing this legislation in your Lordships' House—she is a doughty campaigner, as I know—and I congratulate the honourable Member for Weaver Vale in the other place.

This is a sensible piece of legislation. I am very pro-school-uniform; it is a great leveller at school, properly adopted, and it lends an individual school identity and esprit de corps. These are very laudable matters.

The Bill is supportive of school uniform. It places a duty on the Secretary of State to issue statutory guidance on the cost aspects of school uniform in England. I certainly do not intend to table an amendment but I ask in passing why private schools are not covered in this legislation. I am sure I will be given some technical reason why they cannot be covered but I am not sure I would be convinced by that. There are, after all, scholarship pupils at private schools some of whose parents will struggle with the cost, and I cannot see why they should be exempted from this law.

I also look forward to my noble friend the Minister saying something about keeping compulsory branded items to a minimum and restricting single-supplier



[LORD BOURNE OF ABERYSTWYTH]  
contracts, which should be limited. We are a party that believes in competition, and surely sweetheart deals run counter to that unless there is some special justification. I can see that on occasion there may be, but I look forward to hearing how they provide real value for money on occasion. I also recognise that many—indeed, most—school suppliers do an excellent job.

As I say, this is a welcome measure that will help to end the unacceptable position of some children being unhappy going to school because their parents are unable to afford the correct items, with fresh items often needed year after year. I too strongly support second-hand shops; they are appropriate not just because of the cost aspect but because of cutting down on waste, provided of course that we are able to do that in a Covid-secure way.

I support the noble Baroness, Lady Lister, when she says that the statutory guidance should be issued sooner rather than later. In the other place the Government were somewhat opaque on that important question. I appreciate that we may not be able to give a precise date but I hope we are able to bring this in by September and have some effect on school uniform for the next school year. That would be very desirable.

I strongly welcome the Bill and the Government's sensible response.

11.27 am

**Baroness Wheatcroft (CB) [V]:** My Lords, it is a pleasure to follow the noble Lord, Lord Bourne, and I agree with everything that he said. I pay tribute to the noble Baroness, Lady Lister of Burtersett, for introducing the Bill with such feeling. It is an important Bill, albeit a small one, because the happiness of so many children and their families rests upon it.

I well remember, and it is a long time ago now, the trauma of having to get my school uniform for the new grammar school that I was to attend. There was a sole supplier, and it was a major hit to family finances. Beyond that, it was also traumatic to have to purchase a garment known as a gym romper, the most ungainly imaginable piece of clothing, which was not only unflattering but deeply unsuitable for the gym lessons for which it was intended—and of course it was expensive, being from a sole supplier. I cannot see why most items of school uniform should not come from the high street, where we have extraordinarily competitive prices now, and I hope they will continue to be so.

I think school uniform serves a very useful purpose. It is a leveller, as others have said, although there will always be those children who find a way of customising their outfits. Of course, it is also said that school uniform gives children an identity with their particular school and that will not be achieved if everyone is dressed from the high street, but surely one or two items of clothing would be sufficient to do that. I would have thought that a badge and tie, which could perhaps be commissioned by the school itself and sold by the school, were enough to enable a blazer to be turned into a distinctive garment to give the children the identity that is required.

I am uncomfortable with the idea of sole suppliers. As the noble Lord, Lord Bourne, said, it really goes against the ethos of competition which we try to stimulate.

I understand that there are in our high street retailers which depend on being sole suppliers to local schools and I have a degree of sympathy for them, but they cannot expect to have a sinecure for life. I therefore hope that when the Government come up with their guidance, they will be firm that these sole suppliers have to be phased out. On that note, I thank the House.

11.30 am

**Baroness Altmann (Con) [V]:** My Lords, I congratulate the Government on listening to the importance of these measures and on accelerating the Bill, which has already passed through the Commons, through our House. I also pay tribute to the noble Baroness, Lady Lister, who may not realise that her work at the Child Poverty Action Group, in the late 1970s, inspired me when I was working on pensioner poverty for my PhD. She was somebody I looked up to then in policy terms, and I still do.

I also congratulate the Children's Society on the work it has done, including pointing out that one in 10 families get into debt and one in eight cut back on food and essentials because of the cost of school uniform. The Children's Commission on Poverty has explained that this can be a really damaging factor in families. It is time that we had legislation because the non-statutory guidance has clearly not been sufficient to address this issue.

It is a pleasure to follow the noble Baroness, Lady Wheatcroft, and my noble friend Lord Bourne, whose comments I fully associate myself with. Affordability and value for money are vital for children, as well as parents. I recall how my own parents struggled with the cost of our uniform, which was available only from a monopoly supplier. There was no second-hand supply, and I am delighted that there have been recent moves for second-hand uniform. I am, however, in favour of uniform. It promotes inclusion and pride in belonging to a community, but if affordability is not addressed it can breed stigmatisation and marginalisation as well. The uniform may be pristine when new but if it needs replacing and parents cannot afford to do so, again, the child will suffer.

I welcome the Bill. I hope and expect that it will be accelerated through the House. I also echo the calls for the statutory guidance to be issued well in time. Perhaps my noble friend could reassure the House that the department will work as hard as it possibly can to get this in before the September school year starts.

11.33 am

**The Lord Bishop of Durham [V]:** My Lords, I speak in my capacity as chair of the National Society, and thus lead bishop in the Church of England for education. In principle, uniform is a fantastic leveller: it can foster unity and provides an opportunity for students to worry less about the challenges of fitting in. It is therefore worrying to find that the cost of uniforms is instead causing division by highlighting disparities. Having poverty-aware uniform policies means that we can avoid worsening the disadvantages that a child in poverty is already faced with. We must return uniforms to being beneficial, which the Bill will do. The Bill has my support, as it would ensure that all families can afford uniforms.

My own region, the north-east, has the worst rates of child poverty in the country. This unacceptable poverty makes the life prospects of many children heartbreaking. Through the disproportionate struggles this region has faced, many lessons have been learned about school uniforms. There is, for example, the community school clothing scheme, established by a local woman and stocking pre-loved uniforms for over 400 schools across the region for the last four years. There is also the “Faith in our communities” initiative, which provides schools with clothing banks. We can learn from North Tyneside Council’s poverty intervention fund; its school clothing vouchers cover the costs of unbranded essentials, such as coats and shoes.

The move to avoid expensive uniforms should be balanced by ensuring that it does not result in suppliers using forced or cheap labour. It is vital that we ensure that the ethical sourcing of clothing is part of the consideration, too. Can the Minister reassure me on this point?

Following work by the Children’s Society, which I commend strongly for all its work on the Bill, many dioceses have been pushing on these very issues, especially through their academies. In the north-east, some Church of England schools are now working with Etika uniforms on supplying fairly traded school uniforms. Subsidies are provided where there is an extra cost above less ethically sourced supermarket equivalents. This is not made a requirement but is offered as an affordable and ethical option. I also want to ask the Minister about the inclusion of public-private schools, as asked by the noble Lord, Lord Bourne of Aberystwyth.

Schools should be places of opportunity. We must not allow school uniforms to mean that sending your child to school is a burden rather than a blessing to low-income families. I therefore give my wholehearted support to this Bill.

11.36 am

**Viscount Trenchard (Con):** My Lords, I thank the noble Baroness, Lady Lister of Burtersett, for introducing this useful Bill today. On the whole, I welcome it and am happy that the Government are supporting it. I am a firm believer in the value of school uniforms. They are a great leveller and remove the temptation for some children, whose parents have bought them unnecessarily expensive and supposedly fashionable clothes, to show off their wardrobes in front of other pupils whose parents cannot afford such items.

I have seen my grandchildren trying on their new school uniforms and observed the pride and loyalty they engender in the school that they attend. My 12 year-old grandson, who attends a state school in north London, says that his uniform helps him spot other pupils from his school on the train or bus, and that he can approach them if he feels threatened or needs help.

Uniforms foster a sense of identity between pupil and school, and this encourages hard work. Their reputations rise or fall together with those of the school that pupils attend. It is also a mistake to remove branded items from school uniforms to save costs. No-brand uniforms weaken the identity of the school and reduce the incentive to maintain a uniform in pristine condition. One of my granddaughters attends a state primary

school in south London. Her mother tells me that the basic uniform items cost less than those shown in the study produced by the Schoolwear Association but that all in—including bags, PE kit and shoes—it costs around £300 a year. I also have two grandchildren who attend private schools; their equivalent costs are around £600 to £650 a year.

The Government’s non-statutory guidance, last updated in 2013, has been only partially effective. I agree that it would be good to make it statutory. Schools should be free to adopt single-supplier policies, especially in the case of smaller schools, where the total quantity required does not warrant more than one supplier. They should, however, adopt a regular and robust open-tender process. Lastly, can my noble friend the Minister say whether the Government intend to use our newly gained freedom from the EU’s VAT regime to exempt school uniforms, which would be enormously helpful?

11.39 am

**Lord Clark of Windermere (Lab) [V]:** My Lords, I begin by congratulating my noble friend Lady Lister on sponsoring this Bill in our House. She has spent her life campaigning on social inequalities and is a true expert on this, so I thank her. I also thank the Member of Parliament for Weaver Vale, who persuaded the House of Commons to pass this Bill. My speech would not be complete if I did not commend the Government for the openness and flexibility they have shown in dealing with the Bill. I hope they will retain that openness and listen to some of the ideas that have emanated from noble Lords. I feel privileged to speak in this debate; this is an important issue that, as we know, affects thousands—indeed, millions—of individuals.

My experience means that I agree with the many noble Lords who have argued today that they are unhappy about sole—or, as they are sometimes called, exclusive—suppliers. I agree with them because my observation has been that, where there is a sole supplier, the cost of school uniforms shoots up. That is not only my experience: the surveys all show a considerable increase in the cost of school uniforms when one outlet has a monopoly. We need competition in this field.

The Minister in the House of Commons indicated that he is not persuaded by banning exclusive supplier status. I wonder if he would be prepared to be open and test that. Would the Government commission a survey comparing the costs of school uniforms in areas that have sole supplier status with those where choice is available? Once he gets that information, can he then look at the subject again?

Finally, will the Government look at the possibility of ensuring that schools are required to sell school badges in order that these can be sewn on to garments for school uniforms? I think that that would also help to reduce prices.

11.42 am

**The Earl of Clancarty (CB):** My Lords, I certainly support this Bill, encouraging as it does a reduction in costs—but it would be better to get rid of school uniforms. They are an outmoded idea and, ultimately, a repressive aspect of the education system itself, designed to keep

[THE EARL OF CLANCARTY]  
children in line. They are, in effect, part of the wider educational policy working against a child-centred approach to education.

No school has to have a school uniform; nevertheless, the Government do not take a neutral stance on this, strongly recommending that schools have one. Moreover, in its guidance, the department states that the school uniform policy

“flows from the duties placed upon all governing bodies by statute to ensure that school policies promote good behaviour and discipline amongst the pupil body.”

I am fortunate in being able to send my daughter, who is now 16, to a school without a uniform. This is fortunate in the UK because it is the norm in all countries in Europe, barring ourselves, Ireland and Malta. My daughter has given me a quotation for this debate: “Thank God I don’t have to wear a school uniform; I wouldn’t be able to express myself every day.” Her words have a particular resonance at the moment, when school is the only time that children are seeing each other in person.

School is where you spend most of your time as a young person, with your friends and peers. It is the right place for teenagers in particular to test out what to wear and find their own style—that is, in itself, an important part of education. Parents will in any case have to buy the clothes that their children wear outside school; we do not live in the 1950s anymore. Children cannot wait to be out and about post-Covid, including going to parties. Young people wishing to wear the latest designer clothes is something that, to an extent, happens anyway, so why try to sweep that under the carpet and pretend it does not exist for most of the time children spend in school?

Perhaps, with the increased competition between schools encouraged by government, it is school uniforms that have increasingly become the luxury designer clothing item: the additional, in my view unnecessary, cost, which has little to do with education but everything to do with status. As the noble Baroness, Lady Lister, said, last year’s survey by the Children’s Society points out that

“nearly a quarter ... of parents said that the cost of school uniform had meant their child had worn ill-fitting, unclean or incorrect uniform.”

It has always been the case that you can tell who the poorest children are, and it is particularly easy to do so with school uniforms. They are not a means of levelling up—otherwise, we would not have this Bill.

Whereas over 90% of schools in England insist on school uniforms, a much lower percentage of parents—around 67%—are in favour of them. There is increasing school uniform scepticism, and the Government and schools should listen to those voices.

11.45 am

**Lord Randall of Uxbridge (Con) [V]:** My Lords, I congratulate the noble Baroness, Lady Lister of Burtersett, on sponsoring this Bill in your Lordships’ House, and I particularly pay tribute to Mike Amesbury, the Member for Weaver Vale in the other place, who introduced it. If it becomes law, it is a great achievement, particularly for an Opposition Member.

I am afraid that I have to disagree pretty much wholeheartedly with the previous speaker, the noble Earl, Lord Clancarty, as I consider uniforms to be a great leveller. In my travels around the world, I have certainly seen the pride that children have in their uniforms, particularly in Africa. I cannot see how allowing children to show off their designer clothes helps that levelling.

As a past devotee of Private Member’s Bills in the other place, and as a long-time Friday Whip, I know that time is of the essence and so brevity must be the order of the day. I commend this Bill as a model example of what a Private Member’s Bill should be. I also echo the entreaties of the noble Baroness, Lady Lister, that we should try not to make improvements to it at this late stage. It is welcome legislation that I sincerely hope will make it on to the statute book.

As I said earlier, I am a believer in the undoubted merits of school uniforms, but I recognise that the cost can be a great burden for many, especially when you think that children may well grow out of some items very rapidly. Providing uniforms for your children can quickly become a nightmare for many.

Any guidance produced as a result of the Bill must ensure that affordability is at the heart of any contracts that schools sign up to with suppliers. However, the guidance must also consider whether schools will have sole suppliers of badged or branded items. We have heard about that a lot, and I agree with those who have advocated keeping the numbers of those items to a minimum.

However, the position of retailers, who, let us face it, have had a pretty difficult 12 months, must also be considered in the mix, as parents will always want to have quick access to stock in various sizes. However, holding stock is a costly business for retailers—I speak as someone who was heavily involved in my family retail business more than 30 years, although we never stocked school wear.

Governing bodies should—and, I believe, do—ensure that price is key to the granting of contracts to suppliers. I also echo the words of the right reverend Prelate the Bishop of Durham, who said that steps should be taken to ensure that, in the interests of affordability, transparency in supply chains is maintained, and that no issues regarding modern slavery arise. However, I am sure that a reasonable balance can be achieved, and, with that in mind, I wish the Bill a speedy passage through your Lordships’ House.

11.48 am

**Baroness Jolly (LD) [V]:** My Lords, this must be the shortest Bill that I have debated—yet it is really welcome and should help large families and those on lower incomes. Like other noble Lords, I am grateful to the noble Baroness, Lady Lister of Burtersett, for bringing it to this House.

When I started primary school, over 60 years ago, none of us wore a uniform; it was not until we went to secondary school that we wore a basic grey skirt and a white shirt with a tie. At 11, I was proud of it, and, by the time I left, I was fairly rebellious. As my noble friend Lady Garden of Frognaal has said, there is no discussion of what to put on in the morning and no comparison of who is wearing what.



A generation later, when our son went to the local village school—it was a village with quite a high level of poverty—not everyone wore the simple uniform; it was not an issue and that was just the way it was. The school to which he moved a few years later had a uniform—it is the same now as it was then: dark trousers or skirt and white polo shirt with printed motif, and a scarlet-red sweatshirt with the same motif as the shirt. Branded items are sold by the school to cover the cost, and governance of the arrangements is monitored by the school governing body. The overprinted garments are sold to cover the costs. As the noble Baroness, Lady Wheatcroft, said, neutral trousers or skirts are available at many superstores locally or from mail order outlets. Schools can use their discretion to assist families where appropriate.

The Bill would require the Government to publish legally binding guidance requiring school authorities to consider costs when setting school uniform policies. This is to be welcomed, but I wonder whether the Minister could clarify a couple of points. How is adherence to this to be checked? Would it be part of an Ofsted inspection or some annual return? Does the Children’s Commissioner have a view about the Bill? In 2015, the Department for Education made a commitment to make the guidance statutory. Why have we waited six years for it to be implemented?

The Bill is in response to concerns about the high cost of school uniforms. It was introduced as a Private Member’s Bill in the Commons. It meets a well-documented and acknowledged need. I am sure that it will have a more certain future than many Private Members’ Bills that get a Friday hearing in this place. Can the Minister confirm that issues such as branded items, sole-supplier arrangements and the availability of second-hand uniform will be covered in the guidance?

This little Bill deserves a Committee and Third Reading. Like the noble Lord, Lord Randall of Uxbridge, I hope that it will soon be on the statute book.

*11.51 am*

**Lord Blencathra (Con):** My Lords, I agree with all noble Lords this morning—except the noble Earl, Lord Clancarty—that there is overwhelming evidence of the benefits of school uniforms for both children and schools, so I support the intention of the Bill. However, I do not support the department failing to produce the draft guidance for us to see. Nor do I support legally enforceable obligations being imposed in the form of guidance which bypasses parliamentary scrutiny. These are serious deficiencies which ought to be remedied.

Way back last September when this Bill was in Committee in another place, the Minister there—my right honourable friend the very able Nick Gibb—said that the guidance would be published as soon as possible. On Report, he said that it was “progressing well” when asked by Chris Chope MP to produce a draft before the Bill concluded in this House. So where is it? It is not rocket science to convert voluntary guidance into statutory guidance and show us a draft.

We are being asked to buy a pig in a poke here and are being fobbed off. The department has had ample time to tweak the guidance into statutory guidance, but it does not want to show it to us until the Bill is

passed and then, hey presto, the guidance will miraculously appear. There is only one valid solution for that ploy, which is to lay the guidance before Parliament for scrutiny in the form of a statutory instrument.

In new Section 551A(2) inserted by Clause 1, the Secretary of State is given exceptionally wide-ranging powers to make laws on anything he thinks “relevant” with regard to uniforms—not even the normal parliamentary test of anything he thinks “necessary” or “appropriate”, but simply “relevant”.

I am the chair of the Delegated Powers Committee, but I am speaking in a personal capacity this morning since my committee has not yet looked at the Bill or reported on it. I can say with three years of experience that this ploy of designating something which has statutory effect as mere guidance and not laying it before Parliament has been an unacceptable and growing phenomenon in recent years. Measures which are in effect regulations are rebranded as “guidance” or “protocols” instead. This guidance will be interpreted by thousands of schools, and some parents or groups of parents and uniform suppliers will disagree with the decisions, and those disagreements will ultimately end up in court. How ironic that judges will decide on the guidance and Parliament will never have had a chance to look at it.

This so-called guidance should be a statutory instrument, with the negative procedure only so that it can become law immediately but could be prayed against if necessary. It is not acceptable for the department to boast that it will consult widely with everyone—everyone except Parliament. I therefore propose to table in Committee a little amendment that the guidance be subject to parliamentary scrutiny. I do not want to hear excuses that this will delay the Bill. No doubt the department will say that it cannot accept any amendments because then the Commons will have to approve them. There is no problem there; the Commons has ample time to do that if it accepts the amendment. In any case, that should have been thought of before trying to bounce this Bill through without producing the draft statutory guidance or seeking to avoid parliamentary scrutiny.

If something is important enough to be made statutory, it is important enough for Parliament to scrutinise it, no matter how little.

*11.55 am*

**Baroness Ritchie of Downpatrick (Non-Affl) [V]:** My Lords, I endorse the principles of this Private Member’s Bill and congratulate the noble Baroness, Lady Lister of Burtsett, on bringing forward this much-needed legislation, albeit of one clause, that deals with the cost of schools uniforms.

This issue has gained momentum during the pandemic period, when many parents are furloughed or have become unemployed when they did not expect to be and therefore have less money to meet financial outlays. Furthermore, more families are reliant on foodbanks. Eleven years of austerity and the benefit cap have meant that choices have had to be made between eating and heating their properties. A further choice that parents have had to make in terms of school selection for children is whether their budget will cover the cost of the school uniforms, which in many cases can be up to £400 per child when we consider PE uniforms, all the branding and the issue of single suppliers.

[BARONESS RITCHIE OF DOWNPATRICK]

As a consequence, parental choice has been inhibited by the cost of school uniforms. That means that children could be denied their proper access to a suitable school offering good educational courses with a sound basis for advancement and choice of careers. People need adequate resources and funds to purchase good-quality school uniforms. The situation has been compounded this year by the lack of accessibility to school, home schooling and parents finding out when their children are about to return to school that parts of the school uniform no longer fit. Therefore a sound, second-hand, affordable replacement/exchange policy needs to be in place so that they can access quality school uniforms and put their own up for resale to other parents and children. At some stage, that feature should be looked at. The Children's Society has looked at all these issues and is definitely well informed about them.

I understand that the Government support the principles of this Bill, so I ask the Minister what progress has been made on drafting the statutory guidelines. Other noble Lords have referred to the time that has been taken. Will Parliament be consulted on the nature of the statutory guidelines and, if so, what will be the timeframe for that consultation and decision? When will the guidelines be implemented? What discussions have taken place with school authorities and, in turn, have they prepared parents and staff in all schools for the statutory nature of the guidance?

11.59 am

**Lord Davies of Brixton (Lab) [V]:** My Lords, I congratulate my noble friend Lady Lister on her introduction and taking on the task of guiding this Bill through your Lordships' House. There is not a lot more to be said, and I can shorten it by saying that I totally agree with the views set out by the Child Poverty Action Group and the Children's Society and that I am unpersuaded, having read it carefully, by the submission by the Schoolwear Association. However, I want to add my support to the Bill. It is an issue that I have followed closely for many years as a parent and as a past leader of the largest local education authority in the country.

There is one word in the Bill that made me pause. We see that proposed new subsection (6)(a) in Clause 1 refers to the "proprietor" of schools. I must admit that my heart runs cold when I see that, as it is a token of the way in which education has taken a wrong turn. However, leaving that on one side, the uniforms under the code should be simple and generic. They should be available from a range of retailers, be it Tesco or Asda—other retailers are available. It is important that the code adopts that approach rather than the ideas of trying to replicate the onerous cost of uniforms that we see in far too many schools. Of course, school identity is important, as some previous speakers have emphasised, but these should be added at only a minimal cost.

I strongly support the Bill, look forward to seeing the code and hope that it provides the relief that parents need in terms of cost and accessibility.

12.01 pm

**Baroness Gardner of Parkes (Con) [V]:** My Lords, I welcome this Bill. While it may be one of the briefest to come before this House, its effect should be widespread and beneficial to parents and pupils alike.

Back in 2012, Holland Park School in west London, a then local-authority run school, soon to become an academy, moved into its newly built state-of-the-art building, and its leadership team decided that pupils should have a new uniform. Not only did they pick an entirely brand new uniform but each item had a light blue flash on it. It was not something that you could buy in any clothes shop; it was and still is bespoke. The blazer alone cost £65 compared to a plain boy's blazer from Marks and Spencer, which costs £26. The blue stripes are on every aspect of the uniform, from trousers to backpacks; they are all bespoke. This represented a massive financial outlay for families in replacing a perfectly good uniform with new expensive kit, almost overnight. There was no phasing from the old to the new uniform and, if a parent had more than one child at the school, it meant an even greater outlay overnight. A more affordable option would be for the school to provide badges for parents or pupils to sew on to the pocket of a plain blazer and bag, thus providing a personalised aspect for a school uniform at less than half the price of the bespoke one.

This is the sort of expenditure that families cannot afford, let alone afford in one go. In addition, we all know that these costs accumulate over school life when replacing damaged uniforms or ones that the child has grown out of, yet again. I am told that Citizens Advice was inundated at the time, with parents at their wits' end to know how they would be able to afford it. Citizens Advice helped some to apply to a local charity for a uniform grant, but parents should not be placed in that situation.

My one hesitation about this Bill is that we are not seeing the draft guidance and, too often, the devil is in the detail. I ask the Minister to assure this House that the guidance will make it clear that bespoke uniforms should not be an option for schools and that any change in uniform is brought in gradually so that parents can financially plan ahead.

12.04 pm

**Baroness Bull (CB):** My Lords, I join others in thanking the noble Baroness, Lady Lister of Burtersett, for introducing this Bill and for all her work. I have my own memories of going to school in hand-me-downs from my sisters, and the horror of a hand-knitted cardigan when everyone else had shop-bought ones. The briefings that we received for this debate include harrowing accounts of children bullied by classmates, reprimanded by teachers and even excluded for contravening uniform rules. Alongside these stories, I want to put on record the efforts of countless teachers who go out of their way and dig into their own pockets to provide clothing for pupils in need.

Many arguments are made for uniform as a leveller, but schools often use uniform to do the opposite, stipulating bespoke details that distinguish them from other schools. This has the unfortunate effect of building in cost, and also means a whole new uniform if parents

move to a new area. Even requiring an open-neck shirt rather than one that buttons to the top limits choice of suppliers and pushes up price. While blazers might be considered a safe choice, most young women go through extreme physical changes during secondary school, meaning that the most expensive item of the uniform has to be bought several times over or, in my case, bought in such a generous size that, while it swamped me at the outset, it at least lasted the necessary five years. Some schools even stipulate the colour of coats because students are “representing the school” beyond its gates. Is that really the purpose of school uniform? Surely, young people carry enough pressures without being expected to represent their school on the proverbial number 9 bus.

This Bill is a chance to right some of these wrongs. Can the Minister ensure that, if it is passed, regulations will ensure that school governing bodies prioritise affordability and value for money, that uniform is available at a range of outlets and the list of suppliers is regularly reviewed, that branded and expensive items are avoided, that parents are consulted on proposed changes and that financial hardship support is clearly signposted? I also look forward to her answer to the question from the noble Lord, Lord Bourne of Aberystwyth, about fee-paying schools where, as I know from experience, parents of fee-assisted students can struggle with eye-watering uniform costs. Finally, will the Minister, who I know cares deeply about young people, use her powers to ensure that schools are prevented from sending home or excluding children who fail to comply with uniform policies?

This Bill does not seek to ban school uniform, but it provides a chance to ask the question about what uniform is for. Theories abound—that uniforms improve behaviour, foster pride and create an environment without victimisation—but hard evidence is harder to come by, and the only safe conclusion is that it is not clear whether there is a causal link between strict uniform policies and attainment. One thing is clear: for teachers, the most important thing is to have the student in the classroom, whatever they are wearing, and time spent disciplining for uniform infringements would be better spent on teaching.

This Bill is an important step in reducing the cost of education for low-income families, but it needs to be a first step. The Cost of the School Day project highlights the trips, lunches, kits, equipment, dress down or dress up days that pile cost on parents and leave some children marginalised. So, let us start with uniform, but recognise that it is only the beginning if we are serious about levelling up.

12.07 pm

**Lord Storey (LD) [V]:** My Lords, like most noble Lords I am a great supporter of this Bill, and I thank the noble Baroness, Lady Lister, and the Member for Weaver Vale for bringing it forward.

I think that the only speaker who has questioned the Bill has been the noble Earl, Lord Clancarty, whom I normally always agree with. I have to tell him that I taught as a deputy head in a school in a deprived community where the head teacher and governors did not believe in school uniform. The result, as other

noble Lords have suggested, was competition for the latest designer clothes, sweatshirts and t-shirts, trainers or whatever it was, which created great upset among the pupils. Those who could not afford the latest gear, as they called it, were often name-called and bullied.

The briefings clearly show the real concern that parents and families face over school uniform provision. I particularly thank the Children’s Society, the House of Lords Library, the Child Poverty Action Group and the Schoolwear Association for their briefings. Rather than repeat facts and figures, I shall tell noble Lords about two experiences which to my mind show the problem—one a follow-up the contribution made by the noble Baroness, Lady Gardner of Parkes.

In Liverpool, a popular, local co-ed school had a very sensible uniform policy: grey trousers or skirt, a polo shirt and sweatshirt, all in the school colours and with the school crest, and inexpensive, hard-wearing and practical. In the sixth form, it was casual but smart, and no jeans. A new head teacher decided to replace the uniform—yes, she consulted. It then consisted of grey trousers for boys, a kilt for girls, a shirt or blouse, a tie, a V-neck pullover with the school colours woven into the V and a blazer with the school badge. For sixth-formers, it was a grey suit. It looked very smart, but it cost an arm and a leg and had to be obtained from the retailer who had exclusive rights. Needless to say, after a few months, the general wear and tear of playground activities took its toll. Parents from disadvantaged circumstances could not have several items, and you could soon tell family circumstances by looking at the pupils’ clothing. It led to name-calling and bullying.

My second observation is that, as a head teacher myself, I kept the uniform and sportswear at my school—with the support of governors—very simple, with a sweatshirt and polo shirt in the school colours and the choice of a shirt or tie if parents and pupils wanted that. However, I constantly got requests from school uniform providers, including well-known stores, to make my school clothing exclusive to them. In return, the school would get an amount of money for each item sold. I chose not to do that: we set up our own school uniform shop, which parents ran, and everything was sold at cost.

If we care about poverty and children’s well-being and mental health, this Private Member’s Bill is really important and needs support. I have two brief questions for the Minister—both have already been asked. First, why are independent and private schools not included? My observation is that they would very much want to be involved. Secondly, can the Government assure us that we will act with great speed to get this Bill through Parliament?

12.12 pm

**Lord Watson of Invergowrie (Lab):** My Lords, this has been an excellent debate on a Bill that is timely, and not simply because the current non-statutory guidance is now eight years old. It is needed because far too many families—many more than when the Bill began its parliamentary journey a year ago—are experiencing financial pressures of all kinds. The cost of sending their children to school adequately clothed should not be one of them.



[LORD WATSON OF INVERGOWRIE]

I commend my noble friend Lady Lister of Burtersett for her opening speech and for picking up the baton to ensure that the Bill moves through your Lordships' House as smoothly as possible.

The current guidance states that schools should give the highest priority to the consideration of cost and value for money for parents, but evidence shows that, in too many cases, that simply is not happening. School uniforms are important in promoting school unity and a positive ethos while also acting as a leveller. Yet current school uniform policies too often let down the most disadvantaged pupils.

I should declare an interest on behalf of my son, whose branded school uniform—as is the case for all maintained schools in the London borough where we live—has but one supplier. That is the source of many complaints from parents, on the grounds not so much of cost, I have to say, but of availability. The start of the school year often seems to take the supplier by surprise because the new term has usually started before it is able to deliver all the uniforms that have been ordered. However, I should say that, today, no uniform is required: to mark Red Nose Day, all children are wearing an item in that colour.

I do not often disagree with the noble Earl, Lord Clancarty, but I must on this occasion. I am a firm advocate of uniforms, which can and should make children feel equal to their peers. They also remove pressures to flaunt the latest and often expensive label or brand of clothes or shoes. Yet they are not cheap. My noble friend Lady Lister quoted research released last week by the Children's Society that showed that parents spend in excess of £300 a year on school uniforms for each child. The Children's Society also found that some parents choose a school based on the cost of the uniform, particularly where PE and sports kits are concerned. Families should never be put in that position. That survey of 1,000 parents also found—as other noble Lords have said—that nearly a quarter said that the cost of school uniforms meant that their child had worn ill fitting or incorrect uniform. So much for being equal to their peers.

Compulsory branded clothing is the major contributing factor to the high costs of school uniforms, often meaning that families can buy uniforms from only one supplier. It is a basic rule of economics that exclusive suppliers raise the cost of whatever they sell, and that holds for school uniforms, even where a tendering process has been carried out. I agree with my noble friend Lord Hain, the noble Baroness, Lady Wheatcroft, and several other noble Lords that the Bill would have had greater effect had single suppliers been precluded—although, had that been the case, I doubt it would have progressed to this stage.

In November 2015, the Government published *A Better Deal*, which included a commitment to put the Department for Education's existing school uniform guidance on costs on a statutory footing, stating:

“The government wants to ensure that effective competition is used to drive better value for money and will therefore put existing best practice guidance for school uniform supply in England on a statutory footing.”

So why continue to allow exclusive providers?

In September 2019, the noble Lord, Lord Tyrie, wrote to the DfE in his role as chair of the Competition and Markets Authority, urging it to introduce legislation requiring schools to allow parents to shop around rather than insisting on a single supplier, after the CMA received an influx of complaints from parents on the issue that summer. The department responded, stating that the Government would put the legislation on a statutory footing

“when a suitable opportunity arises”,

although it did not commit to ending single suppliers. In that same month of September 2019, when giving evidence to the Work and Pensions Committee, the then Education Minister, the noble Lord, Lord Agnew, said that

“there is a specific problem of a relatively small number of schools who use this requirement of monopoly suppliers for uniforms. I do not like it, because it is a pernicious way of excluding children from less well-off backgrounds.”

I cannot avoid asking the Minister whether she agrees with her predecessor.

Finally, the Bill's Explanatory Notes state that the Bill

“will come into force two months after the day on which it is passed.”

In briefings to noble Lords, both the Local Government Association and the Schoolwear Association have pressed for a delay. I do not advocate a delay as such, because parents should have protection as soon as is practical, but a phased introduction, as suggested by my noble friend Lady Lister, would allow parents to make full use of existing uniforms and allow them and suppliers to plan properly for the introduction of new ones.

Statutory guidance is required, and we have no wish to see the Bill delayed. I look forward to assisting in it reaching the statute book by the end of the current Session, which we now understand means the end of next month.

12.17 pm

**The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con):** My Lords, I thank the noble Baroness, Lady Lister of Burtersett, for introducing this Bill and all noble Lords for their contributions today. I also congratulate the honourable Member for Weaver Vale for getting this Bill through the other place unscathed.

The Government encourage schools to have a uniform because of how it can contribute to the ethos of a school and create a common identity among pupils. As many noble Lords have said, it is a social leveller. I must therefore disagree with the noble Earl, Lord Clancarty. I happened to be out on the street when the Grey Coat Hospital secondary school was dispersing, and you just could not tell who was from what background because they were all in that distinctive grey uniform.

The Bill will reinforce the role of school uniform while reducing the cost to parents, which is a key point that the noble Baroness, Lady Bull, outlined. I know that noble Lords will want to know the intended contents of the statutory guidance and I take this opportunity to set out our proposed approach.



In relation to branded items, which have been the topic of much debate, the Government's current non-statutory guidance advises that schools should keep such branded items of uniform to a minimum, as multiple branded items can significantly increase costs for parents. We plan to maintain this approach in the statutory guidance and specify additionally that their use should be limited to low-cost or long-lasting items. The guidance will provide information to schools about ways in which they can achieve the benefits of a branded item while keeping the cost to parents low. As the noble Lord, Lord Clark, said, this might involve the use of sew-on or iron-on logos, among other approaches, which was also mentioned by my noble friend Lady Gardner.

By taking this approach, we will set a clear expectation that schools should not overuse branded items—I agree with my predecessor, as the noble Lord, Lord Watson, outlined, that this should not be a barrier to access to the best schools for disadvantaged children—while allowing schools to take sensible decisions based on their own individual circumstances. I have become aware, for instance, that some multi-academy trusts, such as Outwood Grange, which have a number of schools across a number of towns, have taken the decision to have the same uniform across all schools in their trust, thereby driving down the price of branded items for parents. In addition, Outwood provides students their first set of uniform for free, to further support parents with the cost of school uniform.

I will address the issue of sole-supplier arrangements, which many noble Lords, including the noble Lord, Lord Randall, raised. The department's current non-statutory guidance recommends that schools avoid exclusive sole-supplier contracts unless a regular competitive tendering process is run, to secure best value for money for parents. To address the point made by the noble Lord, Lord Watson, and the noble Baroness, Lady Wheatcroft, trusts which have done this have been able to secure value, including commitments to avoid excessive price rises. It also helps with the point about stock across the year, which was also made. We intend to maintain this approach in the statutory guidance, while providing further information for schools on how to tender well, which will ensure that there is competition and transparency within schools' supply arrangements. This approach will not punish good suppliers: their emphasis on quality and value for money will be rewarded as standards across the industry improve; nor will it diminish the value that sole suppliers are able to offer in terms of ensuring year-round supply, allowing the supplier to provide a full range of sizes and securing economies of scale.

The noble Lord, Lord Hain, referred to the situation in Wales. The Government's approach is not to subsidise what can be overpriced uniform. The situation in England is more varied and the statutory guidance will be appropriate for parents and families in England.

Many noble Lords raised the issue of second-hand uniform. I reassure the noble Baroness, Lady Garden, that statutory guidance will cover the provision of second-hand uniform, which can play a valuable role—an essential role, actually—in keeping the costs of school uniform reasonable for all parents. I would like every

school to ensure that arrangements are in place so that second-hand school uniform is available for parents. It was pleasing to hear the examples from the right reverend Prelate of the bespoke second-hand shops and initiatives in the north-east.

My noble friend Lord Trenchard spoke about VAT. Clothing for under-14s is already exempt from VAT, at a cost of around £2 billion a year. There are no plans to extend the VAT exemption to older children. I note with interest the comments of my noble friend Lord Moynihan about the use of technology and the emergence of online second-hand shops.

The right reverend Prelate the Bishop of Durham raised ethical issues. We want schools to give high priority to cost considerations and value for money, but that does not prevent them taking account of other issues which are important in their local context, such as ethical sourcing. There is a waste resources action plan out of Defra, working with the supermarkets, which many noble Lords have said is where a lot of families get their non-branded items, and there is a voluntary agreement at the moment, called the sustainable clothing action plan, which the Government are supporting.

The noble Lords, Lord Storey and Lord Bourne, the right reverend Prelate and the noble Baroness, Lady Bull, mentioned independent schools. In choosing an independent school, parents are making that choice in terms of paying the fees, and school uniform costs are something that they need to take into consideration. I take on board the point made by the noble Baroness in relation to scholarship children, and when I next meet the Independent Schools Council, I will raise this issue of scholarship students.

The noble Baroness, Lady Bull, and others made reference to the behaviour policy and the bullying that can take place. Of course, behaviour and any exclusion decisions are for the school and the governing body, but that is part of Ofsted's inspection regime so, in that respect, it would be monitored. As for what happens if a parent has a concern about the cost of school uniform, or a complaint, that is to be made directly to the school and is not a matter we intend putting under Ofsted's purview. If the parent is not happy with the result of complaining to the school, they can come to the department about it. We understand that sometimes, when schools change leadership and there is a new head teacher, et cetera, there can be a change in uniform policy but, of course, there should be consultation in relation to that. Under the statutory guidance, they must have regard to that, including the cost of school uniforms.

In response to the noble Baroness, Lady Garden, hospital schools will not be within the purview of the Bill because we feel they are in a unique situation and it would be inappropriate to bind them in that way.

Many noble Lords are eager to know when the statutory guidance will come into effect so that parents can benefit from it. I share this view, but we need to ensure that schools can implement changes in a timely and considered manner, to prevent parents incurring additional costs from short-notice policy changes, and particularly having to waste uniform already purchased. Subject to Royal Assent and appropriate stakeholder

[BARONESS BERRIDGE] engagement, I would like to be in a position to issue the guidance this autumn. While schools will not be required to make sudden changes to their uniform policy in September, we expect schools to start thinking about the changes they need to make once the guidance is issued. I reassure the noble Baroness, Lady Lister, that we will set out clearly in the statutory guidance when we expect schools to implement the requirements.

I say to my noble friend Lord Blencathra that the passage of the Bill thus far has generated valuable and considered debate, and the Government have been keen to take into account the views raised in Parliament in developing the statutory guidance. I reassure noble Lords that, as I have done today, the Government will continue to clearly set out our position on school uniform and the content of the statutory guidance for the House during the legislative process—that is a matter of public record. I commit to sharing a copy of the draft statutory guidance so that noble Lords can have sight of it. I assure all noble Lords that we will continue to engage with them and with key stakeholders before we finalise the guidance, to ensure that it will be fit for purpose. This includes representatives of schools, parents and other interested parties, such as the Children's Society and the Schoolwear Association, whose members, to reassure the noble Lord, Lord Moynihan, supply uniforms both on the high street and online.

The noble Baroness, Lady Lister, and the noble Lord, Lord Lucas, raised valuable points regarding future revisions of the statutory guidance. I reassure noble Lords that, should the guidance be revised significantly in future, the Department for Education will assess the economic impact of changes and undertake similar stakeholder engagement. Obviously, I am happy to meet my noble friend Lord Blencathra to, I hope, assuage his concerns. There is no intention here to bypass parliamentary scrutiny and I hope that by agreeing to share the draft statutory guidance I have allayed his fears, but we may have to explore, in that meeting, whether having regulations, when something like this probably needs to be amended quite frequently, is actually the best use of the important role that Parliament has in scrutinising this.

The Bill, as noble Lords have outlined, will help families across the country who may be struggling to afford school uniform. The Government support the Bill and ask noble Lords to agree with the noble Baroness, Lady Lister, and resist the temptation to table amendments: I urge noble Lords to support her in that.

12.27 pm

**Baroness Lister of Burtsett (Lab) [V]:** My Lords, I am very grateful to noble Lords for their kind words and for, in virtually every case, I think, their strong support for the Bill. I am grateful to the Minister, who responded so ably to everything that was said that I do not need to do so—I am conscious of time and of other Bills waiting to be debated. I will simply emphasise, as a number of noble Lords did, the importance of speed, both in terms of getting the Bill on the statute book and then getting the guidance out for this autumn, so that a phased introduction of statutory guidance can take place.

As a number of noble Lords said, we are in a situation where there is dire child poverty. Poverty is growing and families are under ever greater pressure, so the Bill is even more important than when it was first introduced in the House of Commons. With that, I look forward to reading in *Hansard* the very constructive comments that noble Lords have made.

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

12.30 pm

*Sitting suspended.*

## Arrangement of Business

### *Announcement*

12.34 pm

**The Deputy Speaker (Baroness Henig) (Lab):** My Lords, the Hybrid Sitting of the House will now resume. I ask Members to respect social distancing.

## British Library Board (Power to Borrow) Bill

### *Second Reading*

12.35 pm

*Moved by Lord Vaizey of Didcot*

That the Bill be now read a second time.

**Lord Vaizey of Didcot (Con):** My Lords, I do not propose to detain your Lordships long. This is a very simple Bill that has been entrusted to me, which runs to the full extent of two clauses. Before I move to the Bill, I refer to my register of interests, including my work for the Authors' Licensing and Collecting Society.

This Bill has come from the other place, where it was ably stewarded by Bim Afolami MP. Without wishing to turn this into an Oscars speech, I briefly express my gratitude to Rob Field of the British Library for his help in preparing my remarks as well as to Cheryl Shorter and Mark Hicks at what we must now refer to at length as the Department for Digital, Culture, Media and Sport.

I am very much looking forward to the speeches from noble Lords, in particular from the noble Baroness, Lady Blackstone, who was for many years the chair of the British Library when I was a simple junior Minister sitting at her feet, and from my newly ennobled and very old noble friend Lord Hannan, who 30 years ago used to do my photocopying. I say to him that, if he does not have at least three quotes from Shakespeare referring to reading and libraries in his three-minute speech, I will be extremely disappointed.

As I said, this Bill is extremely uncontroversial. Its two clauses simply repeal a provision in the British Library Act 1972—the noble Lord, Lord Cormack, who is also due to speak, was there when it was going through Parliament—which prevents the British Library from borrowing. I am told by officials at DCMS that the reason why the provision was included in the 1972 Act is lost in the mists of time, despite their archaeological work—the noble Lord may be able to shed light on that.

This Bill will put the British Library in the same position as the rest of our national museums. I was lucky enough as Minister for Culture to push forward granting greater freedoms to our national museums. That included the power to borrow and to spend from their reserves and other flexibilities. I was certainly not around at the time—although, again, the noble Lord, Lord Cormack, will recall it—but it is hard to believe that 40 or 50 years ago our museums were treated as subsets of government departments, with huge restrictions. I am pleased to say that, whatever one's view of different Governments, more and more freedoms have been granted to our museums and they have flourished as a result.

This simple Bill will allow the great British Library to have the same level of freedom as its counterparts. Once the Bill is passed, it will be able to borrow from a Treasury pot of £60 million that is made available annually and has so far been used by seven museums. It is important to stress—I do not think that any of your Lordships would take this view, but it was raised at Second Reading in the other place—that this is not a Trojan horse or some Machiavellian scheme by the Government to allow the British Library to borrow money so that they can cut its grant in future. It simply provides the flexibility and freedom enjoyed by all our other national museums.

I do not want to pre-empt any of the remarks of the noble Baroness, Lady Blackstone, but it is safe to say that the British Library is a jewel in our cultural crown. I am pleased to say that it still receives a generous grant from the Government of almost £100 million, but it also generates almost £20 million in commercial income. It provides free access for the public to its treasures gallery and free access for registered readers to its famous reading room. Its treasures go on tour around the country; I remember visiting the Lindisfarne Gospels in County Durham. They will be going on tour again to Newcastle next year and George Eliot's *Middlemarch* is going to Coventry, our future capital of culture. It has 150 million physical items, which include 31 million books, almost a million titles, 350,000 manuscripts, almost 5 million maps and 1.5 million music scores. It adds 3 million more items every year; it has 625 kilometres of shelf space and adds 12 kilometres every year.

In this climate of levelling-up, it is also worth remembering that the British Library has a magnificent 42-acre site in Boston Spa in Yorkshire, which employs 550 people and where 70% of its collection is kept. Also, in this digital age, it is worth remembering that 5 million people a year look at items from the British Library online, 5 million people visit its website and 10 million teachers use its learning resources. When I was Culture Minister, I was very pleased to put through Parliament the non-print legal deposit regulations—an inelegant name for an important piece of legislation that has allowed the British Library to start collecting digital items. It now has 7.5 million e-books, 13 billion web items and 1.5 petabytes of data, which is apparently equivalent to 10 billion digital photos.

I am glad that the Government's support for the British Library continues. In the last Budget, they awarded £13 million to the British Library to support its business

and IP centres—again, this is a very important innovation which I think happened when the noble Baroness, Lady Blackstone, was chair of the British Library—which work with 20 regional and 90 local libraries to support businesses, and 12,000 businesses have taken advantage of this. The majority of those businesses are actually run by women; a third of them are run by people from BAME backgrounds and a fifth of them by people with disabilities. I was also delighted to learn that the National Lottery Heritage Fund has made £25 million available to the British Library to set up a new library in Leeds. The future of the British Library is bright indeed under the able leadership of Dame Carol Black and Roly Keating.

Since I have the Floor for just a few minutes, may I make two general policy points? I am obviously enjoying this moment of pretending that I am a Minister once again. First, I ask my noble friend who is in fact the Minister: could the Government look at the public lending right again? It seems to me such an easy win to increase the funding available for the public lending right. You can call me sad, but I was rereading my late father's speeches in the House of Lords from when the public lending right was first introduced. We talk often in this place at the moment about freelancers. Authors are the ultimate freelancers, and for a very small amount of money the Government could make a great and dramatic impact on the lives of many authors.

Secondly, I also reveal to the House my complete obsession with museum storage. The Boston Spa site—already a fantastic resource for the British Library and the country—could be made even better if the Government leaned in with the British Library on the digitisation of print items, because that is the way the world is going. It could turn into a fantastic regional resource in Yorkshire with the right amount of investment and imagination.

With those two free hits afforded to me by being able to steward the Bill through this place, I make my points and beg to move.

12.43 pm

**Baroness Blackstone (Ind Lab):** My Lords, I was indeed the chair of the board of the British Library, so I declare that as an interest. Indeed, I was in the role in 2013 when the Chancellor of the Exchequer announced a four-year pilot package granting a number of freedoms, including the freedom to borrow, to the national museums and galleries following a report by Neil Mendoza—now the noble Lord, Lord Mendoza—which recommended these freedoms. As we have heard, they became permanent in 2015.

I am not sure that the noble Lord, Lord Vaizey, ever sat at my feet; I think I actually sat at his when he was a Minister. I thank him very much for bringing into the House this Private Member's Bill following the completion of its initial stages in the other place, where it received cross-party support. The exclusion of the BL in 2013 was, in my view, an anomaly, so I am really delighted that this is now rectified in this Bill by a small amendment to the British Library Act 1972. I am confident that it will have the same cross-party support here as it had in the other place.



[BARONESS BLACKSTONE]

I am very grateful for all the positive things the noble Lord, Lord Vaizey, said about the BL, because he had more time; I have only three minutes. It is a great national institution. It is one of the largest and most influential national libraries in the world. Its vast collections are international, and through digitisation it is working to make some of its truly valuable collections, including rare manuscripts, available to readers around the world. It has made a start, but the amount of further work to be done is daunting.

I want to say just a bit about what it does in the UK. It runs a fantastic exhibition programme, which in recent years has ranged from a celebration of the 800th anniversary of Magna Carta—which the noble Lord, Lord Cormack, will remember well—to Harry Potter. Its many exhibitions, small and large, have attracted thousands of visitors to the BL beyond its readers, who use the library and its collections to have the resources they need to carry out research.

The BL has also been innovative in spreading its services beyond the base at St Pancras through a network of business and intellectual property centres, as the noble Lord, Lord Vaizey, mentioned. These provide invaluable advice for those wishing to start a small business, so as such it is a great aid to entrepreneurial drive in this country. As the noble Lord, Lord Vaizey, mentioned, it is also developing an ambitious plan to develop British Library North, working with Leeds City Council and others to open and expand its base in Yorkshire as well as a new site in Leeds.

Giving the BL the power through the Bill to borrow, whether from the Government—who have a pool from which the national museums and galleries can borrow for agreed projects—or commercially, will allow the BL to introduce further innovations which it may not be able to fund from its grant in aid. These might include efficiency improvements to its estate, upgrading digital systems, which are so vital, or developing and expanding commercial products and services. Of course, it will be up to the library to make the case for such projects. I strongly commend the Bill and hope it will go through unamended.

12.47 pm

**Lord Cormack (Con):** My Lords, it is a very real privilege to follow the noble Baroness, Lady Blackstone. She was a very distinguished chairman of the British Library and did much to enhance it, and we are all in her debt.

I regard my noble friend Lord Vaizey with a degree of affectionate envy today, because I have the Bill that has languished at the top of the list from our ballot last year and is never going to be debated in this House unless I draw a high place in the next ballot. But he has done a service in bringing this Bill before us.

I am by nature against anomalies and for flexibility, and the Bill does away with a quite extraordinary anomaly. When you look at all our other great museums and galleries, it is right that this, one of the greatest institutions of its kind in the world—if not the greatest library in the world—should enjoy these simple benefits, not least because it is itself a marvellous lender. I speak with very real experience, because I was responsible for organising

a couple of major exhibitions in Lincoln in 2015 to commemorate Magna Carta and in 2017 to commemorate the great Battle of Lincoln. We borrowed a number of our most significant things, including the Luttrell Psalter in the first exhibition. I had nothing but help from Claire Brey, who heads up medieval manuscripts, and her colleagues, and I pay tribute to them. Those who are lenders should be able to be borrowers too—and, of course, they do with their own exhibitions.

My noble friend is right that I was present when the original Act went through in another place. However, I am very sad that our noble friend Lord Eccles is not able to be here today. His father was very much the godfather of the British Library, and I know that our noble colleague is inordinately proud, and rightly so, of what his father achieved. I shall never forget the great opening ceremony and the series of other ceremonies that followed the opening of the library. Although there were views about its architecture, it has established itself as a quite marvellous institution, and it deserves every possible help from government.

When I look back on my nearly 51 years in Parliament, nothing from an Act of Parliament has been of greater benefit to the people of this country in the cultural sense than the British Library. I am very glad indeed that we have the opportunity to speed this Bill on its way this morning.

12.50 pm

**Lord Janvrin (CB) [V]:** My Lords, it is a huge privilege to follow the noble Lord, Lord Cormack. I refer to my interests as a present member of the board of the British Library. It has been a great pleasure to listen to the noble Baroness, Lady Blackstone, who was such an inspiring chair of the library when I first joined the board.

I certainly support the Bill, which was so eloquently introduced by the noble Lord, Lord Vaizey. As has been said, it corrects a past inconsistency and brings the library into line with other major museums and galleries. The ability to borrow will be a useful additional tool for the British Library board and indeed a very timely one. For these are very exciting times to be on the board of this vital national asset. It is that buzz of being in the right place at the right time. The British Library is certainly about heritage—old books are wonderful things. However, it is also about cutting-edge research, digital and data, encouraging entrepreneurs, supporting communities through the public library network, and global collaboration. It has a key role in our 21st-century knowledge economy.

These are exciting times indeed. However, they are also difficult times. Like everyone, the library has been coping with Covid and the lockdowns, endlessly finding new ways of doing things. I take this opportunity to pay tribute to the dedication and hard work of the staff at every level in rising to meet these unprecedented challenges. However, the light ahead is there. The library is fully engaged in focusing on how it can support this country's post-pandemic recovery and renewal. I commend to the House the library's strategic statement of intent published in October last year, *Living Knowledge for Everyone*. As has been mentioned, we have ambitious plans in London, in our existing



campus at Boston Spa, and in creating a new presence in the centre of Leeds. This is a major programme to create jobs and businesses, to foster innovation and to invest more widely across the country. I take this opportunity to thank the Minister and all her colleagues in DCMS for the support and encouragement the Government are giving to the library in realising those plans.

I end where I began by thanking the noble Lord, Lord Vaizey, a most notable alumnus of DCMS, not only for his two interesting policy points but for sponsoring the Bill, which will give us and the library important flexibility in managing our resources in the years to come.

12.54 pm

**Baroness Bennett of Manor Castle (GP) [V]:** My Lords, this week I had great pleasure in joining Mary Robinson, chair of The Elders, and Nick Merriman of the Horniman Museum, at an event with the UK Committee of the International Council of Museums. Our focus was on museums and libraries as thought leaders in the battle against climate change. Dr Merriman made the point that while they are often thought of as custodians of the past, in fact their key place in our society is as inspirations for the future. As someone who, I should perhaps declare, holds a reader's ticket for the British Library, I have always found it to be that.

Six years ago, I took part in an event inspired by the artist Monica Ross, a recitation of the Universal Declaration of Human Rights in the British Library foyer—a very public exhibition of the importance of rights that, even then, were obviously under threat. It was a case of looking backwards to past success and forwards to the need to defend it. In 2008, the library held an exhibition entitled *Taking Liberties: The Struggle for Britain's Freedoms and Rights*. That was the first public place where I encountered the argument that I have used very regularly since: that universal basic income, guaranteeing the dignity of the right to the essentials of life without the need to rely on charity, was a logical place for human rights doctrine to reach.

That the British Library is a crucial international resource for the nation is a statement of the obvious. It must be properly funded by the nation to ensure that it can keep up its comprehensive collecting remit and an ability to share the riches thus collected. I hope that is an uncontroversial statement, although in the age of continuing privatisation it needs to be said. An idea that was one day radical and way out there, contained only perhaps in a flimsy short-run magazine deposited in the stacks, may one day be a crucial seed that germinates to solve a problem and enrich the national fabric.

The British Library must not be treated as a business, forced to turn, as have our universities, into a competing commercial business taking financial risks. I have to say that talk of commercial projects, as we heard from the noble Baroness, Lady Blackstone, makes me nervous. As we all know, business models have an unfortunate tendency to collapse, and we need to make sure that the library, one of our national foundations, is in no danger of that. With considerable caution, acknowledging

the view taken by the library board, I support the Bill. However, your Lordships' House, all of us as library readers, and the whole nation, need to keep an extremely close eye on the future funding from the centre of our government to the British Library—that other centre of our national life.

12.57 pm

**Lord Eatwell (Lab) [V]:** My Lords, I declare an interest as another former chair of the British Library.

As has been acknowledged already, there is no rational reason why the BL should be excluded from a source of finance that is available to other great public institutions. However, the government scheme itself is questionable. The very essence of a project that is funded by borrowing is that it should earn a return. Hence, borrowing will inevitably push the BL towards a more commercial approach to the provision of its services. Could the Minister explain how that fits with the library's mission statement: to

“make our intellectual heritage accessible to everyone, for research, inspiration and enjoyment”?

In this context, what commercial activities do the Government have in mind, and will the Minister reaffirm the assurance asked for and given by the noble Lord, Lord Vaizey, that government will not consider borrowing in any way as an alternative to the grant in aid?

One of the great success stories of the past 15 years has been the growth of the BL's business and intellectual property sector. As the then chair of the BL board, I opened the first centre in 2006, taking over two reading rooms previously dedicated to access to patents. Now they are fully accessible online. As we have heard, the initiative has spread, with 10 centres opened in London and 15 around the rest of the country, and now there is a plan for further expansion. This business and intellectual property centre national network provides entrepreneurs and SMEs across the UK with free access to databases, market research, journals, directories and reports, backed up with seminars and business advice. The whole package is worth thousands of pounds to a start-up. The result: in the past three years, the network has helped to create 12,000 new businesses. Can the Minister assure the House that the Government will continue to support the BL in building on that remarkable success and continuing to provide these services free of charge?

I make one final point relevant to the role of the BL in the UK's research base. The British Library is in the wrong place in government. As the noble Lord, Lord Janvrin, argued, it is a research institution. It should be working together with the other research institutions that are gathered under UKRI. As chairman, I attempted to move the BL from DCMS to UKRI. The relevant Secretaries of State totally agreed, but we were all foiled by Sir Humphrey at the DCMS—or rather, as was the case at the time, Dame Humphrey—who was anxious to retain the 8% of the DCMS budget that the BL represented. Will the Government now do the right thing: allow the BL to join the nation's research base at UKRI, where it rightly belongs?

1.01 pm

**Lord Holmes of Richmond (Con):** My Lords, it is a pleasure to take part in this debate, and I congratulate my noble friend Lord Vaizey on the excellent way in which introduced the Bill and, indeed, on all the work he did as a DCMS Minister.

Literacy is everything. Just look to our prison population to understand what transpires when we fail people in that respect. When I say literacy, I mean across the sweep, including financial and digital literacy, and I congratulate the British Library on everything it does, understanding the breadth of what we mean when we talk about literacy.

Does the Minister agree that the British Library has such a crucial role to play when it comes to the levelling-up agenda: yes, in its fine building at Boston Spa, yes in the excellent plans for Leeds city centre but, more than that, with its hub and spoke model, which positively impacts people right across the country? When it comes to accessibility, will he confirm that the British Library does everything to attempt to make the collection and the materials accessible to all, not least disabled people? Indeed, when we look to the fabulous business scheme already mentioned by my noble friend Lord Vaizey, it is very positive that almost 20% of those who avail themselves of the business service are disabled people—almost one-fifth, compared to a national average of just 2%. Can my noble friend say some more about some of the opportunities which the British Library will have available to itself through this borrowing which would not be available under the current grant-in-aid arrangements?

In conclusion, the British Library is such an excellent example of our soft power. I believe the Bill would serve it, and through it, us, so very well. The British Library is a vital vehicle for levelling up, literacy and learning, for part of our Covid recovery, helping communities up and down the country, businesses to start and the build back better agenda. The British Library: the word.

1.03 pm

**Lord Berkeley of Knighton (CB) [V]:** My Lords, I, too, support the Bill, and I am very glad that the noble Lord, Lord Vaizey, has picked up the ball rolling our away from the other place. This is my first opportunity to welcome him to our Benches. It is wonderful to have such an enthusiastic and knowledgeable supporter of the arts with us.

I should perhaps declare an interest here, in that the British Library bought from my family the manuscripts of my father, Sir Lennox Berkeley, and we are very happy that they are cared for, expertly catalogued and curated, so I have some experience of dealing with the library from this end, and its expertise is exemplary and admirable. The British Library is a bit like a pulsing octopus, and one of the tentacles extends to Aldeburgh, where my father's letters and papers relating to his work and the life he shared, early on, with Britten have been acquired by the Britten Pears.

Such outreach can be so constructive and inventive. We must not forget that running libraries, galleries or other arts organisations is a business. I would say to the noble Baroness, Lady Bennett, that, having been

on the board of the Royal Opera House and run three festivals, I know that if you do not treat artistic organisations as a business, you are in real trouble. All these institutions, like the BL, need the ability to borrow. To take just a small example of wanting to acquire a rare manuscript, the timeframe may be narrow, and other would-be purchasers may be snapping at the heels of the seller. I take the point made by the Minister in the other place that borrowing from the state is probably the best financial route, but this should not totally exclude commercial borrowing, and I do not think it now will.

I also endorse the plea from the Opposition in the other place that the Bill not be used as a reason for in any way reducing the government grant to the library, and I ask the Minister whether she would endorse the comments of the noble Lord, Lord Vaizey, that Machiavelli is not at work here.

Finally, the library needs to be on an equal footing with, and in a similar position to, other institutions in terms of borrowing. As we have heard, it is only the peculiarities of the 1972 legislation that prevent this, and which this welcome Bill puts right.

1.06 pm

**Lord Hannan of Kingsclere (Con):** My Lords, it is always a great pleasure to follow the noble Lord, Lord Berkeley of Knighton. His works here, like his earlier works, put me in mind of Yeats's phrase about "Burke's great melody".

The next time you are in the vicinity of the British Library, I invite you to stand on the Euston Road and contrast two neighbouring buildings: the high, mute, forbidding walls of the British Library and the soaring, exquisite architecture of St Pancras station next door. I suggest that in that brickwork, we may descry something of the difference between public and private sectors.

I was for a long time a Member of the European Parliament, as were a large number of noble Lords on all sides. In fact, it is rather like Dover in Act V of "King Lear": we have all ended up here, wherever we started. My noble friend Lord Vaizey challenged me to come out with a suitable quotation from our national poet. The obvious one, Polonius on borrowing, is singularly inept to our present debate, but how about Prospero in "The Tempest":

"Me, poor man, my library

Was dukedom large enough?"

That seems apt for a debate about libraries in this Chamber.

Every time I passed through St Pancras station, it had an elevating and ennobling effect. We think of it as a heritage-y kind of building now, but it was cutting-edge in 1867, its roof the largest unsupported structure in the world at the time, a glorious work of wrought iron lattice. And next to it, the state-funded British Library, likened famously by the Prince of Wales to an academy for secret police. Although a case can be made for the spacious and comfortable reading rooms, the exterior, which is what most people see, is about as forbidding as it could be. Being a state-run and state-managed project, we find that a Bill passed in 1972 led to the final opening on that site in 1998, years behind schedule, hundreds of millions of pounds over budget

and with more than 20,000 acknowledged design flaws, one of which was that there was not enough space for the books.

Whenever one makes a criticism of government management of any project, it is always assumed that one is critical of the thing itself. The early 19th-century French economist, Frédéric Bastiat said that whenever we say that education, healthcare or whatever it is should not be run by the government, we are accused of being against education, healthcare or whatever it is. Nothing could be further from the truth in this case. One of the happiest moments that I have spent in recent years was the time, six years ago, when all four surviving original copies of the Great Charter were gathered in one place in the British Library. In fact, I was looking at them with an expression of such awed lust that somebody surreptitiously photographed me and then posted the image on social media with the caption, “If Hannan gets his hands on all four copies of the Magna Carta, will he be like Sauron with the Ring?”.

So it is in a supportive spirit—breaking the consensus, if you like, as the noble Baroness, Lady Bennett, suggested—that I ask whether it is really appropriate in this age for the Government to run a library, any more than it is for a Government to operate an airline, install a telephone or build cars.

1.10 pm

**Lord Stevenson of Balmacara (Lab) [V]:** My Lords, I declare an interest as a former director of the British Film Institute—a body that, in its functions, has many similarities to the British Library; the British Library does for books what the BFI does for film. Indeed, we share an interest in sound and some of the materials supporting films, which often have papers in both places.

Like the British Library, the BFI was organised and supported by the DCMS—previously the Office of Arts and Libraries, or OAL—and what was called our sponsoring department. The noble Lord, Lord Vaizey, said that he could not imagine a less controversial Bill. I support him in that—it is not controversial in today’s terms—but he is entirely wrong to believe that matters were different in the old days when I was the director of the BFI. Indeed, we were treated exactly as he described—as an adjunct to the government department—with all that that implied in terms of headcounts, terms and conditions, staff being restricted, payments and funding. All that was completely controlled and utterly policed by the department; it was done in the best possible sense, of course, although I recall being carpeted on a number of occasions for trying to do—rather presumptively, apparently—what is in the Bill.

The meat of what I want to say regards the museum freedoms listed in the Explanatory Notes. I congratulate the noble Lord, Lord Vaizey, and his colleagues on having been able to get these through government in 2013 and making them permanent in 2015. When I was at the BFI, the idea that we could have no limits on pay awards, have flexibility to be dropped in and out of central procurement, be able to invest the money that we raised ourselves from our great sponsors—J Paul Getty Jr, in particular—and have the ability

to work through different arrangements in relation to expenditure limits and central marketing and advertising was unheard of, it really was. Indeed, we were heavily looked after in that sense. That was not without reason because, in part, we were delivering government policy. Unlike the previous speaker, I think it entirely appropriate that the Government have at their centre a concern and overall responsibility for the way in which culture is delivered and supported and, of course, stored and maintained for future generations in a way that would not happen under the private sector.

This has been a very good debate. We devote little time in this House to cultural issues. This is a wonderful example of an ability to reflect on what the British Library has achieved, what previous generations have done in setting it up and what current generations are doing to make sure that it is fit for purpose in future. I hope that we will be able to do this again. In the spirit of what the noble Baroness, Lady Blackstone, said, I am sure that there is no dissent in the House that this Bill should be allowed to go forward quickly.

1.13 pm

**Baroness Falkner of Margravine (CB):** My Lords, it is a privilege to speak in this debate and support the Bill. I had a small walk-on part with the British Library: I was on the advisory council until December last year while the noble Baroness, Lady Blackstone, was its distinguished chair, with the brilliant Roly Keating as chief executive. I must say, now that I have left it—to chair the EHRC—I look back at how well run the British Library was in the time I was there. I hasten to add that that is not to imply that my other institution, the EHRC, is not fabulously well run, but it was a period when the library grasped innovation with both hands and leapt forward in many ways.

This institution absolutely deserves our wholehearted support but, with the events of the past year, there is a real danger of children and younger people forgetting the import of a physical book. Although the library does great stuff digitally, we must not forget that it is still the place where we can come in off the street, walk into that great building—I rather like the building, I must say—and stand there in awe, looking up at those towering stacks from the old great Reading Room of the British Museum. It is a pleasure to be in that physical space.

However, one of the key points of this Bill is to recognise that the library—in common with its museum peers, which already have the freedom—is an innovative and responsible custodian of public finances. Other museums have used the freedom to develop their commercial offers, borrowing at low rates to invest in income-supporting works that can create a return on their investment and supplement the grant in aid. In 2018-19, the library generated £17.1 million of commercial income, representing growth of 29.5% since 2015-16—the last time for which we have reliable statistics from the pre-Covid era.

I want to end on a point that I think is really significant in terms of the work that the library does. The people who have spoken in this debate may not know that it is a real challenge for hard-to-reach communities to engage with libraries. Children from



[BARONESS FALKNER OF MARGRAVINE]

those communities tend not to engage with libraries and instead go straight into digital; even then, they tend to learn in other ways. Adults and businesspeople do not realise that the British Library has a fabulous centre for entrepreneurship and IP. Over the past several years, the library has done an enormous amount of outreach work in those communities. I hope that, if the borrowing capacity for it in the Bill is approved, it will be able to progress that work, especially on its levelling-up agenda, and reach out to those communities and bring them into itself—our national library—but also other libraries across our country.

1.16 pm

**Lord Moylan (Con):** My Lords, I congratulate my noble friend Lord Vaizey and all the others who have brought this Bill thus far. I support it, but I want to put it in the context of our recent fiscal history.

It was Gordon Brown, when Chancellor of the Exchequer, who sought to increase the Government's spending power through the great Ponzi scheme of forcing capital expenditure off the government balance sheet and on to the books of quasi-governmental bodies that could ill bear it. The effect was that the bodies required to take on their own debt found themselves paying a much higher rate of interest than they would have done had the Government been the borrower—understandably so, because their credit rating was much lower. We still live with the hospitals and other cherished institutions that were burdened by that debt, the cost of which is far higher than it need have been. In some ways, this Bill is the last knockings of that process. To the British Library board, it is an anomaly that it is denied a freedom granted to other museums and great collections. Perhaps we should be asking, rather, to whose benefit those other institutions were given the power in the first place.

None the less, given where we are, this is not a bad Bill. On the face of it, it does not oblige the British Library to borrow and, in practice—despite, if I may say so, the comments of the noble Baroness, Lady Blackstone—it is likely to borrow only from the Government, for which bank would lend to it? Although its land and, in my view, very fine building—by Colin St John Wilson—are valued in the books at more than £500 million, they are in effect worthless as collateral. It is hardly likely that the Government would allow the national collection of books and manuscripts to be seized by a bank to redeem a defaulted loan—although if they did, it would be the jumble sale of the century.

For all that, should one oppose this modest Bill? I think not. The British Library is held in such high regard that it would be like depriving a revered aunt of her favourite sherry. I shall not use my vote to refuse her that tittle—but let us hope that it does not go to her head.

1.19 pm

**Lord Thomas of Gresford (LD) [V]:** My Lords, I too declare an interest as an ordinary member of the British Library for some years. I welcome this Bill, which will put an end to the anomaly that no one can explain: the British Library being the only one of the

16 arm's-length bodies sponsored by DCMS which does not have the capacity to borrow. The strategic review of 2017 revealed that its then grant in aid of £93.9 million was larger than any of the other institutions', but at the same time it was the only one that did not have any income from commercial activities. The noble Lord, Lord Vaizey, said that it now generates £21 million.

The grant in aid amounted to nearly 80% of the library's total income, as opposed to the British Museum, whose grant in aid amounted to 45.5%. Some 17.4% of the British Museum's income comes from commercial activities. I echo the concern of the noble Lord, Lord Eatwell, and others—that the new flexibility does not mean that loans should replace rather than supplement grant in aid.

I had the experience of publishing a book covering the history of the relationship between the Prince Regent and his estranged wife, Princess Caroline of Brunswick and their daughter, Princess Charlotte of Wales. I cannot overemphasise the importance of the wealth of books and documents of the period contained in our national institutions: the National Archives, the national libraries of Scotland and Wales, and of course, the British Library. Equally important are the sources kept all over the country by county archives. I spent some 17 years researching and writing my book and the trail took me from the Royal Library at Windsor to every part of the country. The British Library was a central source and its facilities at St Pancras are excellent, as is the careful and valuable assistance of the staff.

I am delighted to hear about the plans for Boston Spa and Leeds from the noble Lord, Lord Janvrin, but I am afraid that I do not share the awed lust of the noble Lord, Lord Hannan, for St Pancras station. But of course, as the noble Baroness, Lady Blackstone, pointed out, we are entering a new era in which the digitisation of books and other sources widens the scope of research by making it possible to read books and papers online. I spent part of yesterday, in connection with my current project, reading at home online an eyewitness account of the Battle of Navarino in 1829. I did not have to travel to St Pancras to do that.

The digitisation of newspapers is also critical. There are commercial organisations which do that. The National Library of Wales has a long-standing project to digitise Welsh newspapers stretching back to the 18th century. It would be impossible to pinpoint eyewitness accounts of significant events without such facilities and, in particular, their search engines, which take the researcher to the relevant page and article in an ocean of newsprint.

A problem that has come to the fore is that communication today by electronic means results in a lack of written record. Those careful letters which our parents and grandparents wrote have nearly disappeared. The answer may be for hard drives to be handed over to our libraries under the regulations to which the noble Lord, Lord Vaizey, referred, but who is going to separate the trivialities from the important records? Another function of the British Library is the putting on of many events and workshops to draw youngsters in to the joys of reading. I have in the past wished that my grandchildren were close enough to London to participate in these events.



The British Library underpins public libraries and local libraries nationwide, but there are many challenges still to be addressed. The loosening of the financial constraints imposed by the British Library Act 1972 will enable funds to be released, and I am sure they will be utilised for the benefit of historians and writers in all parts of this country. Lastly, as your Lordships might expect, I am entirely a supporter of public lending rights.

1.24 pm

**Lord Bassam of Brighton (Lab) [V]:** My Lords, I declare my interests as a trustee of Brighton's wonderful Royal Pavilion and Museums Trust, which now runs our museums and the Royal Pavilion service, and as a co-chair of the People's History Museum in Manchester, which houses an important national collection. I congratulate the noble Lord, Lord Vaizey, on his tour de force of British Library statistics in the form of facts, figures and general info. It was a wonderful introduction to this very uncontroversial Bill.

It has taken just under a year for the Bill to clear its Commons stages and make it to your Lordships' House today, so I would guess that the journey to further financial freedoms and the ability to borrow has been stretched out. But given the long history of progress towards this point, from the original Act in 1972, I suppose we should be pleased at that. We hope that our considerations will be swifter, allowing the change the Bill proposes on to the statute book before the end of the Session.

This is a short but important Bill. As other colleagues have noted, it implements a key recommendation of the Mendoza review of national museums: to bring the rights of the British Library into line with the 15 DCMS-sponsored national museums, and to enable it to borrow money both privately and from the Government. The British Library, as we have heard from all the speakers in the debate, is a proud British institution with bases in London and in Boston Spa, in Yorkshire. We also of course support the development that is to take place in Leeds, creating a big northern presence and contributing towards the levelling-up agenda.

As well as allowing access to books and reading rooms, the British Library hosts a range of exhibitions, runs school visits and has a large outreach programme, all of which we support. While many people think of the British Library as being London-centric, as the noble Lord, Lord Vaizey, commented, its Boston Spa site hosts some 70% of the entire collection, as well as offering public reading room facilities. It also supports around 600 local jobs, which has no small economic impact. The institution undertakes important partnership work with libraries across the UK, as well as working internationally. As an exemplar of soft power, I can think of nothing better. Also, with its range of digitalisation and preservation of professional exchange initiatives, it leads in its field. After a year of the Covid-19 pandemic limiting its earning potential, the ambition to expand further and the ability to access funds from other sources are arguably more important than ever.

I share some of the concerns raised by the noble Lord, Lord Eatwell, about the potential corrupting impact of it being taken further into the commercial

world of borrowing, but my and my party's primary concern is that we did not receive an assurance from the Minister in another place that the British Library's ability to borrow money will not become a justification for the Government reducing grant funding further. I hope that the Minister can reassure us on that point. With that, I give this Bill our party's blessing.

1.28 pm

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, I thank my noble friend Lord Vaizey for bringing forward this Bill, which was successfully taken through the other place by my honourable friend Bim Afolami, the Member for Hitchin and Harpenden. I would also like to thank Dame Carol Black for the time she has given me in preparing for today's debate. The Bill has had no amendments and enjoys government support.

I also thank all noble Lords who have taken part in this debate. As the noble Lord, Lord Bassam, just said, it is a short but important Bill that seeks to bring the British Library in line with its peers. As we have heard, the British Library Act 1972 created a vital new national institution—even if my noble friend Lord Hannan does not admire the architecture—but this same legislation is preventing the library from potentially accessing an opportunity to support its future.

As we have heard in the speeches of noble Lords, this is an institution that has touched all our lives. My last visit was made with my noble friend Lord Cormack to see the history of writing exhibition and the remarkable Leonardo da Vinci notebooks. When I ran a charity, it was my favourite place for meetings when we could not afford to hire meeting rooms, because of the excellent business centre and even better tea room, so I am a huge personal fan.

In the 21st century, we expect our national cultural institutions to be more self-governing and financially independent. That is exactly what the operational freedoms introduced for our national museums and galleries in 2013—which the noble Lord, Lord Stevenson, acknowledged were particularly helpful—help them to be. The British Library enjoys all these freedoms except one: the power to borrow. This Bill will remove the legislative barrier that prevents the British Library having the same freedom to borrow that its fellow national museums and galleries already enjoy.

I will comment on some of the points raised by noble Lords. My noble friend Lord Vaizey raised the public lending right. This is something that we work on with the British Library annually and is determined at the spending review. Over 22,000 authors benefit from public lending right payments and the rate per loan has increased by 58% since 2010-11.

A number of noble Lords, including the noble Baroness, Lady Bennett, and the noble Lords, Lord Eatwell, Lord Thomas of Gresford, Lord Berkeley of Knighton and Lord Bassam of Brighton, questioned the relationship between the powers to borrow that the Bill would give the British Library and its access to grant in aid. The two are separate; I reassure the noble Lord, Lord Bassam, of that.

[BARONESS BARRAN]

Questions were raised about our funding for national museums, and I am grateful to the noble Lord, Lord Berkeley of Knighton, for his eloquent exposition on the merits of having a commercial element. I know that the noble Lord, Lord Janvrin, would feel the same in relation to philanthropy. The Government remain committed to supporting our world-class national museums and galleries, which make such a rich contribution to our society and economy, and are implementing the recommendations of the Mendoza review and the range of funding sources that it identified.

The noble Lord, Lord Eatwell, questioned whether the British Library should sit within the DCMS or elsewhere in government. He is right that it plays a critical role in research, but we heard from other noble Lords about its strengths in many other areas. The commitment I make is that, while it stays in the DCMS, we will endeavour to do everything in our power to make sure that it continues to be the extraordinary success that it is today.

My noble friend Lord Holmes asked me to reflect on the British Library's role in levelling up. I agree entirely with him that it has an important part to play. We remain fully supportive of all its efforts on accessibility for those with disabilities. He gave a good example with the business and IP centres. Use of a grant-in-aid loan, should it be successful in applying for one, lies with the board. Other major institutions have used those loans for commercial ventures and digital expansion.

My noble friend Lord Hannan questioned the ability of the Government and publicly funded bodies to deliver on time and to budget. I remind him that, since the delivery of the St Pancras site, the British Library has successfully delivered multiple high-profile capital projects—closing Colindale and building a new national newspaper building in Boston Spa and a new additional storage building—on time and to budget.

The noble Baroness, Lady Falkner, raised the important issue of bringing books into the lives of children as quickly and as early as possible. I remind her of the exhibition “Marvellous and Mischievous: Literature's Young Rebels”, and the hugely successful Harry Potter exhibitions. My noble friend Lord Moylan worried about sherry going to the head of the British Library board with this new power. As he will understand very well, there is a strong governance framework, which we hope will avoid any overindulgence in the sherry department.

The British Library's ambitions are genuinely national in scale, and I join my noble friend Lord Vaizey in recognising the work of the noble Baroness, Lady Blackstone, and her leadership in this area. As we heard, last year's Budget allocated £13 million to expand the libraries network of business and IP centres in public libraries to 20 regional and 90 local centres across England, reaching more entrepreneurs in more communities than ever before. Those centres providing business advice have recently responded very swiftly to need. The “Reset. Restart” programme, launched in October, is designed specifically to help businesses respond to and recover from the impacts of Covid-19. As the noble Lord, Lord Janvrin, said, we welcome

that combination of great cultural depth and expertise and entrepreneurial and business relevance, which the British Library demonstrates so ably.

As we recover from the economic effects of the pandemic, this flexibility and innovation will be even more important, particularly for all our cultural institutions as they attract visitors again. I do not have three Shakespeare quotes for my noble friend but I have one from Cicero:

“If you have a garden and a library, you have everything you need.”

I am sure we can all agree with that. It is only fair that the British Library should have access to the same opportunities that its peers do to help it thrive in future. I welcome the House's support for this Bill.

1.37 pm

**Lord Vaizey of Didcot (Con):** My Lords, I am often asked how I am enjoying being a new Member of your Lordships' House, and when I consider the quality of this afternoon's debate, which included two former chairmen of the British Library, one current board member, one Paralympian gold medallist, one composer and numerous elected officials, is it any wonder that it is a pleasure and a privilege to be a Member of this great House? There were many distinguished contributions and I do not propose to dwell on them, because they have been ably responded to by my noble friend the Minister.

However, I acknowledge the noble Lord, Lord Eatwell, a distinguished former chairman and, until his recent retirement, the longest-serving master of an Oxbridge college, Queens' College, Cambridge, the alma mater of my late father. His interesting point about UKRI is a rabbit hole into which I could gladly disappear, discussing the place of museums in the Whitehall pantheon. It is very important to remember that museums—I include the British Library—have many different functions. They are not simply visitor attractions and exhibition spaces. They contribute now to cutting-edge research, whether it is the Science Museum, the Natural History Museum or the British Library. The other element that came out in many of the speeches, which I had not mentioned in my opening remarks, is the international role that the British Library plays. When I was a Minister, the British Library was doing some very important work with the Qataris.

I cannot finish without rising, although I know I should not, to the wonderfully provocative speech from my noble friend Lord Hannan. I shall defend the late, great architect Colin St John Wilson, who described the building of the British Library as a 30-year war. My noble friend will be delighted to know that the rather inauspicious site on which the British Library sits was a compromise; the original proposal was to demolish half of Bloomsbury. Wilson had to fight with Whitehall bureaucrats for the budget, and of course our great Prime Minister Margaret Thatcher, a woman I hugely admire, cut his budget in half, which might explain some of my noble friend's concerns. I hesitate to draw from his view of the British Library that all public architecture is bad and all private architecture is brilliant. I advise him to take a walking tour with me through the City of London to see some of the monstrosities that private developers have put up.

The other reason why I love being a Member of your Lordships' House was demonstrated in today's debate, which ran the spectrum from the noble Baroness, Lady Bennett, saying that on no account must the British Library pursue any commercial activities, to my noble friend Lord Hannan saying that the British Library should be privatised tomorrow. Of course, we could privatise the British Library; that is a choice, just as we could privatise the British Army and use our defence budget to hire Russian mercenaries to defend us in our hour of need. Politics is about choices and, although I am a Conservative, I still very much believe in the public realm.

I return to my opening remarks: the British Library is a cultural jewel in our public realm, and I commend the Bill to the House.

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

1.41 pm

*Sitting suspended.*

## Arrangement of Business Announcement

1.45 pm

**The Deputy Speaker (Lord Faulkner of Worcester) (Lab):** My Lords, the Hybrid Sitting of the House will now resume. I ask Members to respect social distancing.

## Education and Training (Welfare of Children) Bill Second Reading

1.45 pm

*Moved by Baroness Blower*

That the Bill be now read a second time.

**Baroness Blower (Lab) [V]:** My Lords, this is a brief, straightforward and technical Bill, but none the less important. Its purpose is simple and clear: it would extend the duty to safeguard and provide for the welfare of children to all providers of publicly funded post-16 education and training in England. All such providers would be required to follow relevant statutory guidance issued by the Department for Education, the current guidance being *Keeping Children Safe in Education*.

I pay tribute to Mary Kelly Foy, the Member for the City of Durham, for her work on this Bill in another place, in particular for its arrival in this House unamended. I welcome the fact that the Bill has cross-party and, importantly, government support.

As noble Lords may know, the landscape for 16 to 19 education is broad and varied. This has given rise to inconsistencies in the ways in which duties are placed on institutions and providers in this area. While there is an existing duty on local authorities which maintain schools, sixth forms and further education establishments to ensure that safeguarding obtains and child welfare is promoted, that duty does not extend in the same way to 16 to 19 academies, which, perhaps inexplicably, in law are neither schools nor colleges; nor does it extend to specialist post-16 institutions or independent learning providers.

The Bill would ensure that wherever 16 to 19 education is provided and accessed, the requirements as to safeguarding and the promotion of welfare would be the same. This lack of requirements expressed in a clear fashion needs to be remedied for all 16 to 19 education—of course, no more so than for those with complex special educational needs attending specialist post-16 institutions. Bringing specialist post-16 institutions and independent learning providers, as well as 16 to 19 academies, into line with other publicly funded 16 to 19 provision would create clarity and fairness. This is important for students themselves and, of course, for parents and carers on behalf of young people.

Clause 1 would amend the Education Act 2002 to extend the safeguarding duty to 16 to 19 academies, specialist post-16 institutions and independent learning providers, which provide further education where financial assistance—public money—is given for the provision of further education. This duty would be provided for in the funding agreements made with the Secretary of State.

It is envisaged that new T-levels will develop over the next two years. Of course, this is a work in progress at present. Many in your Lordships' House have in-depth experience of education and will, I am sure, follow this development with interest. The development of T-levels, as envisaged, will see many more providers coming into the area. Therefore, it is critical that, if this expansion is to happen, it must be done with all appropriate safeguarding measures in place. Clause 2 extends the safeguarding duty to providers of education and training associated with T-levels or approved technical qualifications and to approved apprenticeship providers by amending the Apprenticeships, Skills, Children and Learning Act 2009 to ensure that funding agreements require compliance with safeguarding. With young people beginning to get back on track properly with their education, this is the time to deal with this gap in the law and ensure that any young person who moves into 16 to 19 provision anywhere in England finds themselves in an establishment in which the safeguarding duty is clear and explicit and in which their welfare is promoted.

In conclusion, I echo the words of my noble friend Lady Lister of Burtersett: I urge noble Lords to hold their usual enthusiasm for amendment in check in order to speed the passage of the Bill. I am sure that we will all agree that safeguarding and the welfare of children and young people are of central importance. The Bill will help to ensure that all 16 to 19 year-olds have the same safeguards and protections under the law.

Finally, I thank the Minister for meeting me at short notice to discuss the Bill; it was a most helpful meeting. I beg to move.

1.51 pm

**Baroness McIntosh of Pickering (Con):** My Lords, I am delighted to support the Bill, and I take this opportunity to congratulate the noble Baroness, Lady Blower, on all the work that she has done in preparing it. I also congratulate the honourable Member who introduced the Bill in the other place. I also welcome the Minister to her position, and I look forward to hearing her remarks in summing up.



[BARONESS McINTOSH OF PICKERING]

I believe that the Bill addresses a very clear existing loophole in the law, and I imagine all noble Lords would wish to see this fulfilled. I will ask one specific question that arises out of the Bill and the opening remarks of the noble Baroness, Lady Blower. Could it be confirmed whether it is indeed the case that when a child or student in the 16 to 19 year-old age bracket—as with others—is stated as a student with special needs, the money will follow the statement and the provision will go to the provider of the education to ensure that that student receives the special educational attention that they deserve?

I will take this opportunity to solicit support in relation to another loophole in an earlier age group and indeed all age groups through to 18 to 21 years old that we have identified in the Domestic Abuse Bill. I speak as a vice-president of the National Association of Child Contact Centres and a co-chairman of the All-Party Parliamentary Group on Child Contact Centres and Services. It seems strange that local authorities are obviously obliged to check out whether, and make sure that, the appropriate arrangements for safeguarding, training and other issues of awareness are in place before a nursery or a childminder provision is allowed to open. Apparently, that is not currently the case with child contact centres. In precisely the same way as the noble Baroness, Lady Blower, has done the House a great service in highlighting the issues before us in the Bill, I am delighted to say that Amendment 21 to the Domestic Abuse Bill, in the name of the noble Baroness, Lady Finlay, has been carried by the House. I hope that it will engage support from all noble Lords and the other place when it proceeds there.

However, in addition to that loophole, a further one is before us today. I place the highest possible emphasis on safeguarding duties to be in place for every possible provision in education, particularly in the further education provision to 16 to 19 year-old pupils. I commend the Bill and am delighted to support it.

1.54 pm

**Lord Addington (LD):** My Lords, this is one of those odd Bills where, when you look at it, you think, “You mean you actually need this? We missed this as we went through?”. I have probably been here too long and become cynical, but I said, “Right, what is the horror story behind this? What has gone wrong?”. Apparently, nothing has. This may be more by luck than by judgment, but nothing has gone wrong, so I commend everyone involved in this for taking action before they absolutely had to, because we are far too often very reactive.

I hope that, if we see something like this, all of us will bring it to attention and that the Government will respond in the same way. Everyone involved in this should take some credit for this: the noble Baroness, Lady Blower, the people who did this in the House of Commons and those involved going forward.

When she sums up, can the Minister—or the noble Baroness, Lady Blower, whichever is more appropriate—give us a bit of an idea about how it came to be and was spotted. That would be helpful going forward. Looking down at education, especially further education,

and when you look through this and some of the changes that have taken place, it is understandable that it happened. However, the fact that we went through this without something going badly wrong does not mean to say that we will get away with it next time. Responsibility and being able to have an overview will be very important.

Further education is a very complicated area that spills into both secondary and higher education and connects in odd ways. This should have been done in the first place. I congratulate all those involved on seeing this and changing it, and I congratulate the Government on not fighting it but helping it get through. However, please can we have an overview of the process of finding this and what we will do to make sure that other oversights like this do not occur in the future?

Having said those rather grumpy and petulant words, I hope that the Bill gets through quickly because it is clearly needed.

1.57 pm

**Lord Blunkett (Lab) [V]:** I also congratulate my honourable friend the Member of Parliament for the City of Durham on this, and I congratulate my noble friend Lady Blower on carrying it forward in this House. I can shed a little light for the noble Lord, Lord Addington, on the fact that changes, particularly the introduction of academisation, introduced new ways of delivering services, including those for 16 to 19 year-olds, that had not previously been dealt with in Acts that provided the safeguarding that we are talking about today.

I can be blissfully brief because I will just put on record that I agree with the noble Baroness, Lady Finlay, and with what the noble Baroness, Lady McIntosh, said. I have two things, not for my noble friend to address but perhaps for the Minister to reflect on. First, I suggest moving very quickly on the issue of protection for young people of this age in relation to sporting facilities, which everyone is very well aware of. Secondly, there is an area that still needs to be addressed: looked-after children, or those in care, who, between the ages of 16 and 19, are moved into semi-autonomous facilities, in which they have semi-independent living but where norms of supervision, protection and safeguarding still do not exist. I hope that it will be possible for us to come back very quickly to these important issues in order to close further loopholes and ensure, as we always do, that we do not have a day zero but that we build and stand on the shoulders of those who came before us.

1.59 pm

**Baroness D’Souza (CB) [V]:** My Lords, I too wholly support the Bill and congratulate the noble Baroness, Lady Blower, on bringing it forward. There is now widespread consensus that children have been and are among the groups worst affected by the pandemic. While welcoming the generous provision that the Government have made for continuing free school meals and other child welfare schemes, there are remaining concerns. The huge number of distinct projects, actors and specific funds in this field—for example, several local and central government departments, NGOs and

schools—indicate a scattered approach to a continuing problem. Is it not now time to introduce a long-term coherent strategy to improve children’s welfare?

There are, of course, important initiatives, such as the National Food Strategy, the Marcus Rashford Child Food Poverty Task Force, the Food Foundation and the Children First Alliance, to name a few. However, given the funding available, the national concern and the fact that children remain especially vulnerable, a strong, accountable political voice is needed. That could be best achieved by appointing a Cabinet-level Minister for Children. Historically the Department for Education, the current responsible ministry, had a wider remit as the Department for Children, Families and Schools under previous Administrations. Today, the Department for Education has a Secretary of State, two Ministers of State—for universities and school standards respectively—and three parliamentary under-secretaries covering children and families, apprenticeships and skills, and the school system. A Cabinet Minister would pursue what needs to be done politically to ensure co-ordination and coherence around food, education, mental health and poverty programmes across government.

Specifically, a senior Minister would have the political weight to do the following: review where there is continuing need, including among older children, and what projects have proved most cost effective in meeting those needs; embrace the many diverse ideas, schemes and policies to arrive at a single, coherent strategy, such as has been achieved in New Zealand; and ensure a close working relationship with and between key players to include the Children’s Commissioner. The need is urgent, and the responsibility for children’s welfare across many different government departments risks losing the opportunity that we now have to use the funds to the best possible effect. A true voice for children at the heart of government is something that HMG might consider seriously and expeditiously.

2.02 pm

**Baroness Massey of Darwen (Lab) [V]:** My Lords, I am pleased to support this Bill. I have a few comments on the issues that it throws up in relation to welfare for children. The aim of the Bill is clear and was well described by my noble friend Lady Blower, and I congratulate her. Crucially, it is about extending safeguarding the welfare of children to all providers of publicly funded education and training in England. The Bill is supported by many previous conventions, laws and practices. Safeguarding and promotion of welfare is defined in the articles of the UN Convention on the Rights of the Child, ratified by the UK in December 1991. A child is defined there as a person under 18.

I thank the House of Lords Library for its excellent notes on the Bill and for helpfully recalling the statutory guidance in January this year from the DfE and the DfE guidance of July 2018 around interagency working to safeguard and promote the welfare of children. It is worth noting that the guidance makes it very clear that:

“Nothing is more important than children’s welfare ... We want a system that responds to the needs and interests of children and families and not the other way around.”

It is clear also that local authorities working in partnership with other organisations have

“specific duties to safeguard and promote the welfare of all children in their area”,

as set out in the important Children Acts 1989 and 2004. The Children and Social Work Act 2017 places specific

“new duties on key agencies in a local area ... the police, clinical commissioning groups and the local authority are under a duty to make arrangements to work together, and with other partners locally, to safeguard and promote the welfare of all children in their area.”

That includes a child-centred approach, with early interventions and information, taking account of the needs and views of the child, assessing disabled children and their carers, children in need and secure youth establishments.

All this reflects an understanding that a holistic view of children, and holistic interventions for them, are essential. The Bill follows a similar view of partnership working, which would also cover independent providers. I therefore very much welcome it.

Given the agreement that the approach to children should be wide-reaching and holistic, with responsibilities shared across a number of agencies, does it not make sense for the Government to create a Cabinet post with responsibility for children, as suggested by the noble Baroness, Lady D’Souza? This question is being asked more and more, not just by me and colleagues in your Lordships’ House but by MPs and the children’s voluntary sector. Are the Government listening?

2.05 pm

**Lord Young of Norwood Green (Lab) [V]:** My Lords, I declare an interest as an apprenticeships ambassador, and certainly welcome this Bill. I congratulate the MP for the City of Durham and my noble friend Lady Blower on her comprehensive introduction. I have only one concern, which is the reference in the Bill to a simplified safeguarding system. If only that were true. I think that independent providers who do not have school systems to draw on will find this quite a challenge. Safeguarding is a bit of an industry because it is so complex and there are constant training needs.

If the safeguarding is to include topics such as county lines, FGM and, presumably, Protect, I hope that someone in government is thinking about how this can be simplified, because it is certainly not simple in schools and, every year, the Department for Education updates its safeguarding guidance. This academic year has been spectacularly difficult because schools did all the usual updates and rewrites in September and then, in January, discovered that it had to be done again because of Brexit, as the legal basis for the policies had changed. I hope the Minister will recognise this problem and undertake to look at the complexity of current guidance.

Nevertheless, like everyone else, I welcome the Bill, which addresses an important gap and ensures that, wherever young people are in the education system, they are protected.

2.07 pm

**Baroness Bennett of Manor Castle (GP) [V]:** My Lords, it is a pleasure to take part in this debate following the clear and informative introduction from the noble Baroness, Lady Blower, and the noble Lord, Lord Young of Norwood Green, who made important points about resource needs, which I shall seek to build on.

I shall, however, be fairly brief, because some of what I might have said has already been covered. It has been noticeable in the past few months that the number of invitations landing in my inbox referring to apprenticeships and other post-school training has leapt significantly, some of which I have been pleased to be able to take up. The term “lifelong learning”, long central to Green educational philosophy, has come to increasing prominence.

As the mover of the Bill in the other place said, it corrects an anomaly in the law by ending an unintentional oversight that meant that young people attending 16 to 19 academies, special post-16 institutions and independent learning providers were not protected in the same way as they would be at a school or further education college. I can only wholeheartedly endorse that intention but, following on from the previous speaker, I note that funding for this sector of education, which offers young people and adults who may not have had the same positive experiences in schools an additional and potentially life-changing opportunity, is clearly inadequate. To deliver on what is contained in this Bill, and for many other reasons, further education should be funded on an equal basis with other sectors.

As a former school governor, I am very aware of how many resources safeguarding issues can demand of educational institutions. That experience was in a primary school but, of course, the challenges faced by all young people can present similar issues and resource demands. The funding model should reflect and support the enormous social and economic benefits that accrue from lifelong learning and should not be focused purely on vocational skills—those that can be narrowly commercialised. Lifelong learning is also about being a good citizen, a member of a healthy family; it is about enriching lives and not just turning out servants of “the economy”. Of course, that requires proper safeguarding, and I welcome the steps in this Bill to ensure that. I wish it fast passage.

2.09 pm

**Lord Watson of Invergowrie (Lab):** My Lords, this is an important piece of legislation, because it concerns the welfare of children and young people. We fully support its aim of closing a loophole in safeguarding duties for post-16 academies and independent providers. We also welcome that the Government are solidly behind it, as set out clearly by the Minister, Gillian Keegan, in another place—a position that I have no doubt the Minister will emphasise today.

It is perhaps surprising not just that a loophole exists but that it went unnoticed for so long, a point alluded to by the noble Lord, Lord Addington. Great credit is due to the honourable Member for the City of Durham, Mary Kelly Foy, for her awareness of the issue and for seizing the initiative to fill the gap. It would

have been preferable had it been undertaken by government, but I accept that that would have been difficult; after all, there has not been an education Bill of any sort since the Technical and Further Education Act 2017. Perhaps the upcoming Queen’s Speech will bring that barren spell to a close—we shall see. I commend my noble friend Lady Blower for taking up the mantle as this Bill makes its way through your Lordships’ House. She brings a wealth of experience in education to the task and she spoke with passion on behalf of the young people who come within the reach of the Bill at a crucial, perhaps even vulnerable, point in their lives: the bridge between childhood and adulthood.

Although there exists a statutory duty on schools, sixth forms and FE colleges to ensure that they safeguard and promote the welfare of the young people who are their students, this does not apply to 16 to 19 academies or independent training providers. These providers do have safeguarding requirements as a condition of the funding they receive but, for some reason, legal safeguarding duties do not apply in the same way as for an FE college or school—perhaps the Minister can say how that came about.

The statutory guidance that will be developed to cover all providers will introduce long-overdue consistency. It is more by luck than good judgment that the fact that not all students and apprentices have hitherto been provided with the same level of safeguarding has not been exposed and tested until now. It barely needs stating that parents, too, must have confidence that the education and training providers in whose care their children are placed afford an appropriate level of safeguarding and are clear about their responsibilities to these young people.

So much has changed since the Bill was launched a year ago, but one thing that has not is the enduring importance of apprenticeships and skills, particularly for 16 to 19 year-olds, who will form the workforce of the future. The Government’s White Paper launched in January had much to say about that agenda, putting colleges at the heart of post-16 skills. T-levels have come in for much criticism but I hope they are allowed to develop and play their role in enabling some redress in the imbalance between the so-called technical and academic routes open to young people pondering their career prospects. Though set in an educational environment, T-levels have a work focus and a link to developing skills.

It is essential that the working and studying environments that these young people enter offer safeguarding levels that are consistent, no matter whether the tuition is delivered by further education providers or independent learning providers. I say “young people” but, in many cases, they are children. I echo the point made by my noble friend Lady Massey of Darwen and the noble Baroness, Lady D’Souza: the Government really should consider whether children are adequately represented at Cabinet level. The call for the creation of a Cabinet post is something to which I hope the Minister will give a positive response in respect of the question from my noble friend Lady Massey.

There is every reason to believe that the Bill will achieve the consistency that many noble Lords referred to today. I hope the Minister is able to confirm that the



amendments required to the guidance on keeping children safe in education will be swiftly introduced, so that the uncertainty that the Bill has highlighted will become a thing of the past.

2.15 pm

**The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con):** My Lords, I am grateful to all those who have contributed to this debate today and pay particular tribute to the noble Baroness, Lady Blower, for sponsoring the Bill, and to the honourable Member for the City of Durham. It was a pleasure to meet the noble Baroness and I thank her for her efforts in developing the Bill and leading it successfully through this place. The importance we all place on safeguarding is underlined by the cross-party support and collaboration which has characterised, and I hope will continue to characterise, the passage of the Bill so far.

I am particularly grateful to the noble Lord, Lord Blunkett, for raising the importance of protective measures for young people in a sports context. The distressing reports we have seen this week highlight yet again how vital it is to have an effective, transparent and relevant safeguarding regime. As the Minister responsible for out-of-school settings, I will look at these matters in detail. The noble Lord also raised the issue of children in supported accommodation. Where a child cannot live at home, it is one of the state's most important responsibilities to ensure that they are kept safe and flourish. That is why local authorities have a duty to provide services to safeguard and promote the welfare of children in their area. The situations he refers to concern accommodation, rather than education, but I am sure he is aware that we are banning, as of this September, the use of that accommodation for under-16s, and there will be a consultation on national minimum standards for those over 16 accommodated in that way.

The Bill will help streamline and simplify the current safeguarding system. It will give clarity on safeguarding to providers, students, apprentices and parents, making it easier to understand the protections that are in place. It will make the Secretary of State for Education directly accountable for ensuring that the terms of funding for post-16 education and training providers include safeguarding duties, further demonstrating the Government's commitment to safeguarding. The Bill will ensure that safeguarding duties on providers of post-16 education or training will in future come from one of two sources: from the statute or the funding agreement with the Secretary of State. All providers must have regard to the statutory guidance, *Keeping Children Safe in Education*.

Our post-16 education and training landscape is diverse. It has evolved over time, as the noble Lord, Lord Blunkett, outlined, to respond to our diverse education and training needs, but within this diversity a potential anomaly has been identified which might give rise to some confusion over safeguarding duties. It is important that I take this opportunity to reassure the House that all children in post-16 education and training are currently protected by safeguarding arrangements; I can reassure the noble Lord, Lord Watson, in particular.

However, there has been complexity over the origin of those duties and, in safeguarding, it should be simple and clear. So, for example, the safeguarding duties at the moment for providers of T-levels or training to apprentices aged 17 and below are determined by the statutory regime applicable to that provider type and through funding agreements. In contrast, safeguarding arrangements in 16 to 19 academies are a condition of funding agreements.

The specific obligations in these funding agreements will differ according to when the agreements were entered into. Inconsistencies in these obligations make safeguarding more complex for providers than it needs to be, and this will increase the risk of things going wrong. The origin of the safeguarding duties was raised by those providers. It is an attempt to future-proof: if it is the Secretary of State's obligation to put it in a funding agreement, it matters not what kind of provider evolves in the future; it must be within the funding agreement.

On the question raised by the noble Baroness, Lady McIntosh, there is no change here to the funding of special educational needs placements; we have just brought into scope the specialist 16 to 19 providers. It will apply to any provider in the 16 to 19 sector where there is a contract and it is funded through the ESFA, which is basically public funding. The Bill will also ensure that the same safeguarding obligations that currently apply to schools are clearly placed on academy trusts in the 16 to 19 sector.

The Bill makes clear that all providers should have regard to the statutory guidance. To answer the noble Lord, Lord Young, there are annual updates to the guidance, but one year they will be technical updates and the following year substantive updates. It is unfortunate that, during Covid, we were in the process of doing the round of substantive updates, because the threats for children in education evolve and develop at pace. We now include specific sections on peer-to-peer abuse, on child exploitation, on county lines and so on. Unfortunately, the guidance needs to be looked at annually but, as I said, it is substantive one year and technical the next. However, having one set of guidance will make it simpler for providers to know what their duties are.

On the question raised by the noble Baronesses, Lady D'Souza and Lady Massey, the Secretary of State for Education is responsible for driving forward the policy on families and has appointed a specific adviser. We recognise that there is more to do on cross-government co-ordination but, to answer the noble Baroness, Lady D'Souza, in the Department for Education we have a mental health strategy task force group that is led by the Minister for Children and the Minister for Universities, Ministers Ford and Donelan.

The post-16 education and training provider landscape is diverse, but the safeguarding duty should be clear and universal. The changes in this Bill are important but technical. A provider which is already fulfilling its safeguarding duty would not need to make any practical changes. This Bill should not lead to any additional costs or burdens on education or training providers—in fact, quite the opposite.

[BARONESS BERRIDGE]

The Government are pleased to be able to support this Bill. It simplifies the current system and clarifies the duties and obligations on education and training providers. Ultimately, its overwhelming purpose is to keep children safe in education.

2.20 pm

**Baroness Blower (Lab) [V]:** My Lords, I thank the noble Baroness for her very full responses to all the points raised in the debate and for the commitment she has demonstrated to safeguarding. It is of course true that safeguarding provisions existed but, as I and other noble Lords mentioned, they were inconsistent because of the piecemeal development in post-16 education. With the passage of this Bill, we will have a much more coherent position. I say to the noble Lord, Lord Addington, that it was not so much missed as that things just grew. However, now we will be able to put things on a much more consistent, coherent and clear footing.

I genuinely hope the Minister is right that this will be much easier for all providers to work with and that it will not require any further resources, since none appears to be forthcoming, but it will be important to keep this under review. As my noble friend Lord Young said, there are significant complexities, but we hope that the purpose of this Bill will be fulfilled and it will make everything easier to manage, so that we can ensure that all young people in 16 to 19 provision, wherever they are, are properly safeguarded and their welfare is promoted and supported.

My thanks go to all noble Lords who participated in this debate. I particularly thank my noble friend Lord Watson for his support. I beg to move.

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

2.22 pm

*Sitting suspended.*

## Arrangement of Business

### *Announcement*

2.40 pm

**The Deputy Speaker (Lord Bates) (Con):** My Lords, the Hybrid Sitting of the House will now resume. I ask Members to respect social distancing.

## Forensic Science Regulator Bill

### *Second Reading*

2.41 pm

*Moved by Lord Kennedy of Southwark*

That the Bill be now read a second time.

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I pay tribute to my honourable friend the Member for Bristol North West, Mr Darren Jones, for his success in the Private Member's Bill ballot and for skilfully navigating his Bill through the other place. I was delighted when he asked me to sponsor the Bill in this

House and I hope, with the help of noble Lords, to navigate the Bill on to the statute book in the remaining weeks of this Session of Parliament. It has cross-party support and government support, so I hope that will help with its progress.

The purpose of the Bill is quite simple: it gives the Forensic Science Regulator the statutory powers to undertake its work. I hope that we all agree that the work of the regulator is vital for the proper functioning of our criminal justice system. It is vital for victims, defendants and members of the public so that victims and defendants get the justice they deserve and that the public can have the confidence that the forensic evidence presented in court is of a quality and standard to deliver that justice.

The situation at present has several problems and failures, and the Bill is a first step in seeking to address those by enabling the regulator to enforce effective standards. Forensic science is constantly evolving and includes an ever-growing list of disciplines such as drug and toxicology analysis, ballistics and firearms analysis, fingerprint and footprint analysis, DNA extraction and comparison, crime scene examination, document examination, computer forensics and physical anthropology. We need experts to undertake the work necessary in a way that is accurate, reliable, unambiguous, clear, and straightforward.

The regulator's report last year contained a passage that sets out why the Bill is so necessary. The passage reads:

"Courts should not have to judge whether this expert or that expert is 'better', but rather there should be a clear explanation of the scientific basis and data from which conclusions are drawn, and any relevant limitations. All forensic science must be conducted by competent forensic scientists, according to scientifically valid methods and be transparently reported, making very clear the limits of knowledge and/or methodology."

If that is not the case then the risks are serious and devastating to people: the exoneration of the guilty and the imprisonment of the innocent. Both those scenarios are not only a failure to deliver justice but also miscarriages of justice. We get failures of process and of procedure through shortfalls in skills, in training, in expertise and funding. That not only risks isolated miscarriages of justice but puts the integrity of the whole system in jeopardy. This is a profession where robust, enforceable mandatory quality standards must be in place for the providers of forensic science services, along with an oversight regime with the independence and resources to do the job effectively and give confidence to the public.

The office of the Forensic Science Regulator was established in 2007, tasked with delivering standards, ensuring the quality of the providers and processes, assessing the soundness of the scientific techniques and monitoring the competence of the individuals carrying them out. But, in its present form, the regulator can only encourage, support and request that providers and police forces, which undertake a range of forensic science activities in-house, seek accreditation. Here is the problem that this Bill is seeking to deal with: the office of the Forensic Science Regulator cannot compel compliance, as it operates a voluntary model of regulation. Therefore, in its present form, it lacks the power to enforce compliance and deliver change where necessary.

The case for statutory powers is one that the Government have been committed to for several years. Committees of both this House and the other place have called for the Forensic Science Regulator to be given statutory powers. The Science and Technology Committee of the other place said last year that

“the Regulator—now more than ever—needs statutory powers.”

The Science and Technology Committee of this noble House said last year that

“It is hard to understand why ... the Forensic Science Regulator still lacks powers they need ... The Forensic Science industry is in trouble; such action is now urgent.”

The Home Office commissioned a review of the provision of forensic science, which identified a growing perception of the risk of unsafe forensic evidence, which should worry all noble Lords in this debate. Some noble Lords may question whether statutory powers are really needed—can it not be effective using the powers it already has? In response, I draw noble Lords’ attention to the fact that the powers presently in place have been there since 2007, and that the conclusion of the regulator itself, the Government, committees of both Houses of Parliament and others is that the voluntary processes have not been successful in delivering the consistency of standards that is necessary. After nearly 14 years, statutory enforcement powers are now needed. Where the regulator has introduced codes of practice and they have not been followed, it has no powers to enforce compliance.

Let us be clear: some of these codes of practice have been in co-ordination with the Home Office, but that makes no difference either. It is unacceptable for this important part of our criminal justice system to be in this condition—weak and unable to deliver the change, standards and enforcement necessary.

Look at violent sexual crimes. We are all aware of and horrified by how low the conviction rates are. These cases often rely on DNA evidence, which is often critical to the prosecution’s case. We must have processes and procedures in place that ensure that, no matter where the detailed scientific work is undertaken, the risk of contamination of the sample is minimised. But, if one looks at the regulator’s report in 2016, it highlights the problem of DNA swabs being compromised through unrelated case handling. That is why we have to move the regulator on to a statutory footing.

The public expect the highest standards and a regime in place to enforce them. We owe it to the victims of crime to deliver those standards and to those accused of crimes that, whether they are guilty or innocent, if the evidence presented against them involves forensic evidence, it has been prepared to the highest standards to deliver justice. This Bill does not fix all the problems, but it is a step in the right direction. I look forward to the debate that will follow and I beg to move.

2.49 pm

**The Earl of Lindsay (Con) [V]:** My Lords, I thank the noble Lord, Lord Kennedy of Southwark, for introducing the Bill, which I warmly welcome as an important step in ensuring the quality, consistency and integrity of our forensic sciences across England and Wales.

The Forensic Science Regulator—FSR—has been calling for statutory powers for many years to ensure that, through its codes of practice, there is a level playing field within the forensic science sector in respect of quality. Experience has shown that it can often take statutory powers to ensure that this is achieved. For example, the statutory requirements in the Accreditation of Forensic Service Providers Regulations 2018 for fingerprints and DNA have resulted in a significant increase in the levels of accreditation, as opposed to other forensic activities, such as digital forensics, where no such requirement exists. It is therefore imperative for the sake of our criminal justice system that the Forensic Science Regulator is granted the statutory powers contained within the Bill to ensure that quality and impartiality are enshrined throughout forensic science.

At this point, I should declare an interest as the chair of the UK’s national accreditation body—UKAS. It is the sole national body recognised by the Government for the accreditation of organisations against nationally or internationally recognised standards. UKAS has worked with the Forensic Science Regulator since the role was created. The FSR sees accreditation as being an essential part of the regulatory framework to ensure technical competence and consistency across the mixed economy that now exists for the provision of forensic science services.

Many of the FSR codes of practice and conduct therefore include this need for forensic service providers and police forces to be accredited to the relevant international standards by specified deadlines. However, as noted by the noble Lord, Lord Kennedy, without the statutory powers included in the Bill, many providers have lacked the incentive to meet the regulator’s deadlines, and many of these deadlines have subsequently been missed. This has resulted in an uneven patchwork of accredited and non-accredited forensic services, with the inevitable consequence that the quality of service provision across the forensics landscape will be inconsistent.

In its most recent annual report published in January, the regulator noted how the adoption of quality standards underpinned by accreditation in areas such as fingerprint comparison has resulted in a number of significant improvements, including evidence of the competence of experts, the generation of validation studies, improved note-taking and the introduction of quality assurance mechanisms.

In conclusion, by further empowering the regulator, this legislation will drive a culture of continuous improvement and a commitment to quality, competence and impartiality across forensic science provision. I therefore look forward to supporting the Bill throughout its remaining stages.

2.52 pm

**Lord Patel (CB) [V]:** My Lords, I am pleased to support the Bill and congratulate the noble Lord, Lord Kennedy of Southwark, on bringing it to the House and the brilliant way in which he introduced it. I also congratulate the Minister, the noble Baroness, Lady Williams of Trafford. I know she has been trying hard to get such legislation on the statute book. The noble Baroness and her officials had several meetings with



[LORD PATEL]

me and other noble Lords in late 2019, and there was a government intention to bring forward similar legislation to the Bill today, but events overtook her plans.

I accept that the Bill before us goes a long way to putting the Forensic Science Regulator's role on the statute book, and the powers given to the regulator go a significant way to improving the delivery of proper guidance in relation to the use of forensic science in the criminal justice system, but serious gaps remain. The Science and Technology Committee which I chair identified several areas which need attention. The Bill today is a missed opportunity for the Government to address other issues in relation to forensic science and its use in the criminal justice system. The quality and delivery of forensic science in England and Wales are inadequate. In March 2019, the regulator issued a warning in a report in relation to funding and governance.

Currently, the regulator works 3.75 days a week. Is the regulator expected to be a full-time role, and what would the annual budget be? Is it expected that, as the role expands, the Home Office will increase the budget accordingly? Is the Minister able to say what role the Home Office and the Ministry of Justice will play in the governance of the forensic science service to the criminal justice system? Currently there is a lack of leadership.

What role will the regulator have in addressing the increasingly dysfunctional market of provision of forensic services? How will the statutory powers of the regulator help bolster the quality of forensic science? Research and development in forensic science is underresourced and lacks co-ordination. The UK used to be regarded as the world leader in forensic science technologies and innovation; we are now regarded as a place where not to look. Once such example is digital forensics; I hope the noble Baroness, Lady Young, may have more to say on that subject.

Today, the Second Reading of a Private Member's Bill, is not the time to explore with the Minister the wider and important issues relating to the provision of forensic services in England and Wales. I hope that we will have that opportunity soon. However, I also hope that the statutory powers that the Bill gives to the Forensic Science Regulator will enable us to address the long-standing, deep-rooted challenges that need to be met if the provision of forensic science in this country is once again to be world leading. In conclusion, I support the Bill and wish it a speedy passage.

2.55 pm

**Baroness Young of Old Scone (Lab) [V]:** My Lords, I was a member of the Science and Technology Committee that the noble Lord, Lord Patel, chaired so well. That called for a statutory basis for the Forensic Science Regulator, along with many other previous reports, so I too support this long-overdue Bill and the sanctioning powers that it gives the statutory regulator. I thank my noble friend Lord Kennedy for sponsoring it. However, as the noble Lord, Lord Patel, said, the Bill is not enough. I will touch on two issues.

Our report outlined dangerous flaws in the forensic science market: the instability of larger providers, the patchiness in availability of specialists and niche providers, and the lack of a strategic overview of future skills and

staff requirements. Although a specialist team was set up within the Forensic Capability Network to manage and develop the market, it tended to focus on procurement co-ordination rather than broader market issues, so there is still a major challenge for the forensic science market.

In their response to our Science and Technology Committee report, the Government undertook to

“study other models of regulation”

but we have not yet seen the results of any such studies. The Government recognised that there is a

“strong relationship between price and quality”

and market stability and that there is

“an argument to be made for specific market regulation”.

There are plenty of other examples of regulators which consider both quality and market stability: the Care Quality Commission, which I chaired, in the care sector; Ofwat in the water sector; and Ofgem in the energy sector, to name but a few. I hope that the Government can be persuaded to give this combined role to the new statutory Forensic Science Regulator once that position is established.

The noble Lord, Lord Patel, highlighted an issue in another area where the Forensic Science Service is still struggling considerably: digital forensics. Police forensics budgets continue to be under pressure, yet the demand for digital evidence and the complexity of its requirements continue to grow. There is an urgent need for enhanced artificial intelligence and other technological solutions to the analysis of digital evidence in order to prevent the current poor standard of analysis and long delays damaging the criminal justice process and harming people's lives. Although the Transforming Forensics programme has had some impact in this area, much more needs to be done, and the forensic science policy steering group needs to ensure that co-ordinated and funded programmes of R&D are at a scale to tackle and solve this urgent problem of digital forensic analysis. I hope that the new regulator will highlight what needs to be done on this issue in her very first report.

2.59 pm

**Baroness Harris of Richmond (LD) [V]:** My Lords, I, too, thank the noble Lord, Lord Kennedy of Southwark, for bringing forward this Private Member's Bill and for introducing it to the House. I agree with everything he has said. On 6 December 2013, speaking in the debate on the then Independent Police Complaints Commission report which was chaired by the noble Lord, Lord Stevens of Kirkwhelpington, I said in *Hansard* that then Forensic Science Service

“was originally run by the Home Office from regional laboratories” which I well remember.

“It then merged into a sort of business arm of government in 2005 in order to make efficiencies and to cut costs. However, police forces were increasingly in-sourcing forensic services. So, by 2010, the Government decided to close the Forensic Science Service and transfer its responsibilities to the NPIA, the former National Policing Improvement Agency, which had been responsible for the forensic procurement to forces until that point. Then the NPIA was disbanded and its responsibilities were transferred to the College of Policing.”—[*Official Report*, 5/12/13; col. 444.]

What a mess. I said at the time that the dispersal of highly trained forensic scientists would mean that they would be lost to the service, and so they were. The result

was and still is that there are different forensic science procedures throughout our 43 police forces. How could a regulator keep up to speed with all that? Private providers filled as many gaps as possible, but clearly not effectively, as we can now see, because they were set up under regional competition rules that were ridiculously complex. Forces were given 13 providers from which to select their preferences. It was a dreadful scheme.

A forensics review was undertaken by the Home Office because key forensic services collapsed in 2018, which resulted in forces having to find other commercial providers as it had become apparent that forensic science was not being delivered effectively. However, the regulator of the service was not given any real powers, as we have heard, to initiate improvements. I said at the time of the report of the independent commission that a voluntary model of regulation would not work, and nor has it. Standards could not be enforced and forensic science was a piecemeal service, which has raised many questions about quality and the analysis of evidence.

The Home Office recognised, when it undertook its review, that there had been serious questions about unsafe forensic evidence in court. The rapid expansion of technology, as has been mentioned, has now made it imperative for the regulator to have the teeth needed to see that the forensic science service can be put on to a much safer and more secure footing, hopefully ensuring that there are no more cases that cannot be solved in a timely manner and that we have no more miscarriages of justice. I support the Bill.

### 3.02 pm

**Lord Lilley (Con):** My Lords, I, too, thank the noble Lord, Lord Kennedy, for introducing this Bill, and I agree with virtually everything he had to say. I welcome the Bill not just for what it does, but as the first step in recognising that scientific claims should be subject to challenge and to audit. This is certainly true of forensic science. The courts need to be sure that scientific claims are well-founded and well-based. The pandemic, during which we have constantly been told to follow the science and listen to the scientists, only to find that the scientific advice changes, has shown that there are more general issues where we ought to be looking at the quality of science.

We are taught to believe in scientists with even greater reverence than was accorded to Doctors of the Church in the Middle Ages. However, science does not depend on the authority of scientists, but on how well their theories fit the facts. If those theories cannot be made to fit the facts, they are not true. So it comes as a shock to discover that there is a crisis of replication in science more generally, not only in the sphere of this Bill. Pfizer, for example, could not replicate three-quarters of published studies proposing new drugs. *The Economist* says that there is

“A rule of thumb among biotechnology venture-capitalists ... that half of the studies”

in their area turn out to be true or replicable.

“One biotech firm, Amgen, found that they could replicate just six of 53 ‘landmark’ studies”

in the field of medical science.

The full extent and breadth of the problem, way beyond medicine and forensic science, was shown in an article by John Ioannidis. It is one of the most downloaded studies of all time and has the chilling title, *Why Most Published Research Findings are False*. He concluded that

“for many current scientific fields, claimed research findings may often be simply accurate measures of the prevailing bias”

in that field. That is why I proposed a Bill to establish an office for science quality assessment which would operate under the National Audit Office to audit scientific findings on which public policy is based, whether in the courts or elsewhere. However, I welcome the Bill before us because it shows that in one sphere in particular, such a sceptical, thorough and rigorous attitude is necessary.

### 3.05 pm

**Baroness Goudie (Lab) [V]:** My Lords, this Bill is long overdue. I welcomed the presentation by my noble friend Lord Kennedy, which set out the Bill and left very little to say except that the Bill had been sitting on the shelf for some time during the Cameron and May Governments.

Forensic science is vital in almost every criminal matter. In the other place, Bambos Charalambous MP stressed the importance of ensuring that forensic science standards were met because of the “catastrophic impact” on the criminal justice system if they were not. He said that the powers of the Bill were welcome and “long overdue” but acknowledged that due to

“the substantial cuts and continuing squeeze on police budgets”—  
[*Official Report*, Commons, 25/9/21; col. 1304.]

as well as financial pressures on the private forensic science services sector, it was important that regulation did not place an additional load on the workforce or place financial burdens on small private providers. The extra funding has been in place since early last year. He very much hoped that this will not be cut. This Bill’s remaining stages in the other place took place on 12 March 2021. We must ensure that the Bill goes through this House, giving forensic science all the powers in the Bill, and the funding, and giving extra powers to the regulator, as necessary.

Poor-quality forensic science leads to failed prosecutions and failure to secure justice for victims. Furthermore, this is a STEM subject, and should be on syllabuses, encouraging girls at school to train. At the World Economic Forum, it was recognised that the shortage of forensic scientists is a crisis. The House of Lords Science and Technology Select Committee also recognised this. It is very important that we go out of our way to ensure that there is training and good job retention in the long term.

### 3.07 pm

**Baroness Jones of Moulsecoomb (GP) [V]:** My Lords, it is deeply worrying that parts of the criminal justice system can be so unreliable. It seems to have been widely recognised for quite some time, and accepted, that there were big problems in forensic science and that something had to be done. The coalition consulted on this in 2013. David Cameron’s majority Government said in 2016 that they would develop legislation; Theresa May’s Government were going to support this Private Member’s

[BARONESS JONES OF MOULSECOOMB]

Bill in 2018; and this Government said in 2019 that they would do something about it. Here we are, two years later, and they are delivering on that.

Today is meant to be a celebration of co-operative politics, which I very much support, but at the same time, we cannot ignore the fact that justice has been jeopardised by almost a decade of delay on this issue. We hear of wrongful convictions, but we still assume that forensic science is science following robust procedures, validation, accuracy and testing, and that these scientific results are then fed through the rigorous review of the justice system, of rules of evidence, vigorous challenge by the defence and the burden of proof on the prosecution to convince a jury, all designed to ensure that the guilty are found guilty and that the innocent go free. Yet this Bill, and the cross-party support for it, reveal that this is a false premise. There have been miscarriages of justice because of poor practice in forensic science, so innocent people have been found guilty, and guilty people have gone free.

Other noble Lords have pointed to the fact that even in this Bill there are gaps—for example, the noble Lord, Lord Patel. The noble Baroness, Lady Young of Old Scone, said that the quality of service was patchy. This is extremely worrying as well.

It is a terrifying thought, so I am not content today for us to simply pass this Private Member's Bill and pat ourselves on the back. It is not good enough to just get it right in the future; of course we have to do that, but it is not enough. Will the Minister please tell us how the Government will make good on the injustices that have resulted from the weak links in this system? The Attorney-General and the Director of Public Prosecutions should review cases to ensure that not one single person has been convicted on the basis of faulty forensic evidence. I also want to know what will happen to the people who were perhaps guilty. We need to ensure they are held to account for whatever crime they did. Again, justice depends on the innocent being found innocent and the guilty being found guilty so, please, will we have a review?

3.10 pm

**Lord Oates (LD) [V]:** My Lords, I welcome the Bill and the fact that it has received support from across the House. Before I address the specific issues arising from it, I pay particular tribute to the forensic scientists working in police forces up and down the country, who are almost always grossly under-resourced. Their dedication and commitment, in often difficult circumstances, needs to be recognised.

These circumstances have not been improved by the plethora of changes and reforms to the way in which forensic science services have been organised since 2005. These changes, carried out under Governments of all colours, have left us with a mess, as my noble friend Lady Harris of Richmond set out so clearly. The Bill is an attempt to address part of that mess: the failure to provide the forensic science regulator with the statutory powers it needs to do its job.

It seems extraordinary that the regulator which operates in this most sensitive of areas, where the effectiveness or otherwise of forensic services can

determine whether the innocent are convicted or the guilty go free, has, since it was brought into being, had no statutory powers. It is able to provide only advice and never direction—despite the fact that the former forensic service regulator, Dr Gillian Tully, repeatedly highlighted the need for statutory powers for her office, and that this view was endorsed by committees in this House and the other place. The Bill corrects that important omission and I congratulate Darren Jones in another place and the noble Lord, Lord Kennedy, in this place on introducing it, and the Government on supporting it.

While it is an important step forward, on its own the Bill cannot tackle the many challenges facing forensic science in this country. As the report of your Lordships' Science and Technology Committee noted in May 2019:

“The quality and delivery of forensic science in England and Wales is inadequate.”

This is a major problem because, as the report and other noble Lords also noted, in many criminal cases forensic science evidence is pivotal. The delivery of justice depends on the integrity and accuracy of that evidence, and the trust that society has in it. The report went on to quote what it described as the “stark warning” of the forensic science regulator that

“profound changes to funding and governance are required to ensure that forensic science survives and begins to flourish rather than lurching from crisis to crisis”.

At the heart of the problem is the huge reduction in the money spent on forensic science. Andrew Rennison, a commissioner at the Criminal Cases Review Commission, told your Lordships' committee that in 2008

“there was probably £120 million being spent on forensic science. That is now down to about £50 million or £55 million”

at a time when the demands on forensic science services are greater than ever. This poses an obvious and major risk to the integrity of our criminal justice system.

The lack of statutory powers for the regulator, combined with budget cuts, reorganisation and a huge growth in the need for new services, such as digital evidence, have proven a toxic cocktail. The Bill will tackle one important element of that cocktail but there is much more work for the Government to do to provide effective organisation and resourcing of forensic science. That work needs to be undertaken with urgency so that forensic scientists are provided with the resources to do the job that we ask of them, public trust in forensic science evidence is restored and the justice system is properly served by our forensic science services.

3.14 pm

**Lord Rosser (Lab) [V]:** My Lords, first, I congratulate my noble friend Lord Kennedy of Southwark on his very clear and well-argued explanation of the case for the Bill. The Member for Bristol North West, Darren Jones, clearly made a very good choice in deciding who to ask to sponsor the Bill in this House.

My noble friend made reference to the breadth of disciplines covered by forensic science today, and the importance of all involved in and with the criminal justice system having confidence in the methodology used, evidence given and conclusions reached by forensic



scientists in light of the potentially powerful impact that their findings can have on the outcome of a case. Poor-quality forensics can lead to failed prosecution of criminals and a failure to secure justice for victims. At worst, it could even lead to the conviction of those who are innocent. Worryingly, a Home Office-commissioned review, to which my noble friend referred, identified an increased perception of the risk of unsafe forensic evidence. Hence the importance of an oversight regime that is independent and has the resources, skills, knowledge and powers to ensure that there are not only mandatory quality standards applicable to the providers of forensic science services, but that such standards can be enforced. It is this latter aspect that the Bill is designed to address by putting the existing forensic science regulator post on a statutory basis and giving the regulator powers to enforce a statutory code of practice for forensic science activities relating to the criminal justice system in England and Wales.

The current role of the regulator includes delivering standards and ensuring the quality of providers and processes, but the regulator does not have the power to require compliance with codes of practice, ensure consistency of standards and deliver change, because present regulation operates on a voluntary model basis.

According to a report from our own Science and Technology Committee, the private forensic science market is dominated by three large providers, all of which have experienced some form of instability. The market is also served by a number of smaller private forensic science service providers, some of which employ only one or two people. I share the view of the noble Lord, Lord Patel, that we also need to consider, albeit separately, wider concerns about the state of the forensic science services than are covered by the Bill.

In July 2019, the House of Commons Science and Technology Committee said that the regulator needed statutory powers because of

“an unstable forensics market which has been on the brink of collapse, and the clear need to uphold quality standards across forensic services”.

My noble friend Lord Kennedy of Southwark also referred to the view of our own Science and Technology Committee when it said:

“It is hard to understand why ... the Forensic Science Regulator still lacks powers they need ... The Forensic Science industry is in trouble; such action is now urgent”.

That view was also held by the last regulator, Dr Gillian Tully, who said in her final annual report, published in January:

“Although a last resort, the potential for enforcement action is an important driver for proactive improvement. It will also mean that those who fail to follow robust scientific methodology and the legal requirements on experts can be prevented from continuing to pose a risk to the criminal justice system”.

Previously, the regulator had said that the delay in passing such legislation had

“without doubt resulted in slower progress towards compliance with quality standards, particularly in very small companies and police forces”.

In 2016, the Government said that they would develop proposals to give the forensic science regulator statutory powers. I understand that the Government continue to support this Bill, and I hope they will confirm that in their response today.

3.19 pm

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con) [V]:** My Lords, I start by thanking the noble Lord, Lord Kennedy of Southwark, for bringing forward this Bill and the noble Lord, Lord Patel, for acknowledging our efforts in that regard. I also acknowledge his point about sufficient resourcing. I understand that the regulator’s office will receive £220,000 per year, with any top-ups coming out of Home Office budgets. He and the noble Baroness, Lady Young of Old Scone, also made the point about how much further we could go. That is right, but the Bill is a good step forward and very much meets the golden rule of Private Members’ Bills, which is to keep them simple.

The noble Lord, Lord Oates, and the noble Baroness, Lady Jones of Moulsecoomb, asked why it has taken so long. As the noble Lord, Lord Rosser, said, it was first pledged by the Government in 2016. It had a few rocky experiences and, ultimately, is now back as a Private Member’s Bill. I think it was the Private Member’s Bill in the 2017-19 Session that failed, but I am very glad that it is back here with us today.

As the noble Lord, Lord Kennedy, said, forensic science is one of policing’s most important tools for investigating crime. The prosecution of, for example, county lines crime and violent crimes such as knife crime heavily relies on good-quality forensics, including digital forensics and DNA. It helps us to avoid exoneration of the guilty and, of course, miscarriage of justice to the innocent. To go straight to the point of the noble Baroness, Lady Jones of Moulsecoomb, upholding quality standards in forensic science is therefore vital to confidence in those criminal justice outcomes.

On the point made by the noble Baroness, Lady Harris of Richmond, confidence in the application of the underlying science depends on providers’ adherence to the regulator’s codes of practice, whether they are employed directly by police forces or privately contracted. The Government have therefore committed to putting the regulator on a statutory footing. We want the regulator to act when it has reason to believe that forensic science activities create a substantial risk to the course of justice.

The Bill establishes the regulator as a statutory officeholder. With statutory powers, the regulator would, as a last resort, as the noble Lord, Lord Kennedy, said, be able to issue compliance notices against forensic providers who are failing to meet the required quality standards, and thus protect the criminal justice system. The Bill requires the regulator to publish and keep under review a code of practice covering forensic science activities in England and Wales. The code does not have to provide for every forensic science activity and may make different provisions for different types of activity—for example, depending on whether the process is being performed at a crime scene or in a laboratory.

The Bill also confers on the regulator the power to investigate a forensic science activity to which the regulator’s code of practice applies, if the regulator believes that the activity is being carried out in a way that risks adversely affecting an investigation or impeding or prejudicing the course of justice in England and Wales. It further provides that the regulator may bring

[BARONESS WILLIAMS OF TRAFFORD]  
injunction proceedings to compel a person to comply with a requirement to provide information or documents under the Bill.

The power to investigate is crucial to the regulator's ability effectively to enforce quality standards and adherence to a statutory code of practice. Without this power, the regulator would not be able to identify instances of bad practice or to work with forensic providers to put things right. If the regulator believes that an activity to which the code of practice applies is being carried out in a way that risks adversely affecting an investigation, or impeding or prejudicing the course of justice in England and Wales, it can give the person performing the activity a compliance notice. If that person does not comply, the regulator may bring proceedings for an injunction to secure compliance. The Bill also makes provision for the regulator to prepare and publish guidance or reports on, and provide advice relating to, forensic science activities in England and Wales.

The noble Baroness, Lady Harris of Richmond, talked about the decision to close the Forensic Science Service in 2012. It was closed because, by 2010, it was losing an estimated £2 million a month—and that was taxpayers' money, of course. Although this was not the reason for its closure, there were many forensic science failings in the FSS, which led to multiple case reviews and retesting programmes. That picks up some of the points made by noble Lords. We do not intend to reopen the FSS. We also agree that a voluntary system is not working, hence the Bill before us.

I was asked about the future reform programme in forensic science. Last July, we presented to the Criminal Justice Board plans for reform to deliver strategic oversight and leadership for the future of forensics. Since then, we have set out four key pillars of the forensic science reform programme: police capability; regulation of provision; CJS capability; and research and development. This work is being progressed with the Ministry of Justice, the regulator's office and other stakeholders.

On capabilities, we have invested £28.6 million to accelerate innovation and combat crime across England and Wales. The Forensic Capability Network is providing police forces with specialist support functions. A digital forensic science strategy was published last summer. A workforce strategy has also been developed; this will help to identify the direction of future workforce demands in forensic science.

The Home Office is leading on an objective to increase confidence in the science entering the CJS by supporting the Bill. We have ensured that clauses on data extraction are included through the Police, Crime, Sentencing and Courts Bill; they will clarify the legal basis for data extraction from digital devices with the agreement of the user. Officials in the Ministry of Justice are working to increase the transparency around expert witnesses' credentials and ensure that defendants have equal access to experts. We also aim to identify current and future research and development needs. We have already identified existing funding streams and gathered information on areas of research interest through engagement with stakeholders.

I am very grateful for the cross-party support in the House and the support of the National Police Chiefs' Council for the Bill and these vital measures. Before I close, I want to pay tribute to Dr Gillian Tully, now the former regulator, for her invaluable work while in the role. It is my hope that her successor will be able to benefit from these powers and continue to drive up standards in forensic science in England and Wales.

3.27 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I thank all noble Lords who spoke in this debate. I am delighted to have the support of the noble Earl, Lord Lindsay, with his wide experience—including as chair of UKAS, the national accreditation body for the United Kingdom. I am also pleased to have the support of the distinguished noble Lord, Lord Patel, who has done excellent work as chair of the Science and Technology Committee of your Lordships' House. As the noble Lord told us, we used to be the leader in forensic science services. I believe that this is a step in the right direction for us to regain that place.

My noble friend Lady Young of Old Scone highlighted that there is more to be done, and the Science and Technology Committee of this noble House will have an important role in setting out the way forward and working with the Government to look at those future reforms. The noble Baroness, Lady Harris of Richmond, highlighted the changes that, over time, have contributed to the problems that the service is dealing with today.

I am delighted to have the support of the noble Lord, Lord Lilley, and agree with him that quality and rigour are important. In matters where one's liberty is at stake, we must have the highest quality standards in place. My noble friend Lady Goudie is right that poor forensic science fails victims and fails to deliver justice.

The noble Baroness, Lady Jones of Moulsecoomb, raised the concern that the problems have been known about for many years. I agree that it is disappointing that we have taken so long to get to this place. Now that the issue has been raised, I know that the noble Baroness will ensure that the Government are pressed many more times in the future to urgently address other failures.

I join the noble Lord, Lord Oates, in paying tribute to the work of those in the forensic science services, both those housed within police forces and those in private practice. I also join the noble Baroness, Lady Williams of Trafford, in paying tribute to Dr Gillian Tully, the former regulator, for all her work.

I thank my noble friend Lord Rosser for his support and that of the Official Opposition. He highlighted the widespread support inside and outside Parliament for the reforms that the Bill delivers. I thank the noble Baroness, Lady Williams of Trafford, for her response to the debate and for signalling the Government's support for this Bill. All the crimes that she referred to require forensic science services to deliver true justice for victims and for those accused of crimes and to ensure that those who are guilty are convicted and those who are innocent are acquitted.

I was delighted that every single speaker in the debate supported the Bill. I hope that, with such breadth of support, we will ensure that the Bill receives a speedy passage through this noble House. With that in mind, I hope that the temptation to table helpful amendments is resisted.

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

*House adjourned at 3.31 pm.*



