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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Questions	
Hospital Beds and Social Care	671
Public Health: Night-time Working	674
Vaccine Distribution	677
India: Missionaries of Charity	681
Road Traffic Act 1988 (Alcohol Limits) (Amendment) Bill [HL]	
<i>First Reading</i>	685
Covid-19	
<i>Statement</i>	685
Refugees: Mass Displacement	
<i>Motion to Take Note</i>	699
Energy Costs	
<i>Question for Short Debate</i>	734
Education: Return in January	
<i>Statement</i>	749
Legislation: Skeleton Bills and Delegated Powers	
<i>Motion to Take Note</i>	759

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

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

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House of Lords

Thursday 6 January 2022

11 am

Prayers—read by the Lord Bishop of Leeds.

Hospital Beds and Social Care Question

11.06 am

Asked by **Lord Dubs**

To ask Her Majesty's Government what estimate they have made of the number of people occupying hospital beds because (1) there are not enough places in care homes to accommodate them, or (2) there is insufficient domiciliary social care support.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con): Although the number of people continually changes, there are approximately 10,000 people in hospital who do not currently meet the criteria to reside and have not yet been discharged. To drive progress and to support local system arrangements, we have established a national discharge task force to monitor and address the causes of delayed discharges. We have also provided £462.5 million via local authorities over winter to support care providers to increase recruitment and existing care support.

Lord Dubs (Lab): My Lords, I appreciate the Minister's Answer, but is it not the case that this bed-blocking has been happening for a long time, and that health service hospitals are under enormous pressure because of it? Can he give us some idea of when anything will happen as a result of his proposals? Can he comment on another representation that I have had—that there are empty places in care homes not being used?

Lord Kamall (Con): I begin by wishing the noble Lord and all your Lordships a happy new year. We have started the national discharge task force, with membership from local government, the NHS and national government, and we have looked at the different pathways. There are four pathways: one is direct discharge, one is interim discharge, and one is for those who need a bit more support. But then sometimes individual cases are quite different; sometimes a place is offered, but the family may not be happy, so we have to find other ways. One thing that the national discharge task force has been doing is to look for spaces, wherever they may be, across the health and social care system to see whether they would be suitable for interim—but we are looking at all sorts of solutions in partnership with local authorities.

Lord Forsyth of Drumlean (Con): My Lords, while I welcome the very substantial additional resources given to the health service, will my noble friend revisit the decision to delay making money available for social care purposes? That money is needed now to finance

the care workers and finance those places in care homes. Without it, we will continue to see bed-blocking, so it is a policy that is self-defeating.

Lord Kamall (Con): My noble friend makes an important point. In the White Paper, *People at the Heart of Care*, we have set out our vision for adult social care and outlined our priorities. Throughout the pandemic, we made available nearly £2.9 billion in specific funding for adult social care—£1.75 billion for infection prevention and control, £523 million for testing and £583 million to support workforce capacity and recruitment, as well as all the other measures that I have previously referred to as part of the task force.

Baroness Greengross (CB): What assessment have the Government made of NHS or other publicly owned land that is currently unused and could be converted into accommodation for people who are rehabilitating and no longer need to be in hospital but cannot be discharged into their own home? Does the Minister agree that rehabilitation accommodation, commonly used throughout Scandinavia and other parts of Europe, could ease the pressure on both the NHS and the social care providers?

Lord Kamall (Con): I thank the noble Baroness for raising this issue previously with me in private, and for looking into it. One issue that is very clear to us is that effective use of the NHS estates is a top priority for the Government. We have not yet considered the benefits of using vacant hospital land or unused buildings, but we are committed to utilising the estates to their maximum capacity. Rehabilitation is a critical element of the health and care system, and there are a number of areas that we are looking into, including some of the suggestions made by the noble Baroness—but also best practice from other parts of the world.

Lord Ashton of Hyde (Con): My Lords, I think it is the turn of the Liberal Democrats. The noble Lord, Lord Jones of Cheltenham, wishes to speak virtually, so I think that this is a convenient moment to call him.

Lord Jones of Cheltenham (LD) [V]: According to the Alzheimer's Society, nearly two-thirds of all hospital admissions for people living with dementia are unnecessary and could be prevented with high-quality personalised social care. Does the Minister agree that providing such care will reduce pressure on our NHS? If so, can he outline the steps that the Government are taking to deliver high-quality personalised care to people with dementia?

Lord Kamall (Con): The noble Lord raises an important point about dementia. We have had many debates and discussions in this Chamber about dementia and increasing awareness of the issue, right across educating the workforce in the health and social care sector, and in how we can address specific issues on dementia and healthy living. As part of the reforms under social care, there will be more training and more specific focus on issues including dementia, to ensure that all inhabitants of care homes or recipients of domiciliary care receive appropriate care.

Baroness Wheeler (Lab): My Lords, with today's reports of hundreds of care homes closing their doors to new admissions because of the rapid spread of omicron, adding to the huge pressure on hospitals, can the Minister explain in more detail why urgent priority funding is not being directed to the provision of step-down facilities to address the escalating crisis? We are told that we have new diagnostic units and resurrected Nightingale hospitals, but step-down facilities in local NHS and community settings, where patients medically fit for discharge can be monitored and properly assessed, have been shown to be working very successfully. Would not that provide the right care at the right time, as promised in last month's social care White Paper?

Lord Kamall (Con): We have been looking at different pathways out of hospitals, and one of the discharge pathways is step-down care. One issue that the task force has looked at is how we improve and increase accessibility to appropriate step-down care when a patient is unable to go straight to their home.

Baroness Finlay of Llandaff (CB): I will follow on from the question from the Labour Front Bench. Who is taking responsibility for actively recruiting staff so that any step-down beds can be staffed and managed? We have a workforce problem; without actively recruiting back into the workforce people who have experience but currently have left, we will not bridge that gap in manpower and womanpower provision.

Lord Kamall (Con): All noble Lords will appreciate the work and dedication of all our social care workers, especially in these challenging times and with the extra pressure that omicron has brought. Throughout the pandemic, we have provided different types of funding. In December 2021, we announced an extra £300 million to support local authorities working with care providers to recruit and retain staff throughout the winter. This funding is in addition to the £162.5 million announced in October 2021. We recognise the issue, and it is about working with local authorities and others to make sure that this money gets into the system and achieves what it is intended to do.

Baroness Pitkeathley (Lab): My Lords, following on from the question from the noble Lord, Lord Jones of Cheltenham, does the Minister agree that it will be important for the discharge team to also look at the reasons for admission, since many people would not have been in hospital at all—they would never have been admitted—if there had been adequate domiciliary care services? Will the task force focus on those issues as well as the issues for not discharging?

Lord Kamall (Con): The noble Baroness makes an important point. The task force, working with all the various partners, is looking at the different pathways. Most patients can be discharged from hospital to their own home, but a number are held back because they should be discharged from hospital to their own homes but with a new additional or restarted package, which may take time. Patients might be discharged to residential care within the independent and community sector, but one issue is that a number of our care homes are

owned privately and are not necessarily as joined up in the system. Patients may also have been discharged to a care home, but sometimes the family may not appreciate or approve of the first venue given and may push back and ask for another one. There are a number of issues that we are looking at; it is very complicated, which I am sure all noble Lords understand. We are trying to really push and get to the bottom of this. Another thing is to make sure that there is education across health and social care staff so that they really understand the needs of particular patients.

Lord Ashton of Hyde (Con): My Lords, the noble Baroness, Lady Masham, wishes to speak virtually, so I think this is a convenient point to call her.

Baroness Masham of Ilton (CB) [V]: My Lords, as president of the Spinal Injuries Association, I ask the Minister whether he realises that there are many people who are severely paralysed, some of whom need two or three carers each day living in their own homes. Is he aware that the skilled labour market of carers from Europe has dried up since Brexit, leaving many people in a state of fear and anxiety of being at risk? The Government can help. Will they?

Lord Kamall (Con): The noble Baroness makes a very important point. One thing that the Government announced before Christmas was on visas and encouraging more care workers to come to this country. Where she and I might disagree is that we are going to approach the best in the world, not just Europe—we want the best staff possible.

Public Health: Night-time Working *Question*

11.16 am

Asked by **Baroness Bennett of Manor Castle**

To ask Her Majesty's Government what assessment they have made of the effects of increased night-time working on public health; and what steps they intend to take to mitigate the negative effects of such working arrangements.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con): Health and safety at work is covered by the Health and Safety at Work etc. Act 1974 and corresponding regulations. The Working Time Regulations also impose requirements on employers regarding the number of hours worked and scheduled. The Government commissioned a review of sleep and health in 2020-21. While this did not directly address the effects of increased night-time working on health, it covered the impact of shift work, including night-time work. The findings will be published in summer 2022.

Baroness Bennett of Manor Castle (GP): I thank the Minister for his Answer, but many people will be surprised to learn that one in nine British workers now works at night. The medical evidence is that this is bad

for health, whatever ameliorating steps are taken, with higher levels of cancer, heart disease, diabetes, pre-term births and premature births, as well as the impact on family and social life. Are the Government really considering monitoring directly the impacts of that huge increase in night-time working? Are they considering ways to ameliorate it? Are they considering ways to reduce what is clearly an undesirable economic trend?

Lord Kamall (Con): I start by thanking the noble Baroness for the article that she sent a link to, which addressed some of the issues around her Question. The sleep review is looking at all these issues. As she rightly says, there are some links between fatigue and certain ailments and diseases. On some of them, the academics are still challenging each other, but that is all part of the review.

Lord Scriven (LD): My Lords, a wide body of research has revealed that a number of health conditions are related to night-shift working. In the Netherlands, breast cancer is now recognised as an industrial disease for female night-shift workers. What policies are the Government undertaking to deal with this body of research that points to health for night-shift workers being unequal?

Lord Kamall (Con): The Government commissioned a review of sleep and health from the former Public Health England for 2020-21. That reported just before Christmas and is now being considered by Ministers and other officials. We are hoping that the Office for Health Improvement and Disparities will publish the findings in 2022. The review looked at a number of different things, including trends over time, optimal levels of sleep, links between mental and physical health, the economic impact and factors that hinder interventions to promote sleep. As the noble Lord rightly says, there is research out there about how workers can experience gastrointestinal disturbance and sleeping disorders and the possible association with breast cancer, cardiovascular disease and diabetes. All that will come out in the review, I hope.

Baroness Lister of Burtersett (Lab): My Lords, does not the evidence about the poor conditions experienced by night workers underline the need for stronger employment rights for those in the so-called gig economy, in which many night workers work? When, therefore, will the Government finally publish their long-promised employment Bill?

Lord Kamall (Con): The noble Baroness makes an important point. Indeed, the article the noble Baroness, Lady Bennett, sent me talked about the impact on delivery drivers of not being allowed to rest or take shelter in restaurants and takeaways—being sent away and not having access to bathrooms and other facilities. The Government are looking at getting the balance right on this, in terms of flexibility, because some people value zero-hours contracts as long as they are not exclusive and they can work around them. We are looking at the various categories of workers. Because this is employment, I have been trying to get more answers; I apologise that I do not have all of them, but I will write to the noble Baroness.

Baroness Merron (Lab): My Lords, night working can place a strain on people's health through increased incidents of depression, diabetes and cardiovascular disease. Can the Minister tell the House what work the Government are doing with unions and employers to reduce this link between night working and ill health, and what account they are taking of the TUC report which calls for greater attention to the pressure of night working on home life and relationships?

Lord Kamall (Con): A number of noble Lords have made the very important point that there is clearly an impact on individuals of working at night, including fatigue, wider pressures and disruption to family life. The sleep review has looked at this and reported just before Christmas, after consulting a wide range of stakeholders. The Office for Health Improvement and Disparities will publish its report in the summer of 2022, I hope.

Lord Grocott (Lab): My Lords, given that so few people work night shifts from choice—some do but most do not—is it not ironic that, very often, these night-time jobs are quite low paid? Is it not a strange commentary on our society that, all too often, the people working in the least popular and more difficult and challenging jobs are also the lowest paid?

Lord Kamall (Con): One of the issues of technology is how it has changed the nature of work. We have seen over time how older jobs have disappeared and new types of jobs and industries and different working practices have appeared. It is really important to make sure that workers, wherever and whatever times they work, get the best facilities and conditions possible. Sometimes that is done directly by unions, which work with employers and companies, and other times it is done directly, but it is important. One of the things we are looking at in the review is how deprivation of sleep affects many people, especially those who work at night.

Lord Hamilton of Epsom (Con): My Lords, I totally accept that night work may affect the health of many night workers, but the noble Baroness, Lady Bennett, said that it is bad for the economy. Surely if night work increases, this should increase productivity.

Lord Kamall (Con): It depends on why people are working at night—it really ranges. For example, when I was a student, I did a night shift from 10 pm to 8 am to pack the shelves for the next day. Sometimes drivers decide to work at night; some Uber or Bolt drivers tell me that they prefer night-time working because the roads are clearer then. There are different reasons—as the noble Lord indicated, sometimes it is the only job available to some people. It is really important to make sure both that customers and others are getting the services they want and that workers are treated decently and with dignity.

Lord Foulkes of Cumnock (Lab Co-op): Does the Minister agree that if the start time of this House on Tuesdays and Wednesdays were brought forward to 11 am, it would save some elderly people from late-night work?

Lord Kamall (Con): This is why I was so looking forward to coming back here today. The noble Lord makes an incredibly important point about the effects of night-time working on noble Lords. It is really important that we push the Government to understand the impact it is having on our health.

Baroness Ritchie of Downpatrick (Lab): My Lords, many of those who work at night are nurses, doctors and care workers because their jobs demand and require it. Their situation has been exacerbated during the Covid pandemic. Can the Minister indicate what work the Government are doing to look into ways of ameliorating and mitigating their situation, so that they can continue to carry out their work unhindered and unencumbered, as they are exposed daily and nightly to the ravages of Covid and other diseases?

Lord Kamall (Con): I think all your Lordships would agree on the incredible dedication of our medical and health and social care staff, before and particularly during the pandemic. We have to remember that a lot of these conditions are governed by the Health and Safety Executive guidance on managing health and safety risks, which includes guidance on shift work and fatigue, to make sure employees are treated with as much dignity and respect as possible.

Baroness McIntosh of Pickering (Con): My Lords, the Wilf Ward Family Trust is a charity that looks after severely disabled adults in north Yorkshire. Following the court case last year over pay for sleep-in shifts, it has had great difficulty in filling these roles and reaching an accommodation with the staff. Could my noble friend look into this—perhaps I could have a word with him afterwards—to see if that situation has been resolved to the satisfaction of both the adults in care and those providing that care?

Lord Kamall (Con): As my noble friend will appreciate, I cannot comment on the details of a specific case, but I would welcome a conversation with my noble friend. The general issue has to be that we make sure that patients are treated as well as possible but that staff and employers are treated with as much as dignity as they deserve.

Lord Flight (Con): Approximately what proportion of total working is represented by night working?

Lord Kamall (Con): There are various surveys and debates, and it depends on whether you work purely at night-time or sometimes your shift might involve working at night-time. One estimate is that, at the moment, as many as one in nine workers works at night, but it depends on where you draw that definition.

Vaccine Distribution Question

11.26 am

Asked by **Lord Campbell-Savours**

To ask Her Majesty's Government what discussions they have had in the last month with vaccine manufacturers on vaccine distribution.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, the Vaccine Taskforce is in constant communication with vaccine manufacturers to carefully manage UK vaccine supply. Due to commercial sensitivities, we are unable to comment on the details of these discussions. The UK manages our vaccine supply so that all procured doses are either used in the domestic programme or shared internationally. We continue to ensure that any vaccine that the UK does not need is, wherever possible, reallocated to other countries that require it.

Lord Campbell-Savours (Lab) [V]: My Lords, how do we justify a vaccination programme that leaves the third world innocently unable to stop disease spread to the unvaccinated in the developed world? If the answer is vaccine supply shortage on the one hand and refusenik human rights on the other, then why not respond by challenging patents, increasing vaccine manufacture and now, while resisting mandatory vaccination, selectively isolating refuseniks where they risk spreading the disease? Or is it that refusenik rights outweigh those of the vulnerable millions who are now forced to work from home, as I am having to do, as the disease spreads?

Lord Ahmad of Wimbledon (Con): My Lords, it is important to recognise that, as has been said repeatedly, there is a global response to this; that is why the UK led on supporting the COVAX Facility. The noble Lord refers to the developing part of the world, and he will be aware, for example, of the additional donations promised by the Prime Minister. Some 20% are going bilaterally, and this includes countries such as Angola, Antigua and Barbuda, Jamaica and Mozambique. We are also working on technical support, which has ensured the manufacture of vaccines within, for example, South Africa.

Lord Bilimoria (CB): My Lords, the Minister has referred to the commitment we made in the summer of 100 million surplus doses to the world. How many of those 100 million have now been distributed? Are the Government working with companies such as the Serum Institute of India, the largest vaccine manufacturer in the world and producer of over a billion doses of the Oxford/AstraZeneca vaccine? India has allowed vaccine exports since November, having previously stopped them. Are we using facilities such as that to fulfil our commitment?

Lord Ahmad of Wimbledon (Con): My Lords, I assure the noble Lord that we are working with our partners. To date, the UK has delivered 23.3 million doses to countries in need, of which 17.8 million have been delivered via COVAX and a further 5.5 million donated directly. We are aiming to complete the promise of 100 million doses by the summer, as my right honourable friend the Prime Minister stated. The Government are directly involved and continue to work with India, particularly the Serum Institute, on the distribution and continued manufacture of the AZ vaccine.

Lord Trefgarne (Con): My Lords, is it not the case that some vaccines need to be distributed in refrigerated facilities, and is this not a restricting consideration?

Lord Ahmad of Wimbledon (Con): My noble friend is quite right. That is why the Government have worked directly with key countries, because the issue is one not just of supply but of final supply, in terms of the final hour of the vaccine. So, we are working with key countries, including South Africa, to ensure a whole of supply chain response to that issue.

Lord Purvis of Tweed (LD): My Lords, the Minister just told the House that at this time of great urgent need in developing countries around the world, less than one-third of what the UK committed has been distributed to those countries. According to Our World in Data this morning, the percentages of people fully vaccinated are 77% in Canada, 74% in Italy, 73% in France and 70% in the UK, but in Africa it is 9.5%. When will this discrepancy end, and when will the developed world act on a moral basis to ensure that the whole world, especially the developing world, has the kind of access that we have here?

Lord Ahmad of Wimbledon (Con): My Lords, I assure the noble Lord that we are working with the developing world. The noble Lord, Lord Bilimoria, just pointed to our partnership with India, which has been crucial in terms of distribution and manufacture. But we have provided, for example, technical support to develop business cases for the Biovac company to manufacture vaccines in South Africa, to the Institut Pasteur in Dakar, Senegal, and directly to the Moroccan Government. We are also ensuring that our bilateral donations are targeted to the developing world.

Baroness Lawrence of Clarendon (Lab): My Lords, following on from the question from the noble Lord, Lord Campbell-Savours, do Her Majesty's Government consider that vaccine manufacturers should release the IP of the vaccine to help reduce transmission and possibly prevent further variants developing, which would eventually affect the UK in the long run?

Lord Ahmad of Wimbledon (Con): My Lords, I believe the noble Baroness is referring to the continuing discussions at the WTO on the intellectual property rights waiver proposed by South Africa and India. In this regard, we are continuing to engage directly with key partners at the World Trade Organization, but the one caveat I would share is that there is no evidence that an IP waiver would help us meet that goal. The reality is that the proposal for the TRIPS waiver would actually dismantle to a certain extent the very framework that has helped produce Covid-19 vaccines at an unprecedented pace.

Lord Hylton (CB): Can the Minister give us any good news about the supply of vaccines to places such as Gaza and the West Bank of Palestine and other refugee situations, which are particularly vulnerable because of overcrowding and general squalor?

Lord Ahmad of Wimbledon (Con): My Lords, I can share that we are looking particularly at issues of dense populations in countries and at the point the noble Lord raises about refugees. In this regard, we are working very closely with the World Health Organization, and indeed UNICEF, through the COVAX Facility.

Baroness Blackwood of North Oxford (Con): My Lords, vaccine supply is just one part of the picture. We know from this country that rollout and vaccine confidence are just as important, and the UK has extensive experience in some of the countries with the lowest uptake. Can the Minister say what steps we are taking with the COVAX programme and others to improve uptake?

Lord Ahmad of Wimbledon (Con): My Lords, my noble friend speaks with great insight on this issue; let me assure her that we are working on the very basis that she outlined. It is important to recognise what the issues preventing vaccination are. It is not just about supply; it is about distribution, infrastructure and vaccine hesitancy. We are working quite closely, as I said, with the likes of UNICEF but also with NGOs on the ground. Recently, for example, we have also met the Anglican Communion to see what its network can do. I will be convening a meeting of faith NGOs to ensure that we can leverage the networks they have across the world.

Lord Collins of Highbury (Lab): My Lords, one of the things we could have more of is greater transparency on this issue. Last month, the noble Lord, Lord Sharpe, was unclear on, or did not know, whether Gordon Brown was correct in stating that the UK had 33 million vaccine doses that we could immediately deliver to the rest of the world without impacting our own vaccine programme. The noble Lord also spoke about manufacturing and supporting the Partnership for African Vaccine Manufacturing. Can the Minister tell us today about that road map announced in December? Just how much progress will be made? How many new manufacturing facilities will be open in Africa by the end of the 12 months promised?

Lord Ahmad of Wimbledon (Con): My Lords, on the specific issue within Africa, we are working, for example, with the African Union as well as with key countries—South Africa being one of them, as I have illustrated—in opening up those manufacturing facilities. For example, we have given £20 million to the AU fund on the Covid-19 response, which constitutes about 7% of the overall response of the African Union to the Covid-19 vaccine. That includes all issues of supply chain and manufacture. On the issue of excess vaccines which the noble Lord alluded to, I can assure him that there are no excess vaccines that we sustain. Of course, we need to ensure that we secure our domestic supply, but also, at the same time, both bilaterally and through COVAX, that there is a global distribution.

Baroness Sheehan (LD): My Lords, the WHO and the Africa Centres for Disease Control and Prevention have asked that vaccines have a minimum shelf life of

[BARONESS SHEEHAN]

two and a half months on arrival and that countries receive at least a month's notice. Can the Minister reassure the House that our Government take on board those eminently sensible requests and are acting on them?

Lord Ahmad of Wimbledon (Con): My Lords, I assure the noble Baroness that the Government always listen to eminently sensible requests and will continue to co-operate accordingly.

Lord Ashton of Hyde (Con): It is time for a non-affiliated question.

Baroness Hoey (Non-Aff): My Lords, will the Minister give an absolute assurance that in any new creation of vaccines and in all distributions, Northern Ireland will be treated as part of the United Kingdom's distribution and not be subject to any EU disagreements over the protocol?

Lord Ahmad of Wimbledon (Con): My Lords, as the noble Baroness will know, the FCDO has taken on the responsibility of the Brexit negotiations. The very point the noble Baroness raises will be paramount to my right honourable friend the Foreign Secretary.

India: Missionaries of Charity *Question*

11.36 am

Asked by Lord Harries of Pentregarth

To ask Her Majesty's Government what representations they have made to the government of India about the blocking of overseas funds for the Missionaries of Charity and other non-governmental organisations.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, we are aware of some non-governmental organisations that face difficulties in India due to the use of the Foreign Contribution Regulation Act by the Indian Government, and that some have recently had applications to renew their foreign funding licences rejected. We support a wide range of local NGO partners in India, including through programmes directly. A vibrant civil society is central to any democracy. Officials have discussed issues facing NGOs with the Indian Government, and the British high commission in New Delhi will continue to monitor developments in this respect.

Lord Harries of Pentregarth (CB): I thank the Minister for his reply. The work of Mother Theresa and the charity she founded, the Missionaries of Charity, is renowned throughout the world. It works among some of the poorest and most destitute people on earth. What possible reason could the Indian Government have for wanting to hinder and block its work? The rumour, I am afraid, is that it is continuing pressure from Hindu nationalism, because people might come

into contact with Christianity and eventually convert to it. We need to know from the Indian Government precisely, in writing, what their reasons are so that we can examine the validity of their reasoning.

Lord Ahmad of Wimbledon (Con): My Lords, first, I share the noble and right reverend Lord's view on the important work the Missionaries of Charity has done among particularly vulnerable populations within India. On the issue of the licence in India, I have looked into this specifically, and we do not know why its applications were rejected. I have asked and pressed to see the kinds of numbers that currently exist. Among the 12,580 organisations whose licences have ceased to exist, some ceased to exist because they did not submit their applications in time, and others were rejected for other reasons. There are Christian NGOs, but there are also 250 Hindu NGOs and more than 250 Muslim NGOs, so whether this is specifically against Christian organisations is not shown by the data, but I am requesting further information in this respect.

Baroness Royall of Blaisdon (Lab): My Lords, civil society organisations provide a lifeline in many societies, including in India, where among their invaluable contribution they have helped to sustain communities and individuals during the pandemic. They are a bulwark against populism, and they defend human rights and freedom of the press. Any and all attempts to curb their powers or indeed crush them have to be condemned. Will the Minister join me in praising the National Foundation for India for the work that it does in strengthening civil society? I am proud to be a distinguished fellow of the NFI.

Lord Ahmad of Wimbledon (Con): My Lords, as the noble Baroness will know, in my capacity as not just Minister for South Asia but Minister for Human Rights, I see the issue and important role of civil society organisation as key. I share with the noble Baroness the view that civil society has a central and pivotal role to play in not just standing up for but defending human rights within countries. India is a very good example of a massive democracy where the institution of human rights is key. A key pillar of human rights is ensuring that civil society is not just sustained but able to prosper. That will certainly continue to be part of my engagement with the Indian Government.

Baroness Northover (LD): My Lords, may I pin the Minister down somewhat? This is an issue which has come up repeatedly and over a period of time, so he will be very familiar with it. He mentions officials taking action here. Does he think it right that organisations such as Amnesty International and Oxfam are, in effect, being starved of funds? If he does not, what are we doing at ministerial level to engage with the Indian Government to seek to have these funds unblocked? Is this not what global Britain was supposed to be about: promoting UK values, including human rights?

Lord Ahmad of Wimbledon (Con): My Lords, the noble Baroness rightly raises specific issues. She mentioned Amnesty International and I can assure her that I have

taken that issue up directly with the Indian authorities, including the Indian high commissioner, as well as the Government in Delhi. That issue continues to provide challenge. However, because of our lobbying and representations, we welcomed the recent High Court decision in Karnataka which allowed Amnesty to access some of its funds. We remain in direct contact with Amnesty International and other organisations. I meet with them quite regularly on these and other matters.

Lord Alton of Liverpool (CB): My Lords, I have written to the Minister, copying in the Indian high commissioner, specifically about the life-saving work of Mother Teresa's community in Calcutta, which I have seen first-hand. I have registered with the Minister my concern about the withdrawal of FCRA licences. Has he studied the list of organisations which have now lost their licences—the number of which some put as high as 3,000, not the 1,200 he just mentioned? It includes Oxfam, which says that its work will be severely affected, and the Commonwealth Human Rights Initiative, which has had its bank account frozen. When he says that he and his officials have contacted the high commission and Mr Modi's office, what response has he received to date? Does he not agree that there will be appalling consequences for some of India's most vulnerable people unless this iniquitous decision is reversed?

Lord Ahmad of Wimbledon (Con): My Lords, we are raising these issues quite directly. Because of the constructive nature of our engagement, we are able to raise this not just with the Indian high commission here in London but in a constructive manner with the Indian Government directly. The noble Lord points to specific numbers. As I alluded to earlier, I have asked specifically for a drill-down on the numbers over a period, so that I can analyse directly which organisations are impacted and the reasons why these licences have been revoked, to allow us to make much more qualified representation.

Lord Collins of Highbury (Lab): My Lords, constructive dialogue with an ally such as India is important. Last year, I raised with the noble Lord, and the noble Lord also raised, the situation of caste discrimination in India and the impact that was having. He said to me then, in relation to the G7 meeting that had taken place, that this issue would be raised on an ongoing basis, so that the dialogue was not limited just to the UK and India but became a much broader dialogue on how we can support human rights in India. Can he tell us whether that dialogue has continued and whether we are working with other allies to ensure that democracy in India is maintained and human rights are supported?

Lord Ahmad of Wimbledon (Con): My Lords, as I alluded to in my response to the noble Baroness, Lady Royall, India is a key partner and ally. It is also a democracy with a constitution and that constitution provides protection for all communities, including those of different faiths and, as the noble Lord pointed out, the Dalit community. I assure the noble Lord that we continue to make the case for strengthening human rights constructively with the Government of India.

We believe we are strong partners and friends of India, which allows us to make these representations in a constructive manner and strengthen the work we do ourselves with NGO partners in India, to ensure that representation of those such as the Dalits is supported, particularly through specific funding programmes funded by the British Government.

Lord Hamilton of Epsom (Con): My Lords, how does the Indian respect for human rights tie in with the caste system?

Lord Ahmad of Wimbledon (Con): My Lords, as someone who knows that part of the world well, what we have seen in India over time is increased representation of different castes and communities within different parts of the Government and in society. Human rights is never a done deal or a completed job; we need to be ever vigilant across the world and stand up for the human rights of all communities.

Lord Bruce of Bennachie (LD): My Lords, the Government of India have had considerable success in reducing poverty in recent years, but government and indigenous agencies do not reach many of the poorest people in India. In their dialogue with the Indian Government, will the Government ask them to explain how those people will be reached if the agencies currently serving them are withdrawn?

Lord Ahmad of Wimbledon (Con): My Lords, as I said, I am looking into the figures, but a lot of NGOs continue to operate across a range of different areas across India. India is a very diverse country, with great strengths, and it is very multi-religious, as well as multi-community. We will continue to work and raise issues constructively where we have concerns, including on issues raised in your Lordships' House.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, as well as bilateral representation country to country, which can sometimes be misunderstood, will the Minister and the Government explore the possibility of using multilateral organisations, particularly the Commonwealth, to make representations? In this instance, would he have discussions with the noble and learned Baroness, Lady Scotland, at the Commonwealth Secretariat and Stephen Twigg, the Secretary-General of the Commonwealth Parliamentary Association, to see how they can help? Sometimes multilateral representations can be better than getting a lecture from the United Kingdom.

Lord Ahmad of Wimbledon (Con): My Lords, on the noble Lord's final point, I think we are well away from the time when the UK should be perceived as lecturing others. When we approach the issue of human rights, I do so with a domestic lens. Our own journey on human rights was not an easy one, when we look at the equality that people enjoy across different communities in the UK today. It is that experience that we should share in a constructive and friendly, but in no sense condescending, manner with other partners across the world. The noble Lord talks about the secretary-general of the Commonwealth Secretariat and Stephen Twigg, people with whom I often discuss various issues.

Road Traffic Act 1988 (Alcohol Limits) (Amendment) Bill [HL] First Reading

11.47 am

A Bill to amend the Road Traffic Act 1988 to lower the prescribed limit of alcohol in relation to driving or being in charge of a vehicle.

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

Covid-19 Statement

The following Statement was made in the House of Commons on Wednesday 5 January.

“With permission, Mr Speaker, I will make a Statement on the omicron variant and our measures to contain this virus, fortify our NHS and keep our country open.

First, I am sure that the whole House will join me in paying tribute to everyone working in our NHS and social care for their extraordinary efforts in the teeth of yet another wave of this pandemic, and for all that they have done, together with thousands of volunteers, to get Britain boosted. Since we began the Get Boosted Now campaign just over three weeks ago, we have delivered 10 million extra boosters across the UK; we have doubled the rate of vaccination from 450,000 doses a day to a peak of more than 900,000; we have matched the NHS’s previous record day, then beaten it again and again; and we have met our target of offering a booster to every eligible adult in England a whole month early.

As a result, we have a higher level of booster protection than all our European neighbours, with more than 34 million boosters having been administered across the UK, reaching in England more than 90% of the over-70s and 86% of the over-50s. Together with the evidence that omicron causes less severe disease than previous variants, and the way in which the public have conscientiously changed their behaviour in response to plan B, that level of protection means that we are in a very different position from where we were during previous waves.

I know that some honourable Members may therefore ask whether that means we can now do away with measures altogether, but I am sorry to report that hospital admissions are rising rapidly—doubling around every nine days—and there are more than 15,000 Covid patients in hospital in England alone. We are experiencing the fastest growth in Covid cases that we have ever known; over 218,000 cases were reported yesterday, although that included some delayed reporting. Potentially of greatest concern, case rates are now rapidly rising among the older and more vulnerable—doubling every week among those over 60, with the obvious risk that that will continue to increase the pressures on our NHS.

In response to the latest data, the Cabinet agreed this morning that we should stick with plan B for another three weeks, with a further review before the regulations expire on 26 January. People in England

should carry on working from home whenever they can, wear face coverings on public transport and in most indoor public places, and take a test before going to high-risk venues or meeting the elderly or vulnerable. All of these measures are helping to take the edge off the omicron wave, to slow the spread of infection, to manage the immediate pressures on our NHS and to buy time for the boosters to take effect. Those in Scotland, Wales and Northern Ireland should, of course, continue to follow the rules where they live.

Faced with those pressures on our NHS, I know that some Members may ask the opposite question: whether we should go even further and move towards a full lockdown. But lockdowns are not cost-free; they impose a devastating toll on our physical and mental well-being, on our businesses, jobs and livelihoods and, worst of all, on the life chances of our children, so the Government do not believe that we need to shut down our country again.

Instead, we are taking a balanced approach, using the protection of the boosters and the plan B measures to reduce the spread of the virus, while acting to strengthen our NHS, protect critical national services and keep our supply chains open. We are building on-site Nightingale hospitals and creating 2,500 virtual beds to increase NHS capacity. We have bought more antivirals per person than anywhere else in Europe, and we are working to identify those trusts that are most likely to need military support, so that that can be prepared now.

From 10 January, we will provide 100,000 critical workers in England with free lateral flow tests for every working day to help to keep essential services running. That includes those who work on critical national infrastructure, national security, transport, and food distribution and processing. Those tests are separate—and in addition—from those already allocated to our public services, such as in education, where we have delivered 31 million testing kits to schools and colleges for the start of the new term.

We have the biggest testing programme in Europe, registering almost twice as many tests as France, and four times as many as Germany. Last month alone, we distributed 300 million lateral flow devices, enabling millions of people to get tested and keep their loved ones, friends and colleagues safe in the run-up to Christmas. Thanks to the sheer size of the omicron wave, we still need to take steps to ensure that our testing capacity reaches those who need it most, so we will be suspending the need to do a PCR test to confirm the result of a positive lateral flow test. From next Tuesday in England, if someone tests positive on a lateral flow device, they should just record that result on GOV.UK and begin self-isolating.

Our balanced approach also means that where specific measures are no longer serving their purpose, they will be dropped. When the omicron variant was first identified, we rightly introduced travel restrictions to slow its arrival in our country, but now omicron is so prevalent, these measures are having a limited impact on the growth in cases while continuing to pose significant costs for our travel industry. I can announce that in England, from 4 am on Friday, we will be scrapping the pre-departure test, which discourages many from travelling for fear of being trapped overseas and incurring

significant extra expense. We will also be lifting the requirement to self-isolate on arrival until receipt of a negative PCR, returning instead to the system we had in October last year, where those arriving in England will need to take a lateral flow test no later than the end of day 2 and, if positive, a further PCR test to help us to identify any new variants at the border.

All these measures are balanced and proportionate ways of ensuring we can live with Covid without letting our guard down, and we can do this thanks only to the biggest and fastest booster campaign in Europe. Yet there are still almost 9 million people eligible who have not had their booster. As many as 90% of those in intensive care with Covid have not had their booster and over 60% of those in intensive care with Covid have not had any vaccination at all.

There are 2 million slots available in the next week alone, so I urge honourable Members on both sides of the House to do everything possible to encourage their constituents to get boosted now. This is the very best way to save lives, reduce pressure on our NHS and keep our country open. I commend this Statement to the House.”

11.48 am

Baroness Smith of Basildon (Lab): My Lords, to most of us, it was obvious that plan B restrictions had to remain in place. As the Labour Party, we fulfilled our responsibilities to act in the national interest to support these when the Prime Minister faced such strong opposition from his own Benches. No one likes or enjoys these restrictions, but when they are needed to protect public health and the delivery of health and other public services, they will have our support. Internal party politics or personal ambition should never be a factor at these times.

In his Statement, the Prime Minister rightly praised everyone working in the health service and social care and the volunteers for their work on the vaccination programme. Their work is very impressive and, generally, the public response to getting the vaccine is equally impressive.

The Prime Minister now has to get a grip on those issues which could derail plan B. He has an opportunity to finally get a grip on the pharmaceutical interventions which could ultimately bring the pandemic to a close. Our lives are more global than ever. We have to do all we can to prevent further waves and new mutations. That means vaccinating beyond our own shores. The UN Secretary-General has warned that the world is far off track from meeting the WHO goal of vaccinating 70% of people in all countries by the middle of 2022. What steps are the Government taking to increase global supply to the COVAX scheme and what support is being given to increase vaccination capacity in low-income countries when the doses arrive?

At home, there is also more that the Government themselves could do to end the Government's cycle of restrictions. Can the noble Baroness outline today what steps they will take to drive up vaccination rates in the 12 to 17 age group, and if not, please can she write to me? The noble Baroness will be aware of the report about recent new orders from the Government's Antivirals Taskforce. Is she confident that all antivirals

on order will be effective against omicron? Given the incidence of transmission in schools, can she say anything today by way of an explanation about why the Government are taking so long to act on the SAGE advice about recirculating air and ventilation? SAGE first mentioned it over two years ago, and it seems that the Government are dragging their heels at a crucial time.

On testing and self-isolation, the new requirements on a daily lateral flow test for critical workers are welcome. However, the Government have to ensure that the capacity exists to facilitate it. Local services across the UK are already buckling because doctors, nurses, carers and teachers cannot find the tests to meet current requirements. I have to say to the noble Baroness that I welcome the commitment to 100,000 tests per day in England for critical workers. However, can she tell me what percentage of critical workers that covers? I looked at how many workers are employed in England in the food manufacturing industry, and it is something like 400,000, and something like 120,000 workers are involved in providing bus services. I am not quite sure where the 100,000 tests will go and whether they will be adequate to meet demands. I went online this morning to try to order lateral flow tests, and they are still not available. Just when the Government say that we need to test more often, they go into short supply. That kind of lack of joined-up thinking undermines public confidence.

Can the noble Baroness the Leader also confirm what modelling the department has produced on test demand over the course of the current wave? When do the Government estimate that the current shortage of tests will end? There has to be a long-term plan for testing capacity. Given that we all agree that we will have to learn to live with some degree of Covid, can the noble Baroness tell us what steps the Government are taking to scale up the manufacturing of tests here in the UK? I am quite interested to know the proportion of current tests that are produced here in Britain. She will have seen the reports from a company that is already supplying to the EU, has the capacity and wants to supply to the UK, but we are importing tests from China and we have a shortage. Something about the Government's plans to address that in the short term would be welcome.

In addition to the scaling up of testing, it is equally important that the Government take action to ensure that those who test positive are able to self-isolate. We are now two years into this pandemic. When will the Government finally introduce sick pay provisions so that people do not have to choose between isolation to prevent others getting the virus and putting food on the table or paying the rent?

In the immediate term, we need to see real leadership from the Government on alleviating the pressure currently placed on the National Health Service. An increasing number of trusts are declaring critical incidents. Greater Manchester has been forced to halt non-urgent surgery and the West Midlands Ambulance Service has asked retired workers to return. Can the noble Baroness tell the House what support is being offered to trusts which have declared critical incidents and what action is being taken to prevent others being in that position as well?

[BARONESS SMITH OF BASILDON]

We cannot ignore that the NHS is struggling, not just because of the pandemic but because of a decade of mismanagement previously. We entered this pandemic with the longest waiting lists on record, and so we need to hear from the noble Baroness and the Government what action will be taken, and clear targets to reduce waiting lists and waiting times. Waiting for treatment or surgery when you are in pain or unable to work severely affects the nation's mental as well as physical health. The Commons Health and Social Care Committee has warned that 6 million people are currently waiting for treatment, so can the noble Baroness say something about what assessment the Department of Health and Social Care has made on the impact on the mental health of patients of that uncertainty about getting the treatment or surgery required?

We are seeing now that progress is being made, but there is still some way to go before we can be confident that we can all be living that normal life again. The country cannot afford any further mismanagement or slow responses from the Government.

Lord Newby (LD): My Lords, I begin by expressing my support for the extraordinary work being done by NHS staff and all those—including pharmacies and volunteers—who are helping to make the booster programme such a success.

The decision to scrap the requirement for a PCR test following a positive lateral flow test clearly makes sense, given the delays which are regularly occurring both in sending out the PCR test and then in receiving the results of it. I know of cases where these waits have been of a week or longer, which has meant that they have not arrived until far too late to be of any use to the individuals concerned.

The new relaxed rules for travellers entering or re-entering the UK apply to those who are fully vaccinated, but this definition does not require people to have had the booster jab. Have the Government any plans to require a booster jab, not least to incentivise travellers to get the booster before they travel?

Despite the scale of the testing programme, there have been and remain serious delays in getting test kits to local pharmacies, schools and individuals. I repeat the question from the noble Baroness, Lady Smith, about the Government's current assessment of the ability of the supply chain to deliver the number of tests to fulfil the Government's own targets.

Despite the Government's support for Operation Moonshot—do people remember that?—to create a domestic production capacity, only one British manufacturer is making kits which meet UK standards. Others, as the noble Baroness said, are making kits which pass EU standards but not our own, and as a result they are exporting all their kits. What plans do the Government have to expedite approval of further UK manufacturers and reduce our dependency on kits made almost exclusively in China?

Can the Leader assure us that the Prime Minister, in his efforts to remove as many restrictions as possible, is not considering following the strategy of the United States by reducing isolation to five days without two negative lateral flow tests? There is considerable evidence

that many people shed significant amounts of virus on days six and seven and later, making them still contagious and a threat to public health, so making any reduction would be dangerous.

It is clear that hospitals and ambulance services are struggling at the moment, with 24 critical incidents already declared and people with a possible heart attack being advised to get a taxi or a lift to hospital. The NHS was clearly underresourced to cope with a pandemic such as this, not least due to its having lost thousands of beds over the past decade. Can the Leader say what assessment is being made of the resilience and ability of our health services to deal with future pandemics?

It is clear that there will be further disruption for many school pupils who have yet to catch up on their studies following the closures over the last 18 months. Will the Government therefore expedite the catch-up programme and start by providing every parent with a £30 catch-up voucher for every day their child misses school?

The Prime Minister repeated the government injunction yesterday for people to

“carry on working from home whenever they can”.

I fear that the Government are not supporting their own policy when it comes to your Lordships' House. I accept that we can legislate really effectively only when we are here in person, but we know that we can vote effectively from home. Next week, we are asking people to take journeys on public transport of up to five hours and more to sit in an office, often not even in the Palace itself, simply to vote. This poses a potential threat to them and their families. It has been argued that reverting to virtual voting would pose a reputational risk to the House. I believe the opposite, and anecdotal evidence supports that view. I hope that the commission will look at this again as a matter of urgency and that the noble Baroness the Leader will now support this sensible change.

The Lord Privy Seal (Baroness Evans of Bowes Park)

(Con): I thank the noble Lord and the noble Baroness for their comments. First, touching on the questions of the noble Baroness, Lady Smith, about our international efforts, she may well be aware that last week, we pledged a further £105 million of UK emergency aid to help vulnerable countries tackle the omicron variant by scaling up testing capacity, improving access to oxygen supplies and providing communities with hygiene advice and products. That builds on the £1.3 billion of UK aid already committed to the international health response, supporting vaccines, health systems and economic recovery in developing countries. I am delighted to say that we met our 2020-21 target of delivering more than 30 million vaccines to more than 30 countries as part of our pledge to donate 100 million doses to the world. This year, we will be donating millions more vaccines, including 20 million AstraZeneca doses and 20 million Janssen doses.

The noble Lord and noble Baroness both rightly asked about education, and of course there will be more detail in the further Statement later today, but we have delivered almost 3 million doses to children aged between 12 and 17 in England. We continue to work on increasing uptake, including through repeat

offers, ensuring parental consent forms are translated into appropriate languages and collaborating with leading social media platforms to direct people to trusted sources of information. Obviously, we must make sure that where people can get vaccinated is clearly evidenced, and we are working with the education sector on that.

In relation to catch-up, the noble Lord is absolutely right. It is a priority, and always has been, to try to keep schools open, which is why we have been putting so much effort into that, and we are incredibly grateful to all the teachers and other staff in schools who have been helping to make that happen. We already announced £5 billion for education recovery, including £1.5 billion for tutoring, to provide up to 100 million tutoring hours for five to 19 year-olds by 2024, more than £800 million to fund 40 additional hours per student in 16 to 19 education and more than £950 million in flexible funding for schools to use how they see best. We are very cognisant of the need to ensure that young people do not suffer yet more during the pandemic, and we have a lot of work in place to do that.

The noble Baroness asked about antivirals, and I am pleased to say that we are leading in the number of antivirals bought per head of population in Europe. We are currently rolling out neutralising monoclonal antibodies and antiviral treatments for patients at highest risk of severe disease and hospitalisation, and up to 1.3 million patients could benefit if they are clinically eligible. We have a plan to personally communicate with those patients and make sure that they receive prioritised PCR test kits to ensure early access to treatment if they become ill. Antivirals are and will be playing an increasing role for us in coming to live with this virus, so I can certainly assure the noble Baroness that we are in the forefront of making sure we have access to the drugs, which are developing constantly, to help tackle Covid.

The noble Baroness asked about lateral flow tests for the 100,000 critical care workers. These kits will be sent directly to organisations, including those who work in critical national infrastructure, national security, transport and food distribution and processing. These are separate and in addition to the tests already allocated to our public services, and we will be working with those sectors on distribution; but, as I said, tests will be sent directly to those sectors.

Both the noble Lord and the noble Baroness asked about testing capacity. We are now delivering record numbers of lateral flow tests to pharmacies across England, with almost 8 million tests being made available this week alone. I can reassure the noble Lord and noble Baroness that we are tripling our supply of lateral flow tests in January and February from our pre-omicron plan of 100 million to 300 million a month. Of course, we will continue to review and work with the sector on where we can source tests to ensure we can meet the demand, which they rightly say is unprecedented. But this shows how conscientious the public are being in protecting themselves and their loved ones by testing regularly, and we are very grateful to everyone for everything they are doing to keep each other safe.

The noble Baroness asked about statutory sick pay. We have extended it to those who are self-isolating and made Covid-related SSP payable from day one, meaning

that it could be up to 75% more generous for full-time employees who need to self-isolate. Statutory sick pay is £96.35 a week, and that remains the statutory minimum, but more than half of employees receive contractual sick pay from their employer. It should not be looked at in isolation. We have taken other measures through universal credit and employment support allowance, so we have been focused on and cognisant of the need to provide support for people. We have also provided the £500 test and trace support payment, which we have extended until the end of March. We have already committed more than £340 million to ensure that there are no financial barriers for those isolating in England, and we have made nearly 400,000 of those payments.

On the NHS's preparedness, the noble Lord and noble Baroness will be well aware that we have provided record investment to tackle the backlog, with £2 billion this year and £8 billion over the next three years to deliver an extra 9 million checks, scans and operations. We have provided an extra £5.4 billion for the NHS to respond to Covid up to April, including £2.8 billion for costs including infection control measures, £600 million for day-to-day costs, £478 million for enhanced hospital discharge and £1.5 billion for elective recovery, together with capital funding. I hope that they will agree that we are supporting our NHS with further investment to help it get through this incredibly difficult time.

Both the noble Lord and the noble Baroness asked about critical incidents, which, as they will know, are determined and activated locally. Of course it is serious when that happens, but noble Lords will be aware that the NHS also takes this approach during non-Covid winters, because it is a way of ensuring that the local NHS can continue to best serve patients and protect staff, as it is an operational escalation mechanism. Ministers are working very closely with NHS England to get the assurance that proper support is being delivered.

The noble Baroness rightly asked about mental health. Noble Lords will know that at the heart of the NHS long-term plan is an expansion of mental health services. Mental health will receive at least a further £2.3 billion a year of extra investment to support 380,000 more adults and 345,000 more children.

I was grateful to hear the noble Lord mention the changes to the travel rules. The one thing I would say is that there have been no changes for unvaccinated adults: the changes that have been made are for those who have been vaccinated, and we are keeping the definition of fully vaccinated under review. If it changes to include boosters, plenty of time and notice will of course be given to make sure that people understand and are aware of that.

The noble Lord asked about reducing isolation times. Our current assessment is that shortening the period would be counterproductive. In some settings, such as hospitals, it could actually worsen staff shortages if it led to more people being infected.

In relation to your Lordships' House, as the noble Lord said, legislating, of which I believe voting is a key part, is the central element of what we do. I disagree with him: I believe it should be done in person. We are

[**BARONESS EVANS OF BOWES PARK**]
working to make sure that it is as safe for everyone as possible. I am afraid that I disagree with him on that point.

The Deputy Speaker (Baroness Pitkeathley) (Lab): The noble Baroness, Lady Harris, is contributing virtually, so I call her as the first Back-Bench speaker.

12.08 pm

Baroness Harris of Richmond (LD) [V]: My Lords, the noble Baroness the Leader of the House just said that she disagrees with my noble friend—my leader—but clearly, the House of Lords must be described as a high-risk area; otherwise, why must Peers take a lateral flow test every day before attending? Why, then, are we not at least implementing remote voting? Surely, we have a duty of care to Members and staff.

Baroness Evans of Bowes Park (Con): I completely agree that we have a duty of care, which is why we have implemented a whole range of measures to which noble Lords were alerted earlier this week. It would be a great disservice to the whole commission to suggest that that is not at the front and centre of what we are doing, but we are trying to balance that with being able to work in an effective manner—noble Lords made it clear that they did not believe that hybrid working was as effective as being here—and we are meeting regularly to assess the situation as things happen. We are asking millions of people to go to work in such circumstances. I think we should show by example, but I also genuinely believe that we are providing a safe working environment here for both Peers and staff.

Lord Reid of Cardowan (Lab): My Lords, given the chronic shortage of lateral flow tests, can the noble Baroness confirm press reports over the Christmas and new year period that no sooner had one of the major distributors received 2.5 million lateral flow tests then it went on holiday for a week? Has there been any follow-up on that to discover whether that was an isolated incident, or has it been a recurrent pattern?

Baroness Evans of Bowes Park (Con): The noble Lord is right: there was a reduction in capacity over Christmas. I am sure that conversations are being had, but I go back to the point that I made earlier: in the next couple of months, we are tripling the supply of lateral flow tests from 100 million under our pre-omicron plan to 300 million a month to ensure that we have the testing capacity that we need.

The Lord Bishop of Leeds: I am intrigued by the statement about Nightingale hospitals. What is meant by a virtual bed and how does that increase actual capacity, especially in the light of the staffing pressures in the NHS already? If these Nightingale hospitals are to be populated and used, how will they be staffed?

Baroness Evans of Bowes Park (Con): The virtual wards are different from the Nightingale surge hubs. The hubs will create up to 4,000 beds if needed, and will be facilities that take patients who, although not fit for discharge, need minimal support and monitoring

while they recover. The virtual wards involve people who are able to return home to have treatment through virtual interaction with medical professionals. They are different things done in different ways for different patients in different situations so that they can be properly treated in an appropriate manner.

Baroness Finlay of Llandaff (CB): Can the noble Baroness explain to the House how the messaging is being reviewed, given that we have some areas of great resistance to vaccination? There is extensive anti-vax propaganda going out through the internet, which picks up the transmission of one internet message such that once one logs into that one gets bombarded with messages? Is there a way of intercepting those and countering them through the same route? There are patients in their 40s whom I have heard of almost at first hand who have been desperately sick and said that they were too frightened to be vaccinated because of that type of messaging.

There is also false reassurance now that omicron is mild. It is a mild disease most of the time in those who have been vaccinated and boosted, but in the unvaccinated what appears to be a simple cold might be a killer disease. That message does not seem to be getting out to the public. Nor is the message about the symptomatology presenting differently, so that if people have not lost taste they think that they do not have Covid.

Baroness Evans of Bowes Park (Con): The noble Baroness of course makes incredibly important points. We already know that about 60% of those in intensive care have not been vaccinated. We know that unvaccinated people are up to eight times more likely to be hospitalised. The noble Baroness is absolutely right about the importance of this, which is why we are pushing the constant message about getting boosted. She will, I hope, be pleased to know—I am not saying that this solves the problem by any stretch—that we have seen more people coming forward to have their first jabs. There was an increase of 44% in the seven days to 22 December, compared to the previous seven days, which is a move in the right direction. However, the noble Baroness is absolutely right: we need to work with social media companies and are continuing to do so to identify and remove dangerous disinformation about vaccines, and make sure that we are getting our positive messages out.

We have allocated £22.5 million to help areas with low vaccine take-up. We recruited vaccine ambassadors, who speak 33 languages between them, to promote take-up across the country. We have a community vaccine scheme to target the 60 local authorities with the lowest uptake and use local networks to promote accurate health information. So we are trying to use a range of sources in order to try and either address the disinformation or the nervousness that is preventing people from coming forward.

Lord Forsyth of Drumlean (Con): My Lords, should we not congratulate the Prime Minister on having made the right judgment call about the arrangements between Christmas and new year and on deciding to prevent us from having to have a PCR test on returning from abroad? I declare an interest, having been to the

United States over Christmas and new year to see my grandchildren and paying an exorbitant amount in costs for testing. Is it not obvious that profiteering is going on, both in the supply of tests and in the costs that people are being asked to pay in order to be able to go abroad or continue to work? Will the Government ask the Competition and Markets Authority or some other body to look at this and end this absolute rip-off?

Baroness Evans of Bowes Park (Con): My noble friend is right. It is something that I know noble Lords and our colleagues in the other place have raised. Work is going on to try to take action in this area. When the omicron variant was first identified we introduced the travel restrictions to try to slow its arrival, but now that it is so prevalent these measures are having a limited impact but are obviously having a significant impact on the travel industry. I think these are welcome measures that will, I hope, be welcomed by the public. However, there are no changes for unvaccinated adults.

Baroness Blackstone (Ind Lab): My Lords, in the period before Christmas, the Government gave a high priority to keeping schools open, which was welcome. However, does the Minister agree that it is not just a matter of keeping schools open but a matter of encouraging all parents to send their children to school? With that in mind, will the Government consider making exclusion zones around schools to prevent anti-vaxxers providing parents, pupils and teachers with a lot of misinformation about vaccination? Does she also agree that it is extremely important that parents do not think that their children are going to have to sit in classrooms in the kind of weather that we are having now with windows open because adequate funds have not been provided for proper ventilation schemes for schools?

Baroness Evans of Bowes Park (Con): I certainly agree with the noble Baroness about the appalling behaviour of some people around schools, and we have provided guidance to all schools on how to manage vaccination-related protests in liaison with the police, the NHS and the local authorities. Should a protest contravene the law, the police have comprehensive powers to deal with activities that spread hate or deliberately raise tensions. But she is right: it is an unsatisfactory situation and we are working with schools to try to help and support them in any way we can.

On the noble Baroness's second point, more than 350,000 CO₂ monitors have been rolled out to schools across the country and 8,000 air purifiers are being distributed to schools with particular ventilation difficulties. However, in the areas where CO₂ monitors have been rolled out to schools to identify poorly ventilated areas, feedback shows that in most of those settings existing ventilation measures are sufficient. So a lot of work is being done, but we have added 7,000 to the 1,000 purifiers that we were planning for SEN and alternative provision settings to add to the broader school estate.

Lord Bilimoria (CB): My Lords, I returned from South Africa where I spoke to Dr Abdool Karim, one of the leading epidemiologists there. He said on Monday

—after I landed on Tuesday I saw the message—that they are coming to the end of their fourth wave. Are we learning the lessons from South Africa, where there are three-day hospital stays for omicron versus stays of between seven and eight days for beta and delta? There is far less use of ventilators and ICUs. Are the Government aware of the report of Professor Ravi Gupta of Cambridge, as well as a report from Hong Kong, showing that omicron is not as severe because it does not affect the lungs as much? If that is the case, can we try to reduce the isolation period as much as possible using testing? Can testing be made free, right up to spring? Finally, given the good news about the MHRA approving the Pfizer antiviral, which in trials has shown an 89% reduction in hospitalisation and deaths, how soon can we get 2.5 million treatments? That will be a game-changer. Will it be before March?

Baroness Evans of Bowes Park (Con): As I mentioned in response to an earlier question from the noble Lord, Lord Newby, our current assessment is that we are not planning to shorten the isolation period, for the reasons I gave. We are certainly working with international partners to learn the lessons of omicron and we obviously have increasing data on what is happening here across the country. We are monitoring data daily. We have tried to have a proportionate approach to ensuring that people's health, safety and well-being are at the top of our priorities while understanding that lockdowns have a severe cost in many other ways. Balancing that has been incredibly difficult, but we are looking at data daily to try to make sure that we get that balance right in order to keep the economy open and keep people safe.

Lord Grocott (Lab): My Lords, 60% of the people in intensive care have received no vaccination whatever. Can the Minister tell us more about the people who have not been vaccinated? In particular, what proportion of them are unvaccinated because of medical reasons? What proportion of them are unvaccinated because they have not received the information that they need to know where to go and the importance of this? What proportion of them are simply, for whatever reason, ideologically opposed and refuseniks as far as vaccination is concerned, which of course brings great problems to the rest of us who are vaccinated?

Baroness Evans of Bowes Park (Con): I am afraid that we do not have that kind of granularity of data but, as I explained in my response to the noble Baroness, Lady Finlay, we are trying to use a whole array of different means to target people who, for instance, are unvaccinated because they are nervous and need more information. Obviously there are issues around different communities in the country. Then, I am afraid, there are people who believe the disinformation that they read on the internet or elsewhere; we are trying to tackle that. We are trying to have a holistic approach where we tackle the differing reasons why people do not want to be vaccinated. Most importantly, we need to keep highlighting some of the numbers that the noble Lord rightly mentioned, as well as highlighting to people the absolute importance of getting their booster.

Lord Scriven (LD): My Lords, when it comes to lateral flow tests, test and trace has become more like “trace a test”. The Statement says clearly:

“From next Tuesday in England, if someone tests positive on a lateral flow device, they should just record that result on GOV.UK and begin self-isolating.”

As supply is not keeping up with demand, rather than giving generic numbers, can the Minister say on what date in January the supply of lateral flow tests will meet demand so that people who are worried can take a test and carry out the Statement’s instruction?

Baroness Evans of Bowes Park (Con): As I have already said in answer to previous questions, almost 8 million tests are being made available to pharmacies in this week alone, and we are increasing our supply of lateral flow tests from 100 million to 300 million over January and February.

Baroness Fox of Buckley (Non-Afl): My Lords—

Lord Walney (CB): My Lords—

Baroness Bennett of Manor Castle (GP): My Lords—

Lord Ashton of Hyde (Con): My Lords, we have not had anyone from the non-affiliated Benches yet.

Lord Foulkes of Cumnock (Lab Co-op): They are all non-affiliated.

Baroness Fox of Buckley (Non-Afl): My Lords, there is a slight panic in the House about the non-affiliated. I am glad to hear a new emphasis that lockdown is not cost-free, but that devastating toll is present with these restrictions too. Can the Minister comment on whether there is an impact assessment on, for example, working from home guidance and effectively closing down city and town centres and the impact that this has on jobs and livelihoods for the people who work there? On the pressures on the NHS, is there more detailed evidence of how many people are actively being hospitalised by this new variant of Covid rather than being in hospital already and testing positive for it? That is not at all clear in the Statement but it makes a difference as to how frightened people might be of it.

Baroness Evans of Bowes Park (Con): Of course we understand that the rise of omicron has been very challenging, particularly for certain sectors and businesses, which is why we have announced a £1 billion support package to help those affected. We have provided £683 million for targeted grants of up to £6,000 per premises for hospitality and leisure businesses, and provided an additional £30 million for the Culture Recovery Fund. We have also given a £100-million boost to the additional restrictions fund for local authorities in England. We are well aware of the issues, and obviously that is within the context of the huge economic support that we have provided throughout the pandemic. The pressures on the NHS are indeed considerable but we need to remember that we are in a much better position this year, not least because of the 133 million vaccine doses, including 34 million boosters, that have been administered. We need to

keep that going forward in the right direction so that we can try to relieve the pressure on the NHS as much as we can.

Lord West of Spithead (Lab): My Lords, has any work been done on the necessity or value of a second booster after a three-month period, bearing in mind that a whole raft of people who have had their first booster and are in vulnerable categories are coming to the end of it just as we are hitting the peak of omicron?

Baroness Evans of Bowes Park (Con): My understanding is that discussions are taking place in the JCVI and among scientific advisers but, in terms of things that have come politically, the answer is: not as far as I am aware. It is being looked at. The one thing that is happening is that those people who have specific immunity issues are being offered a further, fourth, jab after 12 weeks but, to be honest, that generally does not have a clear-cut science to it at the moment, if the noble Lord sees what I mean. It is being looked at but I am afraid that I cannot set out a position for him today.

Lord Walney (CB): My Lords, do the Government recognise that the scale of the NHS backlog means that what is required is not only a great deal of extra investment but a focus on NHS reform beyond the ambition of the current Health and Care Bill—indeed, on a scale last seen under the leadership and Government of the newly knighted Sir Tony Blair?

Baroness Evans of Bowes Park (Con): The noble Lord is absolutely right, which is why a huge amount of work around NHS reform is going on in government. The integrated care White Paper and other things will be coming down the line.

Baroness Bennett of Manor Castle (GP): My Lords, the Minister addressed ventilation and air filtration in schools but the noble Baroness, Lady Smith of Basildon, asked about stepping the issue up more broadly. In her response, the Minister said that antiviral drugs were the key to the next stage of dealing with the pandemic, but surely we need to get beyond treating infected people. As a ballpark figure, air sanitation provides a 70% reduction in the transmission of disease. This is a long-term, systematic solution that should be implemented not just in schools but everywhere, particularly in public buildings. Should we not be getting ahead of the viruses rather than continually chasing after them?

Baroness Evans of Bowes Park (Con): I agree with the noble Baroness’s last point but I think that she miscategorised me slightly. I did not say that antivirals were the only answer; I said that they are one part of a suite of things that we need to be doing, from ventilation through to hygiene and cleanliness. There is a whole range of things that we will need to do, but she is absolutely right: we need to understand how we can live with Covid and not continually chase our tails, because we can see the damage that it causes.

Lord Purvis of Tweed (LD): My Lords, I received my two vaccines in Scotland but my booster jab in England. I have been informed by NHS England and

NHS Scotland that there is still no way of having that booster jab recognised under the Scottish system. Likewise, after so many months of this pandemic, why have both Governments not worked this out together? When will this be resolved?

Baroness Evans of Bowes Park (Con): I completely understand the noble Lord's frustration. My niece is at university in Cardiff and is in exactly the same position; she has had to go back to Wales over the holiday to get her jabs. I will certainly take his request to bang heads together back to the department.

Baroness Donaghy (Lab): My Lords, I am appalled by the level of complacency about the availability of lateral flow tests—

The Deputy Speaker (Baroness Pitkeathley) (Lab): My Lords, the time allowed has elapsed. Before I call the next debate, I draw your Lordships' attention to a change in the running order of speakers. The noble Baroness, Lady Smith of Newnham, will open for the Lib Dem Benches and the noble Lord, Lord Purvis of Tweed, will wind up at the end of the debate.

Refugees: Mass Displacement

Motion to Take Note

12.29 pm

Moved by Lord Alton of Liverpool

That this House takes note of (1) the United Nations High Commissioner for Refugees' estimate that 82.4 million people are displaced worldwide, 42 per cent of whom are children, and 32 per cent of whom are refugees, and (2) the case for an urgent international response to address the root causes of mass displacement.

Lord Alton of Liverpool (CB): My Lords, I declare my interests as a trustee of the charity Arise and as co-chair or officer of a number of relevant all-party groups. Seven years ago, I opened a Cross-Bench debate on the challenge posed by the wave of refugees leaving Africa and Asia and pleaded for a co-ordinated, urgent international response. I thank my noble friends for once again recognising the importance of this subject, and express my thanks to all noble Lords speaking today, especially the Minister, and to the Library for its excellent briefing note.

The debate is about push factors rather than the pull factors, which have dominated the consideration that we have been giving to the Nationality and Borders Bill. The Motion draws attention to the estimate of the United Nations High Commissioner for Refugees that 82.4 million people are displaced worldwide, 42% of whom are children and 32% of whom are refugees. It calls for an urgent international response to address the root causes, recognising that this is a complex strategic problem which cannot be addressed without systematic and sustained international co-operation.

Those push factors involve wars and conflicts, persecution and terrorism, destitution, corruption, instability, grinding poverty, man-made phenomena

such as climate change, and natural disasters, which drive people out of their homes, communities and countries, risking their lives in doing so. It is about people such as Harem Pirot, a 25-year-old Iraqi Kurd, one of 27 people, mostly Iraqi Kurds, who perished five weeks ago in the world's busiest shipping lane, having set off from the coast of northern France in a flimsy dinghy. It is about Khazal Ahmed and her three children, who also perished that day in the biggest known number of fatalities in one channel tragedy since refugees began making the perilous journey to Britain. It is about people being displaced from Afghanistan, Burma, Tigray, Nigeria, Venezuela, Eritrea, Syria, Iraq and Sudan, or illegally repatriated by China to North Korea.

To keep our own position in perspective, just 0.65% of the world's refugees are in the United Kingdom. We take about half the number of asylum seekers that we took 20 years ago. By contrast, the top five countries hosting refugees have more than 9 million in their territories. Of the 82 million displaced people, 55 million are said to be living in internal displacement because of conflict or displacement. Conflict in Syria is in its 12th year. There are 13.5 million displaced Syrians, representing more than half of Syria's population; 6.7 million Syrian refugees are hosted in 128 countries; and 80% of all Syrian refugees are in neighbouring countries such as Turkey but, like Belarus, its record in using refugees as cannon fodder, and in creating them in the first place, is appalling.

Two years ago, I visited Bardarash refugee camp in northern Iraq, where Kurdish families from Syria had fled after their homes were bombed by Turkish aeroplanes. A mother of four told me that

"the war planes came at four o'clock. As they dropped their bombs and chemicals many children were burnt. Some were killed. We all started to run. I just want to go home with my children, but everything was destroyed, and we would be slaughtered."

Another Bardarash refugee, Hamid, described how he saw people choking as their homes were burned:

"Children were throwing up and we had to leave the injured behind as we fled."

Hamza, whose wife, mother of their three year-old daughter, was killed, asked me:

"Where is the justice in letting Erdoğan force Kurdish families to flee their homes? The international community did nothing about it."

When did it become acceptable for a NATO country to break the Geneva conventions and, potentially, the chemical weapons convention, illegally occupy territory, ethnically cleanse a population and face no investigation, little censure, no Security Council resolution and no consequences? Does it matter that such actions add to the millions of people already caught up in such miserable displacement, denying them the chance just to go home?

As one of the four sponsors of the 2016 amendment moved by the noble Lord, Lord Dubs, on child refugees, it particularly disturbs me that of the 82 million displaced people, 42% are children. Children make up almost 25% of those seeking asylum in the UK and almost half of all identified potential victims of modern slavery or exploitation in our own national referral mechanism. Nelson Mandela was right when he observed:

"The true character of a society is revealed in how it treats its children."

[LORD ALTON OF LIVERPOOL]

When a Kurdish child drowns in the English Channel, a Syrian child drowns in the Aegean, or an Eritrean or Nigerian child drowns in the Mediterranean, we must ask what drives families and their children to such desperation? Some refugees spend their entire lives in sprawling, squalid, makeshift camps. Some I visited decades ago are still there.

As a young MP I travelled to Lebanon with the late Lord Avebury. In 1981 we visited Palestinian refugee camps at Shatila and Sabra, where a terrible massacre occurred in 1982. Those camps, two of 68 Palestinian refugee camps, were a perfect breeding and recruiting ground for terror, sucking up people who believed that the future held nothing for them. Shatila, Sabra, Bardarash and places like them are a symbol of the breakdown of global leadership. Millions are paying the price of our abysmal failure to hold perpetrators of atrocities to account.

In Northern Iraq, I met some of the displaced religious and ethnic minorities, including Yazidis, Assyrians and Chaldean Christians, displaced from the Nineveh Plains, Mosul, Sinjar and elsewhere during the ISIS genocide. Despite the best efforts in 2016 of my noble friend Lady Cox, the noble Baroness, Lady Kennedy of The Shaws, the noble Lord, Lord Forsyth, and myself, we failed to persuade the Government that a genocide was under way and there is still no ad hoc tribunal to bring to justice those responsible. The veteran diplomat, Dr Richard Haass, is right that in a world of bad options,

“not acting can be every bit as consequential as acting”.

The abysmal failure to act on genocide and atrocity crimes is a major push factor in creating displacement, from Burma to northern Nigeria and from Tigray to Somalia. In Afghanistan, the chaotic withdrawal of the US and the return to power of Taliban death squads has resulted in thousands of people fleeing, whether in official state and NGO-organised evacuations or by resorting to smugglers and human traffickers. The most at risk include thousands of people from religious or belief minorities, including small groups of Christians, Sikhs, Ahmadis, Uighurs and others substantial in number, such as the Hazara Shias. Women are generally at risk, especially those who have been in powerful positions, including women judges, lawyers and politicians, and women in medicine, education and journalism. The list goes on.

The noble Baroness, Lady Kennedy of The Shaws, will speak later. She has done such admirable work, with a Kindertransport-inspired airlift of 103 at-risk women and their families—close to 500 people airlifted on private charter planes to Greece, which has been a lily pad. However, as their temporary visas come to expire, countries such as the UK continue to delay implementing their promised resettlement programme. Can the Minister tell us what has caused the delay and when it will be resolved?

Can he also spell out how he is responding to the Bishop of Truro’s 2019 report, commissioned by the then Foreign Secretary? It found that in some regions the “level and nature” of the persecution of Christians was

“arguably coming close to meeting the international definition of genocide according to that adopted by the UN”.

What assessment has the Minister made of FoRB as a driver pushing refugees such as the Pakistani Ahmadis and Christians, whom I have seen for myself in refugee detention centres in south-east Asia? Will he tell us what is being done by our embassies to help resettle religious minorities and what priority is being given to combating persecution and upholding Article 18 of the Universal Declaration of Human Rights, a major push factor all over the world?

In south-east Asia, I also visited Karen refugee camps established decades ago, which are now seeing new influxes as Burmese ethnic minorities are subjected to fierce attacks by the Tatmadaw following their illegal coup. Many are living on the run in the jungles of Myanmar. In Burma, I met Rohingya Muslims and visited a burned-out village. Even before the coup, 800,000 Rohingya Muslims were subjected to genocide and forced to flee to Bangladesh, while Christian minorities in Chin state and elsewhere have been, and continue to be, subjected to terrible atrocity crimes. Will the Government consider providing urgently needed humanitarian aid to internally displaced peoples through cross-border delivery?

In autumn 2020, the noble Lord, Lord Collins, and I raised in this House the consequences of the conflict in Tigray. One year later, just before Christmas, the United Nations Human Rights Council established a UN inquiry that will monitor the crimes and preserve the evidence for future generations, with notable votes cast against doing that by China, Russia and Eritrea. Welcome though that motion is, it will do nothing to reverse the mass displacement of 2 million people forced to flee their homes. Hundreds of thousands of people are in famine-like conditions and are starving. The catastrophic conflict continues to expand, devastating the whole region. If the political will had been there, these atrocities, the pain, suffering, displacement and much more besides could have been prevented.

Meanwhile, the World Bank and United Nations High Commissioner for Refugees, along with the Minister himself in evidence given at a recent hearing of the International Relations and Defence Select Committee, have warned that rising sea levels and climate change will displace millions more. Post COP 26, how are we preparing to meet that challenge? How are we ensuring that displaced people and refugees, already at the bottom of the pile, are receiving Covid vaccinations—a point raised by my noble friend Lord Hylton during Questions today—and are not part of what the United Nations High Commission for Refugees calls

“a substantial vaccine equity gap”?

What assessment have we made of its estimate that 30 million more people will be facing hunger by the end of this decade than if the pandemic had not occurred? A point often referred to by the noble Lord, Lord Purvis, and others is our cuts to overseas aid, the subject of a Cross-Bench debate on 1 July 2021. That, for many, has been a final blow.

The UK has some generous and worthwhile initiatives, but clearly we cannot meet these interlinked challenges alone or by hoping that the problem will simply go away. It will not. With our allies, global Britain needs to drive this issue right up the international agenda. We should be convening summits, commissioning hard-headed humanitarian solutions, tackling the problem

at its roots and creating secure, safe havens in which people can prosper and make new lives. We need something on the imaginative scale of the US-inspired 1948 Marshall aid programme, which rebuilt western Europe.

Along the coast of north Africa, we should be building new Carthages—a series of new, UN-protected, small city states—using brilliant Israeli and other western technology to create renewable energy for water desalination, electricity and the production of food. If this was done under a UN mandate, it might turn the UN into something other than a spectator.

Instead of a well-thought-out international plan of action, we have near silence in the UK's 2021 integrated review. If we are to be what the review calls “a force for good”, we need to turn the rhetoric into deeds. In addition to the altruistic reasons for doing so, the Government should follow the logic of their own argument when they say that, for the cost of helping 3,000 refugees who arrive in Britain, the UK could help 100,000 refugees in camps overseas. It is what the Norwegian Government do; their Minister for Immigration and Integration, Sylvi Listhaug, believes not only that the rich world has a moral duty to help refugees but that the deployment of 1% of its GDP on foreign aid should be used to tackle the refugee problem at source. Other countries should be persuaded by us, but we need to lead by example.

It is an echo of a remark made in a debate in 1940 by the formidable independent MP, Eleanor Rathbone, who established the Parliamentary Committee on Refugees and argued that responding to the plight of refugees was

“not only in the interests of humanity and of the refugees, but in the interests of security itself”.—[*Official Report*, Commons, 10/7/1940; col. 1212.]

Today's Motion is about facing up to the global duty to understand why mass migration is rapidly on the rise and how we in the rich North need to respond not by endless barriers but by serious and intentional economic, social and democratic investment to support building lives of dignity, way beyond our borders. It is in their interests and in the common interests of humanity, but it is in our interests too. If we fail to do this, there will be many more fatal tragedies, many more Harem Pirots and Khazal Ahmeds. There will be many more camps, and many more lives devoid of human dignity and opportunity. I beg to move.

12.44 pm

Lord Hayward (Con): My Lords, it is always a challenge to follow the noble Lord, Lord Alton, because he covers such a broad range with such expertise. In my brief comments, I will cover just one small matter. Before I do, I draw attention to my register of interests and the matters declared there.

I want to look not at government but, as was indicated in an article in the *Guardian* on Monday, at the involvement of major corporations and businesses—in this case, Coca-Cola. I cited Coca-Cola as sponsor of the Beijing Games next month and asked what it is doing there. Why is it there? Should it be there? I think I am correctly interpreting the comments that I have received about my proposal that those who consume Coca-Cola—and I happen to—should not consume it

for the next two months. I am pleased that people such as the noble Lord, Lord Alton, the noble Baroness, Lady Bennett, and the right reverend Prelate the Bishop of St Albans have indicated that they take the same view on that intervention.

Sporting events go to a particular location because they know they will get the finance. That comes, in large part, not from individuals but from sponsors. Coca-Cola is pouring tens of millions, possibly \$100 million or more, into the Beijing Olympics. It therefore has questions to answer, and they have to come from the top, from Atlanta, where Coca-Cola is based. I am asking a question of what is probably the most centralised company with which I have ever worked, Coca-Cola, and of its chief executive, who happens to be a British national. Will he answer the question of what it is doing in Beijing?

Last night, I went on to the web page of the Coca-Cola Company in Atlanta. It has six headings; one is “Better Shared Future”. How ironic that one of the five items it identifies is human rights. It says:

“Respect for human rights is a fundamental value of ours.”

Tell that to the Uighurs and to the people in Hong Kong, who are losing their security on a daily, or hourly, basis. On the same page of the Coca-Cola corporation's main website, it says:

“Dedicated to using our voice and position to support equality, justice and universal values across various diverse groups.”

Tell that to the Uighurs and the people of Hong Kong. Mr Quincey, as chief executive of the Coca-Cola corporation, could you please explain to the public at large why those phrases are on your web page? Can you make them stand up?

I ask that question of Mr Quincey, who, as I say, is a British national. He spent part of his youth at Dartmouth College in New Hampshire. He was educated at King Edward's School in Birmingham. Some time in the next two months, I would like him to provide one hour to a panel of students from Dartmouth and King Edward's explaining what Coca-Cola is doing to protect the fundamental rights of individuals in China.

In conclusion, a phrase that Coca-Cola uses is about achieving “share of throat”. The throats of the Uighurs and the residents of Hong Kong are silent. I would like Mr Quincey to explain to the students of Dartmouth and King Edward's in Birmingham why.

12.48 pm

Baroness Smith of Newnham (LD): My Lords, I believe the noble Lord, Lord Touhig, has scratched. Therefore, rather than winding for the Liberal Democrats, I am not only opening but speaking a lot earlier, and am down to four minutes, rather than the 10 that I was anticipating. So I will confine my remarks primarily to the situation in Afghanistan.

As my noble friend Lord Alton said in opening, this is a debate about massed forced migration. It is about push factors, not pull factors. It is not about why individuals might seek to come to the United Kingdom, Germany or other countries, but about the factors that are forcing people to leave their homes, countries and regions of origin.

The numbers of those people who feel the need to flee are absolutely breath-taking. The pressure that those people who are refugees, asylum seekers or

[BARONESS SMITH OF NEWNHAM]
internally displaced—84 million people globally—put on neighbouring countries can be significant. Those who seem to think that the UK has too many asylum seekers—people seeking refuge here—forget that in Turkey, one in 23 people is a refugee. In Jordan it is one in 14 and in Lebanon one in eight. Millions and millions of people feel they need to leave, not to seek a better life in a general materialistic sense but because they are fleeing war, poverty, genocide, hate speech in Myanmar, and Hindu nationalism, which is forcing more than a million Rohingya to flee to Bangladesh.

In mid-2021, the UNHCR believed that 2.6 million Afghans had already fled their homes. That was before Kabul fell to the Taliban. How many more tens and hundreds of thousands of people have now moved? Could the Minister tell us what assessment Her Majesty's Government have made of the impact of the US withdrawal on individuals and their families in Afghanistan—not just the date that the 20,000 people under the ACRS might expect to come here, but how many people are being forced to flee? As the noble Lord, Lord Alton, pointed out, 42% of displaced people are children, and in Afghanistan those people fleeing the Taliban because they worked with the US and the United Kingdom are not just individual men—they would very often be men—but their wives, sisters, mothers and children. What are Her Majesty's Government doing to ensure that those people who worked with us, for us and alongside us can be given some sense that they can get out and that they will not keep living in holes without any money? When I say “holes”, I mean that. There are individual cases of people who worked for the British Council saying that they no longer have anywhere to live and that they are on a Taliban list. What are Her Majesty's Government doing at least to deal with this aspect of push migration?

12.53 pm

Baroness Greengross (CB): My Lords, the UN has defined forcibly displaced persons as those who are “forced to move, within or across borders, due to armed conflict, persecution, terrorism, human rights violations and abuses, violence, the adverse effects of climate change, natural disasters, development projects or a combination of these factors”.

As the noble Lord, Lord Alton, outlined in his very important and moving speech, there are 82.4 million people across the world in this situation. It is a truly shocking and awful predicament and one we must take urgent action to address.

However, one group that often gets ignored and yet very often ends up being displaced as per the UN definition is widows. A conservative estimate by the organisation Widows for Peace through Democracy is that there are 258 million widows. This includes half widows: those married to missing or forcibly disappeared husbands. There are also estimated to be 1.5 million child widows. We know that these estimates are conservative as very little data is collected internationally on widows. What do the Government intend to do to improve data collection on widows globally?

Widows very often end up being displaced and forced to move from their homes. The human rights of widows around the world are all too often breached, and when their husbands die they too often lose their

homes and are denied any form of welfare or income. These women are often vulnerable to sexual exploitation and trafficking, including child widows, who may be very young.

Like most displaced people, widows often lack legal documentation, and they may end up struggling to seek asylum in countries such as the UK. In most cases, these women will not make it that far once they have been displaced.

The Covid-19 pandemic has meant that there are far more widows in the world today. Sadly, many will find themselves displaced and in a very difficult situation. A recent World Bank report on the subject found that widows in Africa faced lower welfare and nutritional status. Again, there has been very little research into this, so the data we have is extremely limited.

Some 27 years after the Beijing declaration on gender equality, it seems that we still have not come that far regarding the rights of widows internationally. In addressing the root causes of mass displacement, we must not forget women and in particular widows, who all too often find themselves in these terrible situations.

12.56 pm

The Lord Bishop of Leeds: My Lords, I also congratulate the noble Lord, Lord Alton, on securing this debate. I am grateful to him for personifying the issue by naming individuals. I visited camps for internally displaced people in Iraqi Kurdistan several years ago. I am still haunted by the faces, not always the voices. When you are confronted with a 12 year-old boy who had not spoken since being forced to watch his father be beheaded outside his front door, then it is the faces, not the voices. They haunt me.

As Desmond Tutu observed, although it is possibly misquoted, “There comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they're falling in.” What he actually might have said is: find out who or what is pushing them in. Yesterday in this House we discussed the Nationality and Borders Bill. That legislation focuses on asylum and refugees almost entirely through the lens of deterrence and enforcement. It contains a lot of measures to make it harder to prove refugee status and to prevent pull factors, but there is nothing at all on going upstream to find out why they are falling in or being pushed in. This debate is therefore critical in this context. Until we can take action to prevent people falling in, all the deterrence policies in the world are unlikely to stop an ever greater flow of displaced peoples. What happens when the irresistible force meets the immovable object? That is what we are talking about.

In this context, I will add a few remarks on climate and displacement. While the UK retains COP presidency and the Government are in the business of rethinking international norms around refugee law, perhaps we might hear from the Minister what thought, if any, has been given to climate displacement and refugee policy. There is no such thing, legally speaking, as a climate refugee. There is a growing wave of people displaced by climate and weather events. Of the 82.4 million people displaced worldwide, the UNHCR reports that about a quarter are forcibly displaced by sudden-onset weather-related hazards and thousands more from

slow-onset hazards linked to climate change. Tens of millions of people are likely to be displaced over the next two or three decades due in large measure to climate change impacts.

These changes have been recognised for some time as a long-term driver of displacement, especially in the absence of appropriate mitigation and adaptation support for communities. Some £100 billion a year in climate finance was promised in the COP process, but it has not been delivered. This target is not likely to be met until 2023, so there is not just a shortfall in the finance but it is skewed in favour of mitigation, such as renewable energy projects, rather than adaptation, such as flood defences and so on. Global south nations have been calling for more funding for adaptation, and some progress was made in the Glasgow climate pact when developed nations were called on to double, at least, their collective provision of climate finance for adaptation from 2019 levels by 2025. This falls a long way short of what is needed. We need an urgent international response on all these fronts.

I have focused my remarks on climate displacement but there is a thread in this: that our national approach to refugees and asylum is doomed to failure unless we acknowledge, understand and confront the push factors that are driving displacement. This cannot be accomplished simply by deterrence and enforcement, no matter how draconian the regime that we install.

1.01 pm

Baroness Hooper (Con): My Lords, in thanking the noble Lord, Lord Alton, for giving us this opportunity to debate what is, and ought to be, a top priority for our national agenda and the global agenda, I also thank him for, and congratulate him on, introducing the debate in his usual well-researched and comprehensive way. I fully support his suggested way forward. I also thank the House of Lords Library for the excellent briefing on which I have relied, since, I must confess, I have not read the full United Nations report.

I wish to concentrate on the second part of the Motion in the name of the noble Lord, Lord Alton: the case for an urgent international response to address the root causes of mass displacement. The United Nations' definition of those root causes is important and broad but does not apparently include the breakdown or failure of proper democratic systems. This has occurred in a number of countries—I cite Venezuela and Haiti as examples, although in the latter country natural disasters have undoubtedly added to the chaos there. If people feel that the rule of law no longer exists and that their vote does not count, they are just as likely to feel they have no future in their home country as someone persecuted for religious or other freedoms.

The other omission is the failure to deal not just with what happens to people when they reach their final destination country but with how they get there. Any international response must include consideration of how people move from A to B. Not everyone can afford to fly; we have witnessed on our television screens, for example, the masses of people moving on foot through central American countries and Mexico towards the United States. I am told that many Africans now cross the Atlantic in order to join those human chains. I know that there are Venezuelans, most of

whom have fled to Colombia, and others who have had to make their way through Brazil and Bolivia in order to reach Chile. Some of these people may be classed as economic migrants, but how are the transit countries supposed to distinguish? Therefore, I believe that any international response must take account of the needs of transit countries, to enable them to cope with these influxes. Any international response must take into account the many unaccompanied children and deal with the people traffickers who mislead and exploit vulnerable people.

The movement of peoples is not new. Those of us who have had the privilege of visiting the fantastic museum of anthropology in Mexico City have seen how the Americas were peopled way before 1492 and European colonisation. Modern communications enable us to be immediately more conscious of what is going on. That knowledge must lead us to find some way to improve and resolve these issues throughout the world. It must be a priority for global co-operation. The United Nations is the global organisation we subscribe to in order to preserve world peace and to cope with climate change, pandemics and much more. Can my noble friend the Minister reassure us that the United Kingdom will take the lead in this respect?

1.05 pm

Baroness Royall of Blaisdon (Lab): My Lords, I am grateful to the noble Lord, Lord Alton, for enabling this debate and for his excellent introduction. I refer noble Lords to my interests in the register, and I must apologise to the House for omitting to make this reference when I asked a Question on 16 November.

The numbers cited are vast and shameful. Each number is a human being, like you and me, with the same physical and emotional needs. They are, however, far more resilient than most of us, cut off from their country and culture, often having suffered the trauma of war, civil unrest, hunger and persecution. Most have tenacity, talents and potential for which the world is in great need, but this is squandered at enormous cost to the individuals themselves and the world. We are talking about more than 30 million children, many of whom have few opportunities for education, little or no hope and stunted dreams. It is unconscionable that this situation is allowed in the 21st century when we have the knowledge, wealth and capacity to address the issues that cause mass displacement. Unless we address the root causes now, including climate change, the crisis will grow.

It is not a crisis for us, the developed, wealthy world; it is a crisis for the people who are displaced and often for the countries from whence they came. Our integrated but unequal world is desperate for an urgent international response but global leadership is severely lacking—and I suggest that it is certainly not going to come from this country at the moment. We have a moral duty to act, but it is also in our self-interest. The situation in Afghanistan is a tragic but perfect illustration. Unless the world comes together to provide the necessary humanitarian aid to Afghanistan, the whole country will be living in absolute poverty, with millions of Afghans faced with starvation, and thousands will continue to seek refuge in other countries, including the UK.

[BARONESS ROYALL OF BLAISDON]

I could not participate in yesterday's Second Reading of the appalling borders Bill, and I will not rehearse the powerful arguments against the Bill, but I am deeply concerned about the hostile narrative that it fosters. So many refugees and asylum seekers feel unworthy and they continue to suffer stigma in this country, notwithstanding the work of organisations and networks such as City of Sanctuary, which in turn gave birth to Universities of Sanctuary. I am very proud that Somerville College and Mansfield College are the first university colleges of sanctuary, creating an environment of support and welcome and working with students, academics and the local community. We award sanctuary scholarships to refugees such as Asif, who travelled alone to Britain from Afghanistan aged just 14 in order to avoid being conscripted by the Taliban. He is now excelling in his studies and will make a great contribution to society. Sadly, higher education is something that only 3% of refugees in this country experience—another of the immeasurable challenges they face.

I should briefly mention the work of CARA, the Council for At-Risk Academics, which provides a lifeline to academics at risk and is supported by many universities, including Oxford. I pay tribute to charities such as Asylum Welcome, which is doing a superb job in welcoming Afghan refugees to Oxfordshire and providing invaluable, practical help and support, as it does to all refugees and asylum seekers in the county. It enables the teaching of English, provides youth services and domestic abuse support, helps people into employment and so much more.

I have an extraordinary young Afghan refugee living with me, Freshta Karim, a children's rights activist who founded a charity, Charmaghz, which provided mobile libraries to enable young people in Afghanistan to have a better education. In November, she addressed the UN Security Council. I asked her what she, as a refugee, most wanted. Her response was: "peace". No displaced person wants to leave their home and their family. They have to do so because their country is riven with conflict or ravaged by the impact of climate change. She thought that the UN should not just be a provider of aid in Afghanistan, important though that is. It should bring the different stakeholders together, as we did in Northern Ireland.

We should listen to the millions of people such as Freshta who are exhausted by conflict and war and desperate for peace and stability, who have so much to give and want to give back to the communities in which they find sanctuary, and who ultimately want to bring about change in their own country.

Lord Sharpe of Epsom (Con): My Lords, with respect, I remind noble Lords of the four-minute Back-Bench speaking time. We are running over and obviously, that eats into the Minister's ability to respond.

1.10 pm

Lord Harries of Pentregarth (CB): My Lords, I thank the noble Lord, Lord Alton, not only for securing this debate but for once again being a prophetic voice among us and reminding us of the serious moral challenge we face on this issue.

It is important to begin by stating the obvious, because it is so often easy to forget the obvious. If the root cause of the refugee problem is conflict, the first priority is to prevent that conflict in the first place and to bring conflicts that have started to a halt. This highlights the need for wise foreign policy and good diplomacy. Take the issue almost on our doorstep, the tension now gearing up over Ukraine and the number of people who could flee if a serious conflict broke out there. The priority is, as it always was, good statecraft and serious diplomacy.

Secondly, at the moment the main burden of the refugee problem is being borne in the middle to low-income countries on the borders of those countries where there is violence. I am no fan of Erdoğan's Turkey, for the reasons that the noble Lord, Lord Alton, outlined, but Turkey is at present hosting 3.7 million refugees, mainly from Syria. We also note that Uganda has nearly 1.5 million, mainly from South Sudan, and Pakistan also nearly 1.5 million, mainly from Afghanistan. In Europe it is the poorer, smaller countries such as Greece that have to bear the real burden and responsibility for those who cross the Mediterranean.

There are two reasons in particular for giving attention and support to these countries: first, as mentioned, because they bear the main burden; and secondly because it is highly desirable that refugees are settled back in their own countries as soon as it is safe to do so. They are much more likely to be able to do that if they are temporarily placed nearby. UN High Commissioner for Refugees Filippo Grandi was absolutely right in emphasising these two points when he said:

"The international community is failing to prevent violence, persecution and human rights violations, which continue to drive people from their homes ... It is the communities and countries with the fewest resources that continue to shoulder the greatest burden in ... caring for the forcibly displaced".

To address these issues, he called on the international community to

"redouble its efforts to make peace",

while ensuring that

"resources are available to displaced communities and their hosts."

In response to that situation, in 2018 the Government signed up to an international agreement on support for refugees and reforming the global humanitarian situation: the Global Compact on Refugees. It provided the basis for a co-ordinated international response to improve support for refugees and share the responsibility for hosting them more fairly among wealthy and poorer countries. However, this agreement is not legally binding and internally displaced persons are not represented in it.

I simply ask the Minister: what progress has been made on this global compact in the last three years? Has the international response become more effective and co-ordinated than it was? Finally, in what way have our drastic cuts in foreign aid affected this programme and our support for that global compact?

1.14 pm

The Lord Bishop of St Albans: My Lords, I too thank the noble Lord, Lord Alton of Liverpool, for initiating this most important debate and for his excellent introduction, which has set the scene for us all.

We face not a static situation but one that is constantly changing. Since the start of 2020, we have seen the re-emergence of conflict in Nagorno-Karabakh, bringing back the displacement that characterised the conflicts in the 1980s and 1990s. Ethiopia's ongoing civil conflict has left just over 2 million internally displaced people in Tigray and a further 250,000 in the region of Amhara, according to the UN. We have seen the military coup in Myanmar, which has done nothing to improve—indeed, it has made worse—any prospect of resettling the estimated 745,000 beleaguered Rohingya Muslims resident in Cox's Bazar, now the world's largest refugee camp.

The noble Lord, Lord Alton, rightly calls for an urgent international response. That surely must be rooted above all in recapturing the vision behind the UN and the need for international law. Anything less than that will fail in delivering what is so urgently needed. That is what we need in the long run, and it will require global Britain to give a strong moral lead, as well as playing its own part in trade and other aspects of our world. In addition, therefore, we need to restore urgently our international aid budget. It is shameful that, at a time when the world faces such incredible problems, we have pulled back from what was actually a very modest contribution we were making. I know others will pick up on this later, but I believe this is fundamental.

We need to use those international budgets carefully, of course. We all know that there are cases in which money has not been used wisely. I am absolutely convinced that the most important thing we can do is to provide grass-roots training, education, health work and the development of low-tech, sustainable industries that will remain there even when countries go through famines, wars and so on. We need to use them carefully, but our international aid budgets are a fundamental part of this.

Secondly, it will require global Britain to act consistently in response to situations where there are causes of mass migrations. This means that in certain situations we may need, with partners, to boycott some international sporting events. I know that some people say these are just small symbols, but they are powerful symbols to a world where such dreadful suffering is going on. It certainly means that we need to use Magnitsky sanctions judiciously, where appropriate, to signal to the international community when the actions of Governments are simply unacceptable. The trouble with this is that it will be costly for us and affect some of our international trade.

Thirdly—I do not need to say so much about this as the noble Lord, Lord Hayward, put it so eloquently—we need to engage with businesses working internationally, some of which are quite blatantly not living up to the values they have spelt out as the basis of their work.

Lastly, we need to engage with charities and religious bodies, many of which have access to the grass-roots communities that Governments and the UN do not. Our efforts will fail unless we can pull together a strong, consistent, comprehensive approach drawing on a wide group of stakeholders.

1.18 pm

Lord Hannay of Chiswick (CB): My Lords, it is conventional to congratulate the noble Lord, Lord Alton, on securing this topical and timely debate, and

I do so wholeheartedly—all the more so because our debate today draws together the many threads of a series of migration crises around the world and their principal drivers. Some are mainly driven by security considerations—think Syria, Afghanistan, Ethiopia or Myanmar—and some by mainly economic considerations; think sub-Saharan Africa to Europe, or Latin America to the US. One thing they all have in common is that we, the international community, are not addressing them very effectively or in a very humane fashion. Another is that they cannot be so addressed by neglect, denial, building walls or ignoring our obligations under international law.

When it comes to the root causes of displacement in this modern world, the security ones cannot possibly be ignored. The experiences in Iraq and Afghanistan mean that there are highly unlikely to be coalitions of the willing ready to step forward in the foreseeable future to deal with the challenges of state failure and of gross breaches of international humanitarian law, so, however imperfect their efforts have so far proved to be, we are going to have to put more reliance on the UN and on such regional organisations as the African Union working in concert with the UN.

Our own contribution to UN peacekeeping can most politely be described as modest. We surely need to do more, particularly by supplying the ever more complex requirements of multifaceted peacekeeping. We need to strengthen the UN Secretary-General's capacity for conflict prevention and to encourage António Guterres, just starting his second term of office, to make more use of Article 99 of the UN charter to bring matters, on his own responsibility, to the Security Council. If that is to be effective, it will also require restoring a greater willingness of its permanent members to work together. We should look again at the toolbox available to implement the responsibility to protect, focusing on a much wider agenda than that of military intervention.

The economic drivers of displacement are complex and daunting too, but they surely all require helping developing countries to build their economies, to provide employment for their growing populations, to have better educational opportunities for women and girls in particular, to have better primary healthcare systems and to be better equipped to mitigate and reverse the effects of climate change. All those policies require resources, which is what makes the Government's decision to ignore our commitment in law to devote 0.7% of our GNI to overseas aid and, alone among the G7, impose drastic cuts on our aid budget just when it is most needed so aberrant and so urgent to be reversed.

What are we doing to give developing countries better trade access? There is not a single African or Latin American country on our priority list for negotiating free trade agreements. What are we doing to use our competition policy powers to make private transfers and remittances to developing countries less costly? It is a statement of the obvious to say that this country cannot hope to deal on its own with the root causes of displacement, which will require major collective effort if they are to be counted. That calls for close co-operation with like-minded developing countries, our fellow Europeans, the US, Commonwealth countries and Japan, and it will require working with developing

[LORD HANNAY OF CHISWICK]

countries in a spirit of genuine partnership, unlike the leadership-driven approaches of the past. On our success in playing an active role in those wider aspects will depend our success in promoting global policies for years to come and in gaining acceptance for our claim, as yet unsubstantiated, to represent a “global Britain”.

1.23 pm

Lord Dubs (Lab): My Lords, I join in the congratulations to the noble Lord, Lord Alton, not only on initiating this debate but on his consistent commitment to the cause of refugees and displaced persons. It is a privilege to follow the noble Lord, Lord Hannay, who is the voice of common sense, reason and insight, and we enjoy listening to his speeches.

I have the privilege of serving on the OSCE Parliamentary Assembly, where we have a migration committee and we co-operate with the Council of Europe, but of course we are looking more at migration movements into Europe than we are its root causes. We have to accept, and public opinion needs to be prepared for this, that movements of populations towards this country, towards Europe and indeed all over the world will continue, exacerbated not only by wars, conflict, tension and persecution but by climate change. We have to accept that such movements will be the norm rather than deciding that, like King Canute, we can somehow stop the tide.

I join in the condemnation of our mean, niggardly approach to overseas aid. The 0.7% commitment was good—not enough, but good—but we have moved away from it. For us to be cutting it, at a time when the need for an increased overseas aid budget is paramount, is niggardly. I only hope that the Government will change their mind. Our reputation as a country and, above all, our commitment to tackling root causes surely depend upon a decent overseas aid budget. Instead we are seeing miserable approaches such as pushbacks, whether in Croatia or Bosnia, on the Belarus border or in the Mediterranean—or indeed whether we initiate them, as we saw in yesterday’s debate. Surely that is not the right way to move forward.

We should acknowledge what other countries are doing. We may not be fans of the Turkish Government in all respects, but at least they have 3 million to 4 million refugees while the Lebanese are getting on for a million, as are the Jordanians. When people say to me, “Why don’t Muslim countries do more?”, I point out the millions that there are in those countries whereas we are arguing about a small number of people, albeit an important number, who seek to make their way here, and indeed the small numbers who get to Europe other than to Germany.

I want to say two other things. First, it is important that we have public opinion on our side in attempting to explain why tackling the root causes is important, and that it is the best way of dealing with these enormous migration flows. Secondly, we have to be aware of the far right in Europe, who are seeking to exploit the refugee argument for their own miserable political ends. We have, unfortunately, seen how the far right in Europe have achieved electoral successes, some in Germany—in Hungary they are always there—and in Italy, Austria and elsewhere. That is very depressing.

I believe the only way to tackle the far right is to make sure that public opinion understands what we are about and we do not have Ministers saying “We don’t want these people here”, because that is exactly the way in which public opinion is not going to be sympathetic to this.

Lastly, there are success stories and Canada is one of them. We should look at Canada and see what it is doing, both internationally and in terms of accepting refugees. Canada is a good example of what can be done, and maybe we should emulate it.

1.26 pm

Lord Loomba (CB): My Lords, I am grateful to the noble Lord, Lord Alton, for raising this important subject. We often focus on the consequences of displacement, the exploitation of refugees, the impact on host communities and the challenges of coming up with solutions. It is important to look at the causes too, and to consider what we in Britain can do about them.

We know that the principal causes of mass displacement are climate change and natural disasters, political and armed conflict, ethnic cleansing and trafficking. Around a quarter of a million people are currently displaced in Myanmar due to the conflict there since February last year. Within Afghanistan the figure for internal displacement, according to the UN High Commissioner for Refugees, is 665,000, 80% of whom are women and children. Those displaced due to climate change since 2010, according to the same organisation, number more than 20 million. The question today is not what we could have done to prevent the coup in Myanmar or the situation in Afghanistan, or what we should have done over the last century to avoid the climate impacts that are already a reality, but what we can do together to address the causes. The key to addressing them must be to work towards delivering the UN’s 17 sustainable development goals, which include climate action, peace, justice, strong institutions, eradicating poverty and hunger and promoting education and gender equality.

On climate change, the Government are playing an important leadership role that must not end when our presidency of COP 26 finishes. The Minister is to be commended on his commitment to this most important issue. Beyond that, Britain is well positioned to offer a leading contribution through science and in the areas of economic empowerment, trade, education for girls, conflict resolution and sustainable cities and communities, and by supporting the many British businesses and NGOs in delivering aid and expertise around the world. I hope the Minister will ensure that this issue is addressed in the forthcoming international development strategy.

Finally, I am grateful to the noble Baroness, Lady Greengross, for elaborating on the plight of widows around the world. However, I add here that the number of widows has, over the past two years, increased by millions around the world on account of Covid-19. I declare my interest as founder and chairman-trustee of the Loomba Foundation. I ask the Minister: what are the UK Government doing to help the Covid widows financially, and to overcome their mental and bereavement sufferings?

1.31 pm

Lord Griffiths of Burry Port (Lab): My Lords, I add my voice to all others in thanking the noble Lord, Lord Alton, for bringing this debate to the Floor of the House. I would just translate a change in the wording of the Motion from percentages into numbers, so that we can remind ourselves that we are living in a world where 36.4 million children count as displaced persons and 26.3 million people are refugees. These are horrible figures to contemplate.

Faced with the size of the problem, the United Nations is bringing forward its global compact. I am so happy that my noble and right reverend friend Lord Harries, if he will allow me to call him that, has given it such ample recognition. The United Kingdom is one of 181 nations to endorse the programme. Its principles are to be implemented through the more than 1,400 pledges made by Governments, civil society and other stakeholders at the first Global Refugee Forum in December 2019. It offers, as he said, a legally non-binding and readily accessible framework document under which states agree that they will share equitably the responsibility for refugees.

A two-year opening phase of this programme was launched just a month ago in Geneva. It describes itself as offering a breakthrough in addressing some of the acknowledged difficulties surrounding the implementation of the United Nations convention and its protocol. This represents an urgent international response and should be given proper notice. There was scant mention of it, however, in yesterday's Second Reading on the Nationality and Borders Bill. Yet it is a major attempt by the United Nations to deal with the current state of affairs and deserves to be given proper focus—I hope it will be—at later stages in the consideration of that Bill.

In yesterday's debate, both Ministers were adamant that the Bill we were discussing in no way undermined the international agreements and conventions to which we are a party. Yet a 72-page document from the UNHCR spells out not only the way in which we in the United Kingdom risk being in breach of our commitments, but how the proposals in our Bill would effectively undermine the complex international structures at a more general level. As an ordinary Member of this House, it seems important to me that somebody with authority and a full understanding of both arguments—the United Kingdom case and the UNHCR case—should explain to the House how to reconcile these apparently divergent narratives.

In my contribution to yesterday's debate, I urged our lawyers and judges to help us in this regard. These are matters of law, after all. The Bill is proving worrisome to a broad phalanx of organisations in civil society and across the globe. They out there at large, as well as we here in this House, deserve satisfaction as we seek to find our way forward on this matter.

1.35 pm

The Earl of Sandwich (CB): My Lords, it is always a pleasure to hear the noble Lord, Lord Griffiths. While thanking my noble friend Lord Alton for this opportunity, I will focus on the Palestinian refugee crisis that culminated in the creation of Israel in 1948 and has continued ever since.

The Motion today includes the phrase “root causes”. In the case of Palestine, we have to go back many centuries but after 1945 Britain, alongside other European powers, had the responsibility to encourage the two communities to live together. We failed miserably, at a cost to our own soldiers and police at the hands of the Zionists. This story is easily forgotten today alongside many other dramas. Today, there are still 6 million to 7 million refugees from that period, plus over 700,000 displaced people.

The worst massacres, such as at Deir Yassin on 9 April 1948, were carried out by the ruthless Irgun and Stern gangs; in response, the Palestinians have developed their own brands of resistance and terrorism, now incorporated in the military wing of Hamas. The UN's right to return concept has been ignored. Most of these refugees remain in Lebanon, Jordan and Syria, apart from those abroad or internally displaced. I was at Christian Aid at the time of the Shatila and Sabra massacres, mentioned by my noble friend, and I well remember the horror we felt in the aid agencies as we scrambled to help with medical teams.

Palestinians in the West Bank and Gaza still live under foreign occupation after 73 years. They depend to a great extent on the services provided by UNRWA, the UN agency designated to help them. But their situation is worse than that of refugees, in the sense that they are treated as second-class citizens, shuttled between barriers and barbed wire and wholly dependent on Israel for permissions. They are often left without a means of livelihood; they also have to live in diminishing space. Recently, I watched a video showing abandoned Palestinian villages overshadowed by Israeli settlements and streets where the two communities live divided by the wall, one of them overlooked by watchtowers as in a prison camp. Progressive demolition of houses in favour of new settlements continues.

Many NGOs and human rights agencies are making the case for Palestinians, including some within Israel. However, the Israeli Government have recently outlawed half a dozen local NGOs as agents of terrorism, and the UK has unwisely decided to proscribe the political wing of Hamas. In my view, our present Government are going backwards and urgently need to rebuild our reputation as a state wishing to see justice for the Palestinians. I should say at this point that my wife is chair of PalMusic UK, a charity that helps Palestinian musicians. It has perennial problems in obtaining all the necessary permits to allow musicians to travel, even within and between Palestinian territories.

Now that we have left the EU, are we not falling back in influence in the Middle East? Have we abandoned the two-state solution altogether and what is the UK position on the so-called Abraham accords, which draw a few Arab states into economic and, above all, security arrangements with Israel? The Biden Government have not so far stepped back from these agreements, although in September Mr Kushner feared that if they “are not nurtured, we run the risk that they could go backward.” The Minister will know more about this, so I would be grateful if he could share the information.

1.39 pm

Baroness Bennett of Manor Castle (GP): My Lords, I thank the noble Lord, Lord Alton, for securing this debate and so powerfully introducing it by setting out

[BARONESS BENNETT OF MANOR CASTLE]

the human reality of displacement, particularly for children. We have already had a very rich and informed, if distressing, debate.

I particularly commend the comments of the noble Lord, Lord Hayward. I regret the fact that I cannot boycott Coca-Cola myself, because I never drink the vile stuff, although I have once or twice used it as a cleaning fluid. Its impact on grime certainly raises questions about its impact on the people who ingest it—but I promise him that I will not use it in the next two months.

Some 16 years ago, in 2005, the world's nations collectively signed up to a responsibility to protect the world's people from genocide, war crimes, ethnic cleansing and crimes against humanity. There are three pillars in that: each state should protect its own people, other states should provide international assistance and capacity building to ensure that other states can protect, and there should be a timely and decisive collective response when states fail.

As this debate and the UNHCR have made clear, war crimes and genocide are having a big impact on the displacement of people. If we are looking at the root causes of mass displacement, as the noble Lord, Lord Alton, set us to do, there is a patently obvious missing pillar in that responsibility to protect agreement. You might call it a Hippocratic pillar: do not create and continue the conditions that allow genocide, war crimes, ethnic cleansing and crimes against humanity to flourish. We really need to think about the world that we have created and been such a powerful force in. One in 95 people in the world is displaced. We should look at that figure with horror.

So I want to be practical. I have three suggestions for the Minister that might live up to the UK's Hippocratic responsibility not to do harm. First, end our arms sales; stop pumping out arms into a world already awash with them. We are the second largest arms exporter in the world. Between 2011 and 2020, the majority of UK defence exports—60%—went to the Middle East. That is a cause of the great issue that we are discussing now.

Secondly, we need to stop buying goods from around the world. We have already talked quite a bit about goods from Xinjiang, where a people subject to genocide are also subject to forced labour, producing IT goods and medical supplies that we consume and use. But of course it is much broader than that. In south-east Asia, palm oil is a major driver of deforestation, environmental destruction and the consequent impact on states and their ability to protect their people.

Thirdly, and most obviously and importantly, we need to rein in our companies, particularly miners but also bankers, consultants and lawyers, who profit from corruption in the global south that causes the breakdown of countries. We are the problem here; we are causing many of these problems.

If noble Lords do not want to accept the moral argument for change, I put to them the self-interest argument: the wealth that we have extracted cannot protect us in this unstable and unequal world, where so many people are forced to be on the move.

1.43 pm

Baroness Kennedy of The Shaws (Lab): My Lords, I, too, wish to pay tribute to the noble Lord, Lord Alton, for introducing this debate with his usual humanity and well-informed compassion. This debate calls for an international response to the shocking fact that, globally, 84 million people are displaced. It is a misery index of record proportions. The noble Lord, Lord Alton, the noble Baroness, Lady Greengross, and others documented the basis and root causes of so many of those people moving. People do not choose to leave their homes, extended families and communities unless they have very good reason.

As a human rights lawyer over many years, my work has taught me about inhumanity and the pain experienced by those at the receiving end. Like the noble Lord, Lord Alton, I have visited lots of the refugee camps where the wretched of the earth are collected: Sabra and Shatila in Lebanon and the Jordan camps, where people have fled from Syria. More recently, I have gone to Erbil to take testimonies from the Yazidi women who were raped and raped, over and over again. I saw girls who, having returned to their Yazidi families, had to abandon babies who would not be accepted by their communities because they had been produced as a result of the rapes by ISIL militia.

The noble Lord, Lord Alton, mentioned my recent work. My young team—there were only four of us—worked to evacuate the women judges, lawyers and journalists from Afghanistan. It is shocking that the international community failed so greatly to do something that we ended up having to do. Why should a small group of people have to think, “How are we going to get these women judges out, who are on a Taliban kill list?” It should have been nations that came together and said, “What are we going to do? How do we evacuate? Who are we going to offer places to?”

That should have been done, and this emergency should have been prepared for. However, we are seeing a retreat from internationalism, and that is the difficulty when we call for an international response, because international collaboration is basically what will do the business of responding to these horrors. I recently read a lecture given just before Christmas by David Miliband, who was the director-general of the International Rescue Committee. I recommend it to everyone. He talks about the systems failure of states, diplomacy, humanitarian response and law.

It will not surprise noble Lords that I will highlight the business about the failure of law. A number of years ago, in 2013, I was involved in the creation of a report on climate change and human rights. It became so clear that we would create a sort of cauldron of people movement if we did not act promptly to the emergency of climate change, because people would be forced to move.

David Miliband speaks to the failure of diplomacy, the failure of peacekeeping, which we heard about from others, and the reduction in peace treaties. We used to work hard at creating these, but last year there were only seven efforts to create peace in conflicted areas.

On the failure of law, we have seen a retreat from international law. When the UN was inaugurated in 1945, Clem Attlee described the UN charter as “our first line of defence”.

He meant that it would be our first line of defence against the abuse of power and that we were, of course, reminding everyone that the rights of people and individuals who suffer, not just the rights of states, are so important. The creation of that rules-based order is now under threat. So we need more internationalism. We need to enrich internationalism if there is to be an international response.

1.48 pm

Lord Singh of Wimbledon (CB): My Lords, I, too, congratulate the noble Lord, Lord Alton, on securing this important debate on the root causes—I emphasise “root causes”—of conflicts that lead to the displacement of millions of people around the world.

The devastation of the Second World War and the Holocaust against the Jews and others led to the establishment of the United Nations and the Security Council, with the victor nations as permanent members. It was realised that conflicts result when one group or nation sees itself as superior or tries to impose its will on others. This led to the Universal Declaration of Human Rights, which recognises that we are all free and, importantly, equal. Sikh teachings remind us that this equality must also extend to women.

Sadly, these lofty ideals for universal peace were instantly ignored by members of the Security Council. If they were employees in a business, they would have been sacked long ago, not only for neglecting their responsibility but for using their privilege and position to further their own interests. The sobering reality is that members of the so-called Security Council now provide more than 80% of the arms and sophisticated weaponry that fuel horrendous conflict throughout the world, conflict that leaves some 80 million people destitute and homeless. Worse, people in more affluent countries see desperate asylum seekers as a problem rather than as deserving members of one human family. We should remember that in supposedly less civilised times, Jesus and his parents were themselves welcome asylum seekers in the land of Egypt. Wars and suffering of innocents will continue until we see what Jesus Christ, Guru Nanak and others saw: that we are all equal members of one interdependent human family.

Tragically, what passes for religion today, with claims of superiority and exclusive links to God, a God who allows the killing of innocents in his name, has led to religion itself becoming a major cause of conflict. The words of a Christian hymn remind us:

“New occasions teach new duties; Time makes ancient good uncouth.”

We cannot use the mindset of the 20th century to tackle the problems of today. Today, difficult, frank and open debate is urgently needed to make religion what it was intended to be: a cure rather than a cause of conflict. We need to remove dated cultural norms and practices, which often override underlying ethical teachings. We need to recognise that no one religion has a monopoly of truth and that those not of our faith or of a different complexion are not lesser beings.

Speaking from a Sikh perspective, I believe that the underlying ethical teachings of religion of concern and compassion, and a realisation that our destinies are inextricably entwined, are the key to reducing mindless violence and the suffering of innocents that we see in the world today.

1.52 pm

Lord Carey of Clifton (CB): My Lords, a phrase in Deuteronomy 26:5 has long puzzled scholars. It says:

“A wandering Aramean was my father.”

I have no time to consider the strangeness of the text, but the obvious meaning and obvious admission of it is that the Hebrew people themselves were migrants, as the Bible clearly indicates. We can build on that: migration is part of the human story and of human history, and the history of these islands declares it.

I too am grateful to the noble Lord, Lord Alton, for securing this important debate and thank him for his impressive introduction. I want also to thank the noble Lord, Lord Singh, a dear friend.

Behind the stark figures that reveal the displacement of millions of people is the misery and suffering of ordinary people who simply want to enjoy life as we do, but this long history of migration is now multiplying into a picture out of control. Something has to be done, and this debate is declaring it. We all have a part to play.

I want to offer two reflections. First, as a patron of Barnabas Fund, I am glad to say that this organisation is already at work with refugees in many parts of the world, including Afghanistan. We are currently attempting to assist several hundred Christians, pastors, converts and Muslims too to asylum in safe countries. Their situation is perilous. I have to say with some regret that our experience is that, in spite of warm noises from our own Government about Christian persecution, no practical targeted assistance is ever offered to persecuted Christians, be they from Syria or from Afghanistan. I wonder whether the Minister might like to offer a reason why this is so. The situation in recent years has plainly got worse, with organisations such as ours simply unable to address the basic issue of survival that many refugees, many of them children, face.

About a week ago, Gordon Brown said that we have got to act for moral reasons. As some speakers here have already mentioned, it is also in our own self-interest to do so. This reminded me of Archbishop William Temple’s dictum during the war years, that:

“The art of government ... is the art of so ordering life that self-interest prompts what justice demands.”

Both thinkers are absolutely right. Allowing the situation to get worse is simply irresponsible.

A second point to note is the unspoken fear among us all in stable societies that we might ourselves be unsettled by the consequences of allowing large numbers from other ethnic communities to settle among us. I recognise the worry, which to some degree we all share. Clearly, those who join us must recognise that they have to embrace the values, traditions and history of the host nation, just as the host nation will allow the customs of the migrants a place among us. We are enriched by the presence of those who have joined us in recent decades. I hope that the United Kingdom will give a firm moral lead as the nations have to respond to the crisis facing the human family today.

1.56 pm

Lord Desai (Non-Aff): My Lords, once again, I thank the noble Lord for introducing this topic and, once again, I am sorry to say that I am not going to join in

[LORD DESAI]

his idealistic, very sincere and moral teaching. I do not think that the second part of his proposition, that we should get some international movement to do something about this problem, will do any good, because we already have enough international agreements that have not done any good. I have spoken on this before.

Basically, the international system is a failure. As the noble Lord, Lord Singh, said, the United Nations, whatever its ideals, created an institution in which there are five permanent members, at least two of which right now, China and Russia, are creating refugees and the likes of the Uighur crisis. As the noble Baroness, Lady Bennett, said: do not worry about doing good; just stop creating problems.

One root cause of the refugee problem is the break-up of the Ottoman Empire—I am sorry to go back 100 years. The break-up of the Ottoman Empire and the abolition of the Caliphate created a huge problem in the Middle East, and a lot of our refugee problems are in the Middle East—I do not have time to go into all this.

Let me come to Afghanistan. Who created the Taliban? We did. Afghanistan was a nice, peaceful place; it had a king—and then, the Russians decided to go in and make it communist. Then, of course, the Americans decided that we had to fight the godless communists, so they armed the Taliban with drugs and guns. The Taliban were our own creation. We say, “We don’t like you because you are against women.” Again, I do not have time to go into it, but the roots of the Taliban are in the mid-19th century and the Deoband school of Islamic theology, which is in India. Everybody should have known what the religion, the theology, of those people is, but we armed them, and now we say, “Oh, my God, how did this happen?” Well, we did it.

There has been so much Christianity hovering around today. I feel like saying that the first murder registered in the Bible is in the family, and I feel like Cain. “I am not my brother’s keeper. It is bad enough that I murdered him, but I am not going to do anything further please—get me out of here.”

Please do not do anything. The idea that we, the United Kingdom, are going to cure the world’s problems by taking our foreign aid from whatever it is right now to 0.7% is so arrogant that I cannot begin to think why we do it. We have enough problems at home. Get rid of the food banks—that will help.

2.01 pm

Baroness Cox (CB): My Lords, I join other noble Lords in offering the warmest congratulations to my noble friend on securing this debate and his characteristically comprehensive introduction. I refer to my interests in the register as the founder of the Humanitarian Aid Relief Trust—HART—which works with courageous partners in remote locations, who risk their lives to provide life-saving aid for displaced communities. Time allows only two examples: Nigeria, and the historically Armenian enclave of Nagorno-Karabakh.

In Nigeria, almost 3 million civilians are internally displaced due to insurgency and conflict. The UK Government’s response has been focused predominantly on the north-east, but has not provided aid to the Middle Belt, one of the regions worst affected by Islamist attacks. We have visited many times and personally

witnessed the results of massacres, atrocities and forced displacement. HART receives almost daily reports of killings, rape, abductions, enslavement, land-grabs and mass forced displacement in the Middle Belt. Our local partner, Reverend Canon Hassan John, told me that, for over 10 years, displaced villagers have been forced to rely on aid from local churches or NGOs. He said:

“I can say categorically that there has been very little or no aid, not even from the state or Federal Government of Nigeria ... I am not aware of any assistance from the British Government in the central region ... In Southern Kaduna state, at least seven communities have [recently] been attacked. Villagers are forced to move onto the next village. None of these villages have received security or humanitarian assistance. Families in neighbouring villages do what they can to absorb and care for their relatives. In one room, I saw 40 people sleeping on the same floor.”

Will the Minister confirm that Her Majesty’s Government will ensure immediate humanitarian support for displaced people in the Middle Belt? Will he arrange for the Africa Minister to meet colleagues from the All-Party Parliamentary Group for International Freedom of Religion or Belief, of which I am co-chair, to discuss what action has been taken following the group’s report on whether escalating atrocities in Nigeria represent an unfolding genocide?

I turn briefly to Nagorno-Karabakh, where 80% of the historically Armenian enclave is now occupied by Azerbaijan. In 2020, more than 91,000 people fled to Armenia from Nagorno-Karabakh; 88% of them were women and children. More than 40,000 people were deprived of their homes in areas such as the Shushi and Hadrut regions, which are still under the occupation of the Azerbaijani armed forces.

I have had the painful privilege of visiting the region more than 85 times, during the wars in the 1990s and in 2020. Last September, I visited Syunik region in Armenia to witness the suffering caused by Azeri military incursions into Armenian territory, causing displacement of local villagers within Armenia itself. Countless refugees describe the anguish of the loss of loved ones, and Azerbaijan still violates the conditions of the 2020 ceasefire by detaining Armenian prisoners of war and civilians, and perpetrating atrocities, sometimes taking a prisoner’s phone to film horrendous activities, then sending the pictures back to their families.

Refugees also describe the loss of livelihoods, agricultural lands, water resources, and other vital infrastructure. Yet the Armenians of Nagorno-Karabakh have received almost no support from the British Government. The UN Secretary-General’s official spokesperson in May last year unequivocally indicated that it is Azerbaijan that, despite the calls of the international community, and the UN in particular, has not provided permission for unhindered humanitarian access in Nagorno-Karabakh, and that situation remains the same.

In conclusion, can the Minister confirm that the UK will no longer turn a deaf ear to this cry for help, and will ensure the provision of urgent humanitarian assistance to the thousands of Armenians displaced by war? In both Nigeria’s Middle Belt and Nagorno-Karabakh, the UK has failed to acknowledge, let alone address, the root causes of mass displacement. Perpetrators have carried out atrocities with impunity. There has been no justice or support for victims and

their families. I urge the Minister to give greater priority to the problems I have identified and to many others suffering in similar situations.

2.05 pm

Lord Purvis of Tweed (LD): My Lords, the noble and right reverend Lord, Lord Harries of Pentregarth, commended the noble Lord, Lord Alton, for securing this debate and said that it was prophetic. I agree very strongly with that, and I commend the noble Lord for doing so, too. His powerful contributions in this place are often, depressingly, not just prophetic but based on experience of past mistakes, from which we continually do not learn and which we repeat—including 40 years ago, when he visited Lebanon. I shall be there in two weeks' time, and I shall no doubt see many of the pressures that existed at the time in a tinderbox area. Equally, it is a country, as my noble friend indicated, where one in eight of the population is not Lebanese. There is a great complexity there, with great generosity, openness and tolerance, in an area of economic vulnerability and conflict. My noble friend also gave the illustration of the case whereby we in the UK, by our direct hands, have caused many of the concerns, especially of those who have worked with us and supported us in Afghanistan. Her brilliant speech was made much earlier than she expected, and it was more brief but brilliant nevertheless.

The noble Lord, Lord Alton, gave some figures on the scale of the crisis. My noble friend called them “breathtaking”, and the noble Baroness, Lady Royall, called them “vast” and “shameful”. They all are. The noble Lord, Lord Alton, commended the Norwegian Government and the excellent GRID report, funded by that Government, on internally displaced people in 2020. It provides data that is even more alarming. We have been distracted here because of the pandemic, perhaps understandably, but we have neglected to recognise, according to the GRID report, the 40.5 million new people displaced in 2020, 9.8 million by conflict and 30.7 million by disasters. The average time after a disaster for people to return to their homes is five years, so what is happening in 2020 will have to be addressed for a number of years to come. This is a growing problem, not a receding one.

When natural calamity strikes, people are desperate to return home; they want shelter, food and services—and, when they are restored, they are very keen to return to their homes. When conflict scorches their homelands, people flee, but they want to return when safety and security are restored. Regrettably, the average time for returnees because of conflict displacement is 13 years. On climate, weather-related events were responsible for 98% of all disaster displacement recorded in 2020. Disaster resilience is therefore essential, and yesterday's Question on Typhoon Odette was testament to this.

Can the Minister clarify an answer that he gave yesterday to the noble Lord, Lord Foulkes, who referred to a review carried out by my late noble friend Lord Ashdown on behalf of Andrew Mitchell, as Secretary of State, on disaster resilience? The noble Lord, Lord Foulkes, asked:

“Can the Minister therefore tell us exactly the effects of the cuts announced to the development programme on the money spent on disaster resilience?”

The Minister—the noble Lord, Lord Goldsmith of Richmond Park, who is in his place—said that “I do not think it is possible to provide an exact answer”, and the noble Lord, Lord Foulkes intervened to ask “Why not?” To that the Minister said:

“Because I do not think that answer exists, and it is hard to assess.”—[*Official Report*, 5/1/2022; cols. 570-1.]

The very same Minister was trumpeting at COP 26 what the Government claimed was additional support for disaster resilience. Can the Minister be clear as to what the position is? At the moment it is opaque.

In a previous debate on development policy, the Minister and I had an interaction with regard to multilateral support. We know that for systematic and sustained responses, as the noble Lord, Lord Alton, has called for, one of the most effective ways of providing this is through a multilateral response, whether through UNDP or UNOCHA on the ground or co-ordinated through the World Bank IDA. This was also evidenced in a report during the time of the coalition Government, commissioned by Andrew Mitchell, which showed the effectiveness of multilateral aid.

In our debate on 16 December, I questioned why the Government had cut support specifically for this area. The Minister replied that it is

“right that that is part of the strategy, but it is not an overall or meaningful cut in real terms ... There is plenty of room there for us to redirect some of that funding in a way that we think is strategic.”—[*Official Report*, 16/12/21; col. 478.]

What the Minister believes is not a meaningful cut in real terms was, I remind the House, £1.8 billion. That was a cut, and it meant that the replenishment of the IDA—an essential fund for disaster resilience in developing countries and highlighted specifically by the World Bank and those recipient countries—could not be met, because other countries could not meet the UK shortfall. I believe that a 55% cut is meaningful, and I hope that the Government will reconsider this for the next replenishment. The scale of the problem will not be alleviated in the period when we are cutting our aid.

Let us not forget that the convergence of conflict and disasters has led to people being displaced for a second or third time. Many of those fleeing flooding in Yemen have already been displaced by conflict—and the UK Government's response was to cut aid to the people of Yemen by 60% without carrying out an impact assessment. Drought in Somalia has forced people to flee to urban areas, putting them at greater security risk, which the Government themselves have said is the greatest priority area of concern. According to DevTracker today, however, the support that the UK provided in 2019-20—£260 million—is now, believe it or not, going down to £20 million in 2023-24. That is an astronomically cruel cut for the people of Somalia. The noble Lord, Lord Alton, called for leadership. This is the polar opposite of global leadership, and I hope that the Government will think again.

Internally displaced persons add a greater complexity. My noble friend highlighted the situation in Lebanon, but many other countries have hosted. The fact that many people flee within their own boundaries is often neglected. The number of those who fled conflict within Iraq reached 3 million people. If we visualise the entire population of Wales having to resettle en masse to the Midlands over a period of five years,

[LORD PURVIS OF TWEED]

what pressure would that put on our own infrastructure and services? We should have a little more sympathy for the many countries that have had to cope with this. What was the UK response? To cut support for Iraq from £50 million to £3 million. Can the Minister say why?

The noble Baroness, Lady Kennedy of The Shaws, rightly mentioned the Yazidis. Before Christmas, I was in north Iraq and met Vian Dakhil, the Yazidi MP. Of those who have returned within Iraq, 280,000 Yazidis remain displaced—that is 70% of the Sinjar population. Of those in the Duhok camp in north Iraq, 99% are Yazidi. There is still no formal way of officially documenting the Yazidi genocide, which acts against building confidence for returning. Still the injustices are repeated for many Yazidis, and there is a lack of implementation of the Sinjar agreement. If the Minister responds to anything that I have said today, I hope that it will be on the UK increasing support for the implementation of the Sinjar agreement for the Yazidi people, who continue to have injustices levelled against them.

The scale of this is colossal and will remain with us. The UK is diminishing, not increasing, our level of support. However, I am glad that the noble Lord started this debate not simply by talking about the global figures. He named those children and individuals who have perished in our waters at the same time as I was travelling to Kurdistan. They were seeking shelter here in the UK because they wanted the same as what we want for our own people. They are our brothers and our sisters and our children, and we should be thinking of them and supporting them in exactly the way that we should be supporting our own people.

2.15 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Alton, for initiating this debate and for being absolutely consistent in the message that he has put across in numerous debates over the last couple of years—namely, the need for us to be consistent as a country in our policy on human rights and refugees.

It is now over 70 years since the refugee convention was ratified and, with 82 million people still displaced, the international co-operation is as strong as ever. I totally agree with my noble friend's words that that requires us to invest more in international co-operation, not less.

Conflict, persecution and human rights abuses are all drivers which force people away but, increasingly, and as we have heard in this debate, many of them face additional challenges due to Covid-19, disasters, extreme weather and other effects of climate change. The noble Lord, Lord Purvis, is absolutely right: it is not just refugees who move countries; internally displaced people are a huge issue. The UNHCR reported that, by mid-2021, the number of people internally displaced due to conflict and violence had risen to nearly 50.9 million, almost 5% more than the 48.6 million reported at the end of 2020.

The noble Lord, Lord Hannay, is absolutely right that political leaders from around the world must work through multilateral institutions, particularly the United Nations. I agree with him that one area that we

could focus on is strengthening the mandate of the United Nations Secretary-General, ensuring that he can bring things to the United Nations Security Council and General Assembly, creating greater transparency. We should also be supporting his call and work for greater co-operation and engagement with civil society. Civil society is often the guarantor. When Governments fail to protect their citizens, it is civil society that is there to stand up. I absolutely agree with the references to the responsibility to protect. We should not forget that in 2005, when that principle was adopted, every single country on the United Nations Security Council adopted it—including China and Russia. We should focus more on that.

A commitment in last year's integrated review was the shortly-to-be-published international development strategy. To deal with the root causes of conflict and instability, defence, diplomacy and development must go hand in hand. The noble and right reverend Lord, Lord Harries, is right that we should ensure that the strategy contains a clear commitment to conflict-affected and fragile states. It should be at the heart of the new strategy. We have seen in Ethiopia how quickly incredible levels of development can fall apart when conflict re-emerges. In Afghanistan, we have seen how people's lives can be turned around in a matter of months, despite progress over 20 years. We must retain our commitment to conflict prevention and peacebuilding.

Being a force for good in the world also means putting forward a vision for a more secure and prosperous future, delivering on the UN's global goals and fulfilling our commitment to the world's poorest and most vulnerable—not leaving anyone behind. The global health, climate and humanitarian crises should result in more attention being given to the critical role that development plays in tackling global challenges. The global refugee crisis requires a joined-up strategic approach.

As the noble Lord, Lord Alton, said today and in the debate on the international development strategy just before Christmas, the best way to help people is to ensure that they can have a better life in the countries from which they originate. International development is key to unlocking many of the other strategic and diplomatic aims of the FCDO. I hope the Minister will focus more on the strategy that will be published shortly.

Africa has witnessed the most new internal displacements as conflict and violence flared up in several countries across the continent. Some 1.3 million new displacements were recorded in the Democratic Republic of Congo. In Ethiopia, conflict in the Tigray region and increasing insecurity in other parts of the country have triggered more than 1.2 million displacements. As we have heard, the situation in Mozambique's northern province of Cabo Delgado continues unabated, uprooting just over 120,000 people. In addition, large new displacements occurred in the Central African Republic, South Sudan and Nigeria.

Currently—I re-emphasise the point made by the noble Lord, Lord Purvis—the FCDO's bilateral aid budget to countries in Africa is at a 15-year low. At the time when we should be focusing on them, we are turning our backs. Many of the world's poorest countries are on the African continent. I hope the Minister can

confirm that the international development strategy to be published shortly will reaffirm the United Kingdom's commitment to Africa and increase aid to the continent in real terms.

Internal displacement also surged in the Asia-Pacific region, particularly in Afghanistan, as we have heard. I would also like to particularly mention Myanmar. The military coup in Myanmar ignited further widespread violence, bringing the total number of internally displaced people to an estimated 567,000, which is 54% higher than the 370,000 at the end of 2020. This fresh fighting has forced people to flee across into Thailand. I hope the Minister will reassure us that he will urge the Thai Government to provide the necessary humanitarian assistance following the violence which has resulted in that wave of refugees. We also need to strengthen and better resource the UNHCR and to accelerate applications for Myanmar nationals in countries where they are at risk of being deported back to Myanmar.

As we have heard in the debate, particularly from the noble Lord, Lord Alton, the United Kingdom's domestic policy towards refugees and asylum seekers is broken. The processing system has imploded, with the share of applications that received an initial decision within six months falling from 87% in 2014 to 20% in 2019. On asylum accommodation, the Government are increasingly looking towards dehumanising options, including sending people to offshore processing sites. Meanwhile, the High Court ruling that the Home Office's decision to house asylum seekers in Napier barracks was unlawful was a shameful verdict for the Home Secretary.

Unfortunately, processing and accommodation are only the tip of the iceberg. We have heard horrific stories of people trying to find a safe passage across seas. A failure to solve the problem of dangerous boat crossings is putting lives at risk and is a wider symptom of the Government's inability to offer safe routes of passage. The Nationality and Borders Bill offers only unworkable solutions and undermines international humanitarian conventions at a time when co-operation is most needed.

Ultimately, none of these issues can be properly addressed without international co-operation. We need a clear articulation of the United Kingdom's global leadership role, a cross-government approach to responding to humanitarian and peacebuilding activities, a plan to ensure that economic systems do not perpetuate poverty and a clear commitment to ensure vaccine equality. The United Nations, the UNHCR in particular, provides a legitimate forum for finding agreement and I hope the Minister will focus on those institutions today.

2.26 pm

The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con): My Lords, I thank the noble Lord, Lord Alton, for securing this debate and for his extremely powerful words in starting it. I also thank all other noble Lords for their insightful contributions.

A surge in violent conflict since 2010 has prompted historically high levels of mass and forced displacement. As the noble Lord, Lord Alton, said in his opening

remarks, the UN refugee agency estimates that the number of forcibly displaced people rose to a record-breaking 82 million during 2020. That is more than 1% of the world's population, or one in every 95 people, being driven from their homes, some by conflicts and natural disasters, others by hunger, climate change, poverty or persecution. In 2010, that figure was one in every 159 people, so there is little wonder that the international humanitarian system is under strain.

Crises are also becoming increasingly protracted, with around three-quarters of all refugees displaced for more than five years. As the noble Lord, Lord Alton, again pointed out, in some cases they are displaced for much longer than that. The pandemic has made things worse. Covid has thrived in the cramped conditions that many displaced people endure and prevented them being able to return home.

It is clear that the international community has an immense and growing task on its hands to support those driven from their homes. I am going to set out some of the actions that the UK Government have taken to address this crisis and outline our work to tackle its root causes.

The UK has a strong track record of helping those who need our protection and assistance, as well as the host communities that give them sanctuary. Despite the seismic impact of the pandemic on the UK economy, the Government remain one of the largest donors in the world. Indeed, we spent more than £10 billion on overseas development assistance last year, making us the third-largest donor in the G7. In answer to comments made by a number of noble Lords, not least the noble Lords, Lord Hannay, Lord Dubs and Lord Purvis, and the right reverend Prelate the Bishop of St Albans, Parliament has endorsed a clear pathway to return to 0.7%, which, on current projections, will be by 2024-25. I do not think it is out of place to say that there is a strong feeling that, as soon as those conditions are met, we must immediately return to 0.7%.

Displaced people are, of course, a huge priority for our overseas aid and for the international development community. Humanitarian assistance is one of the Foreign Secretary's top priorities for the FCDO. Our work to support displaced people and host countries, and to champion international humanitarian law, is central to our efforts to build a global network of liberty. We have led the way in forging innovative solutions to refugee crises, championing a longer-term approach, and helping shape the Global Compact on Refugees, including with our pioneering responses in Jordan and Ethiopia.

The UK is one of the largest donors to the agencies working on the front line. We provided £29 million in core funding last year to the UN refugee agency, £25 million to the UN Office for the Coordination of Humanitarian Affairs and £37 million to the World Food Programme. This helped agencies with rapid responses, staff training and accountability. Our support also goes far beyond funding. We play a central and influential governance role via these agencies' executive committees and through our UN reform agenda. We also use our global network to carry out humanitarian diplomacy and support people directly through our own programmes.

[LORD GOLDSMITH OF RICHMOND PARK]

In response to the increasingly drawn-out nature of crises and the years of strain they put on host communities, we have worked with international partners on innovative longer-term solutions. Our focus is on a holistic approach, restoring dignity and offering refugees a viable future while supporting their hosts. As the noble and right reverend Lord, Lord Harries, and the noble Lord, Lord Griffiths, both said, this approach has won global acceptance through the internationally agreed Global Compact on Refugees. To reassure them both, the UK remains absolutely committed to the compact. It aims to help refugees stay near their homes and to support host communities by investing in education, job creation and economic growth. Our commitment to the global compact is reflected in our country programmes, including our contribution of more than £320 million to the Rohingyas in Bangladesh since the crisis began four years ago, which has provided life-saving food, healthcare and sanitation for refugees. It has also assisted vulnerable neighbouring countries.

The conflict in Syria, which a number of noble Lords raised, has been one of the largest crises in history in terms of displacement. In response to this, we have provided more than £2 billion of support to 5.5 million refugees and their host communities since 2012. In response to the noble Lord, Lord Purvis, our support in Syria has direct impacts and benefits for Yazidi communities, who have perhaps been on the receiving end of more horrific abuse than almost anyone else. I will have to ask the relevant Minister to respond on his question around the Sinjar agreement and get back to him; I am afraid I do not know the answer to that.

In northern Iraq, we continue to work with humanitarian agencies and Iraq's Government to ensure that displaced persons can return home in a safe, dignified and voluntary manner. Meanwhile, in Yemen, the UK has contributed over £1 billion of humanitarian assistance since the start of the conflict. This supports the most vulnerable groups, including those who have had to flee their homes.

The noble Lord, Lord Collins, remarked on the rapidity with which things have deteriorated in Ethiopia as an example of how things can unravel incredibly quickly in unexpected parts of the world. In Ethiopia we have provided more than £76 million of humanitarian aid since the start of the conflict in Tigray. This includes food and water for the most vulnerable communities across northern Ethiopia. We will also deliver health, mental health and psychosocial support to around 40,000 displaced persons. Very briefly, in response to the noble Lord, Lord Collins, I cannot, obviously, go into details around the international development strategy, but I can tell him that our strategy will reaffirm very clearly our commitment to Africa. I am sure we will discuss—and perhaps debate—the issue in due course.

The worsening humanitarian situation in Afghanistan is also hugely concerning; I note the comments from the noble Baroness, Lady Smith. We are doubling our humanitarian and development assistance this financial year to £286 million. This is providing life-saving food and emergency health services, shelter, water and hygiene services. The increase has also boosted our support to the UN's regional response and to the neighbouring countries that are hosting many of those refugees.

Resettlement to stable countries is clearly a hugely important strand of the global compact. In the UK, since 2015, we have resettled more than 25,000 men, women and children seeking refuge from persecution. We have issued more than 39,000 visas under the refugee family reunion rules, around half of which were to children.

In response to the noble Baroness, Lady Smith, the noble Lord, Lord Alton, and a number of other noble Lords, the Government's Afghan citizens resettlement scheme will provide up to 20,000 vulnerable people with a safe and legal route to resettle in the UK. I think that makes it the most generous such scheme in this country's history. It is worth reiterating that, in the space of just two weeks, Operation Pitting—I hope I have that right—brought 15,000 people to safety in the UK. Working in incredibly difficult circumstances, a very large number of people were moved, in record time, to positions of safety. We are working with the UNHCR to design and open up that scheme so that it is more appropriate for the ever-changing circumstances, and we will be able to provide more details on that very soon.

The scheme I described earlier will also prioritise those who have assisted UK efforts in Afghanistan and stood up for our values, such as democracy, women's rights, freedom of speech and the rule of law. It will focus on the most vulnerable people, such as women and girls, and members of minority groups. Under Operation Warm Welcome, we are helping Afghans arriving in the UK to rebuild their lives, find work, pursue education and integrate within their new local communities. Since 2015, the UK has assisted more people through resettlement schemes than any other country in Europe.

Children, of course, need to be at the heart of our work; that point has been made in a number of speeches today. They make up 42% of all displaced people, and we know that children in fragile and conflict-affected countries are more than twice as likely to miss out on school compared with their counterparts in peaceful nations. If these children are to have any hope and the chance of a fulfilling and prosperous future, it is essential that we support them to continue that education.

That is why in Nigeria, for example—I say this partly in response to the comments of the noble Baroness, Lady Cox—our humanitarian programmes have enabled more than 200,000 conflict-affected children to access education. With more than 2 million internally displaced people in Nigeria, our £425 million humanitarian programme is also supporting 1.5 million people with food assistance and providing access to toilets and clean water.

More broadly, the UK is also a founding member of, and the largest donor to, Education Cannot Wait, the global fund for education in emergencies. We have committed £90 million to the programme from 2019 to 2023. With our support, the programme has helped more than 4.5 million children continue their education over the past three years, through periods of crisis and conflict.

Besides helping those in immediate need, it is crucial—as almost every speech in this very debate has emphasised, and in particular the comments of the right reverend Prelate the Bishop of Leeds—that we

address the root causes of displacement. That is absolutely central to our approach. It is not only central to our approach; it is directly in our own interest, as well as being the right thing to do. Addressing the triggers—from conflict to climate change, and from poverty to abuse of human rights—is a key strand of our integrated review, which sets out our plans to address these challenges over the next 10 years. We will use all the political, security, development and trade levers we have to reduce tensions, end conflicts, build stability, protect freedoms and spread opportunity and prosperity across the globe. The multilateral system is central to that approach, but we will not be constrained by its limitations.

The noble Baroness, Lady Bennett, helpfully provided the environmental context, which is a looming and growing context for so many of the movements that have been described today. She talked about the need to clear up our supply chain and about commodities causing deforestation and contributing further to climate change and displacement. Cleaning up our supply chains is a key commitment that we have made, and we are at the early stages of this. Much of what was discussed and agreed at COP involved the need to break the link between commodities and deforestation and to put stopping deforestation at the heart of our global response to climate change. I commend her also for her campaign—which she did not mention today—for the recognition of ecocide, which I think has a direct bearing, and certainly will have an even bigger bearing as the years go by, on the issues we are discussing today.

Conflicts will continue to be the main driver of displacement, and we will do all we can to prevent, manage and resolve them. The UK has contributed over £160 million to the UN peacebuilding fund since its inception, and in May last year, we announced a further £10 million for this financial year. We continue to work with UN agencies, funds and programmes, as well as international financial institutions and important regional bodies such as the African Union. This will help to ensure effective and sustainable approaches to reducing conflict in fragile states.

For lasting peace, we know that women must have a seat at the table; the noble Baroness, Lady Greengross, made this point very powerfully in her speech. We know that when women participate in peace processes, there is a 35% increase in the probability of a peace agreement lasting at least 15 years. That is why the UK Government are leading proponents of the women, peace and security agenda.

To reduce forced displacement, we will continue to stand up for human rights and international humanitarian law and use our influence to hold to account those who violate them. As part of our efforts to defend human rights, as noble Lords will know we introduced a new system of Magnitsky sanctions in July 2020 to target human rights violators and abusers around the world. We have used the global human rights sanctions regime to designate nearly 80 individuals and entities involved in some of the most notorious human rights violations in recent years. That includes government officials and bodies in Belarus, Myanmar, China, Russia and North Korea. The UK also works with partners at the UN to target human rights violations and abuses.

For example, we implement UN sanctions against individuals involved in human trafficking and human rights abuses against migrants in Libya.

Sexual violence is another recurrent cause of displacement. Since the launch of our ground-breaking Preventing Sexual Violence in Conflict Initiative in 2012, successive UK Governments have transformed the way the international community deals with those crimes. We have sent more than 80 deployments of UK experts to affected countries. We have trained more than 17,000 police and military personnel on sexual violence issues. We have also committed more than £50 million to support numerous projects around the world. In November, the Foreign Secretary launched a major new global campaign to stop sexual violence against women and girls in conflict around the world. She is bringing together partners to condemn rape and sexual violence in conflict as a red line. This year, the UK will also host a global conference in which we hope to unite the world in action.

Lord Purvis of Tweed (LD): Before the Minister moves on, as he rightly said, all those pernicious elements in Africa have been and continue to be present in Nigeria. The Government have cut their support from £250 million, as the Minister said, but he did not say that it will go down to just £60 million in 2023. Has an objective developmental system of assessment been carried out to inform that cut, given the fact that this pressure is ongoing, or are these simply arbitrary cuts?

Lord Goldsmith of Richmond Park (Con): The noble Lord made the point well in his speech that there have been cuts across the board as a consequence of the move from 0.7% to 0.5%. That involved lots of difficult decisions; it is not something that I think most people welcomed. We have a pathway that will return us to 0.7%, hopefully in the next couple of years. As I said to the noble Lord, Lord Collins, when we publish our development strategy we will reaffirm the importance and centrality of the continent of Africa in our vision and plans. I very much hope that the noble Lord, Lord Purvis, will be reassured by the report when it is published, but I cannot go into the details at this point.

As a number of noble Lords have rightly said, all the science tells us that climate change and environmental destruction are likely to become a bigger and bigger reason for the increasing movement of people in the coming years; the right reverend Prelate the Bishop of Leeds, the noble Lords, Lord Dubs and Lord Loomba, and the noble Baroness, Lady Kennedy, made similar points. The UK has played a leading role in the global response to climate change. COP 26 made unexpected and really important progress on adaptation and climate finance, which are obviously essential to managing climate displacement. The work that we did in the run-up to COP 26 and the work that we will do this year as the COP president, which will be no less intense than the work that was done last year, are a really positive example of internationalism and in many ways embody what many of us mean by “global Britain”.

Domestically, we have committed to doubling our international climate finance to £11.6 billion over the next five years. We will put a significant chunk of that

[LORD GOLDSMITH OF RICHMOND PARK] into helping to restore and protect nature as a serious and central contribution to tackling climate change. Above all, that £11.6 billion will be spent in a way that supports vulnerable countries to make themselves more resilient to climate change, and in doing so we hope to ease future migration pressures.

The tragic truth is that forced displacement is happening on a biblical scale today. Before I make that point, I want to comment on, without necessarily answering, the powerful speech made by the noble Lord, Lord Hayward. He issued a number of important questions to the CEO of Coca-Cola, Mr Quincey, and I encourage Mr Quincey, if he is paying attention to this debate, simply to answer them. It is important that he does.

As I said, forced displacement is happening on a record scale today. All the signs suggest that this will continue and that the trend is upwards. In the face of this terrible human suffering, I am proud that the UK has a strong record of helping those who need our protection. I pay tribute to the generosity of all host nations and communities who welcome those driven from their homes, and to the tireless work of those who support them in the most difficult circumstances. The international community can address need on this scale only through a holistic approach, with countless painstaking political, diplomatic, military and humanitarian interventions. The UK Government are committed to doing all we can—harnessing our political clout, diplomatic expertise, military know-how and humanitarian reach—to support the displaced and give them hope of a viable future.

I thank noble Lords for their comments.

2.45 pm

Lord Alton of Liverpool (CB): My Lords, I was particularly pleased when I saw that the noble Lord, Lord Goldsmith of Richmond Park, had been asked to reply to this debate in your Lordships' House. He is well known for painting on a big-picture scale, and undoubtedly he will have heard from all the speeches in the debate that this is a canvas that gives him enormous scope to use the position he is now in, the ability he clearly has and the idealism and pragmatism that he brings together.

There is nothing wrong with having good, altruistic motives and combining them with self-interest. That has been a theme throughout this passionate, knowledgeable, rich, reasoned and urgent debate. We have heard a lot about the push factors, in comparison with yesterday's debate, which focused on the pull factors. We have heard about the role of global corporations; the displacement of widows, children and women; the consequences of the breakdown of the rule of law and international institutions; the consequences of dehumanising and stigmatising refugees; the need for wise statecraft and diplomacy in combating conflict; the central role of our development programme; Magnitsky sanctions; and individual and collective actions, including boycotts. Many specific places and ideas have been mentioned.

I am struck that we were encouraged to think not just about percentages but about individual people. We were reminded that it comes down to the one in 95 people in the world who are displaced. We heard a lot about systems failure, not least the failures of the

Security Council and its role in creating insecurity. We heard about leadership and the need for more international resolve, not less.

This has been a very good debate, but what we do about it as we go away from your Lordships' House today is what will really count.

Motion agreed.

Energy Costs

Question for Short Debate

2.48 pm

Asked by Baroness McIntosh of Pickering

To ask Her Majesty's Government what assessment they have made of the effect of rising energy costs on households, and in particular (1) pensioners, and (2) those on low incomes.

Baroness McIntosh of Pickering (Con): My Lords, I am delighted to have secured this important debate. I look forward to all contributions from all sides of the House. I declare my interest as the honorary president of National Energy Action.

At the outset, I want to set out the scale of the problem. All those currently caught in fuel poverty are those who live on the lowest incomes: that is, below the poverty line and on 60% of the average median income. National Energy Action estimates that 4 million households already live in fuel poverty, and that was before the energy increases in October last year. It is estimated that those increases have put a further 500,000 households into fuel poverty. Moreover, a further 1.5 million people could be forced into fuel poverty when the price cap is removed in April if the rises are as bad as is feared.

I thank the NEA for its briefing for today and indeed the House of Lords Library for its helpful and comprehensive briefing—it is immensely helpful. By April this year, there could potentially be 6 million households living in fuel poverty in the United Kingdom. Many of those will live in rural areas off the main energy grid, dependent on fuels such as oil, liquid petroleum gas and solid fuels, which are not subject to the price cap. As the Institute for Fiscal Studies and other organisations have said, real incomes are stalling yet inflation and prices are rising for food and other essentials. We also know that taxation will increase from April next year.

What is the background to this debate? Wholesale energy prices recorded a record increase in the run-up to December last year, reaching an all-time high and about nine times higher than the year before. Crucially, there is a lack of energy storage in the UK; I understand that we have on average only 60 days of gas storage as opposed to three months in Germany and other European countries. We in the UK import 50% of our gas, so we are extremely sensitive to price rises on the global gas market. Around 85% of UK homes use gas central heating. The cap on energy prices is being lifted on 1 April 2022. I look forward very much to hearing from the Minister in responding to the debate; I understand that there is breaking news that the Government are intending to take action well before

the April deadline. I also welcome the fact that Ofgem is currently consulting on the length of term of reviews on the price cap.

Currently, 25% of household electricity bills will fund renewable energy costs, yet energy generation should rightly be funded either out of general taxation or, perhaps more appropriately, by raising capital in the market in the normal way. What is unacceptable is that, to date, the price of energy has increased for domestic consumers by £235 since the previous October. That is compounded by the fact that the cost of energy company failures impacts on consumers too. Since August 2021, 26 energy suppliers have gone out of business. Ofgem estimates that UK households will have to pay between £80 and £85 extra on their energy bills in 2022-23 as a result of these recent energy supplier failures. Others, such as the banking group Investec, put this as a potential £120 per household. Given that, as I mentioned above, certain fuels, especially those used predominantly in rural areas, are not covered by the price cap, this is a very real problem indeed.

What action would I like the Government to take? I welcome the fact that current schemes, such as the warm home discount and energy company obligations, help in so far as they do. They offer a lifeline targeted at reducing energy costs, especially for those on low incomes and vulnerable households. These schemes could be increased in value and their focus could be extended. That is probably the easiest option and one bringing the best and swiftest results to the fuel poor. National Energy Action is also looking to pioneer a new social tariff, which I imagine would operate in a similar way to the social tariff in the water sector. It seems incredible that there is no social tariff as yet in the energy sector, and I urge the Government to look favourably on these proposals.

Equally, the Government could suspend green levies on energy and electricity bills, and I urge them to do so. They are currently used to fund renewable obligations and feed-in tariffs. In my view, in my view, it is inappropriate to ask those living in fuel poverty to pay for the next generation of renewable energy. It would be more appropriate for energy companies to raise the money for infrastructure costs from the market as other utilities have to do, raising finance in the same way as do water and telecommunication companies. I therefore urge the Government to lift, either temporarily or permanently, green levies on domestic energy bills.

I also propose that the Government consider either a short-term reduction or suspension of VAT on fuel. This would be a Brexit dividend that we have been told we can benefit from, as we were unable to do so previously. However, as we have now left the European Union, we could now do so. This would save households between £90 and £150 on their domestic bills.

I would also look to restructure the market. Every time an energy company fails, it should not be for consumers to pick up the sizeable cost; it should be borne by the market. I also urge the Government to expand winter fuel payments to those 65 or under who qualify for cold weather payments—an easily identifiable group. They could benefit by up to a £300 discount in this way on their energy bill and support an additional 2.4 million people on low income of working-age

households. I also urge the Government to accelerate payment of utility debt across the United Kingdom, which would help to alleviate those living in fuel poverty.

I also make a plea that we need to adapt to climate change. We currently lose approximately 30% of electricity through overhead power line transmission. These power lines are vulnerable to extreme weather events such as gales and snowstorms and they are now bigger and heavier and cover longer distances than ever before. We saw in November last year the unfortunate event of a catastrophic power failure in rural parts of the north-east of England, where for six days people had no electricity, hot water or heating. That is unacceptable in modern times.

The recent figures for those living in fuel poverty, as identified by National Energy Action, show that currently the largest numbers of those living with the highest levels of fuel poverty are, surprisingly, 35 to 49 year-olds, followed by 60 to 74 year-olds, then 50 to 59 year-olds and finally, 75 year-olds and older.

I urge the Government to revisit the legal basis for green levies and look anew at competition in the energy sector. I personally oppose fracking, which is neither cost effective nor environmentally sustainable. However, a better option would be to boost energy from waste, particularly where this is done so effectively, such as in North Yorkshire at the Allerton waste facility. I urge that the energy created is put into the local grid, helping those living in areas of low temperatures and often high fuel poverty.

I end with a plea to my noble friend, his department and the Government to pursue the actions which I have identified above: to expand the warm home discount across the whole of Great Britain to cover a further 2 million households; to consider introducing a social tariff; to reduce or cancel VAT on energy bills and scrap the green levies; to support more people through winter fuel payments; and to look carefully at restructuring the energy market. I look forward very much to my noble friend's response to this debate.

2.58 pm

Lord Lilley (Con): My Lords, I congratulate my noble friend on securing this timely and important debate. I will make four simple points.

First, higher energy costs hit the cold, the old and the poor hardest. The further north you go, the colder it gets and the bigger your heating bills. The lower your income, the higher the proportion of it that goes on your energy bills. The older you are, the more warmth you need, so the bigger your heating bills. So higher energy bills do not just target the cold, the old and the poor but are directed straight at the Government's new supporters in the working class and the north as well as their long-standing supporters among the elderly.

Secondly, wherever net-zero policies which increase energy costs have become a political issue, they have been electorally disastrous. In France, they provoked an uprising of the gilets jaunes, forcing President Macron to rescind his diesel tax increase. In Australia, a Conservative Government looked doomed to defeat by a Labor Party waving the green flag, but when the Conservatives opposed the carbon tax they snatched victory from the jaws of defeat. In the Netherlands, when the government coalition proposed green taxes,

[LORD LILLEY]

an entirely new party formed to oppose this became the biggest single party in the municipal elections. In Canada it was a similar story for the provincial elections, and yesterday an uprising in Kazakhstan was triggered by an increase in LPG prices.

Thirdly, we will need gas for many years to come. At this very moment—or 10 minutes ago—40% of our electricity is being generated by gas power stations. Only 37% comes from renewables. Even if we install more windmills, we will need gas back-up because the wind often does not blow and the sun never shines at night. We will need gas for electricity generation for ages. There is no economic alternative. Moreover, we will need gas for home heating for years to come. Even if we go ahead and ban new gas boilers in 2030, millions of homes will continue to rely on gas for their existing home boilers to heat their homes for decades thereafter.

We have a huge gas potential in the North Sea and the Bowland shale in Lancashire. Eco-fanatics opposed using this, even though domestic gas would reduce emissions compared to importing LNG from Oman or the US. They oppose it because their priorities are deindustrialisation and virtue signalling; reducing carbon emissions is not really their top priority. We should stop caving in to them and give permission for development of new fields in the North Sea and drilling for shale gas in Lancashire and elsewhere.

Fourthly, this is not just a temporary problem. There is an acute short-term problem, which the Government should alleviate by reducing VAT on fuel to zero—as we can now do since we are outside the EU—and suspending green levies, which add 23% to electricity bills. Even after the present world shortage subsides, households will continue to face long-term rises in energy costs as long as we pursue a policy of net-zero carbon emissions without any reference to cost-effectiveness. Indeed, the cost of installing heat pumps and the necessary insulation will have a far greater impact on the households affected than has been the case with the present energy crisis. The reaction of those households will probably be enough to bring down a Government—we ain't seen nothing yet.

I hope we will think again and take the impact on households into account.

3.03 pm

Lord Henty (Lab): My Lords, I congratulate the noble Baroness on securing this debate. This year the UK faces what the Resolution Foundation has called a cost-of-living catastrophe. Does the Minister agree with the Leader of the House of Commons that the rise in national insurance planned for April should be scrapped?

Noble Lords have suggested, and will suggest this afternoon, ways of dealing with the rise in energy prices. The impact on pensioners is obvious: the way to deal with it is to raise the state pension and the winter fuel allowance. I wish to focus on those on low incomes. The Resolution Foundation and the Office for National Statistics have shown that the real value of wages has been more or less flat since 2008 and is predicted to fall this year. The pandemic and Brexit introduced fluctuations in some sectors but these have

not had a wider impact. Britain is a low-wage, low-productivity economy. Given the Government's stated objective to reverse this, presumably the Minister will agree with the new year message from Frances O'Grady of the TUC that Britain needs a pay rise.

The question is how that might be achieved. Treating workers as commodities on the so-called labour market, where the price of their labour is fixed by employer demand on one side and mitigated by the need of workers to keep themselves and their families from penury on the other, does not produce a high-wage, high-productivity economy. The Government should look to the real high-wage, high-productivity countries such as those of Scandinavia, and note that the key feature which produces such results is high levels of collective bargaining—levels of over 70% and as much as 90% of workers covered by collective agreements. Even the European Union has now finally recognised the importance of collective bargaining coverage of 60% or more in its proposed directive on the minimum wage. In contrast, in this country, from a level of around 85% of British workers, which ran from the Second World War until the 1980s, collective bargaining coverage has been steadily driven down by government policy and restrictions on unions to something less than 25% today. That means that three-quarters of our workers, some 24 million of them, have no collective say over their terms and conditions, and next to none is in a position where an employer will negotiate with them individually.

Given the UK's commitment to promote collective bargaining as articulated in the International Labour Organization's convention No. 87, which was recently reiterated in the trade and co-operation agreement with the EU, and in the UK-Australia free trade agreement, will the Minister consider reintroducing the wages councils legislation, first promoted by Sir Winston Churchill in 1909, which required compulsory collective bargaining across each sector of industry where it did not occur voluntarily? The resulting agreements were binding on every worker and every employer in the sector. It was introduced and functioned precisely to remedy the blight of low wages.

The Minister might also consider developments in New Zealand, where legislation was introduced last year to introduce fair wage agreements, much like those of the wages councils, and in Spain on 29 December, just a week ago, where there was a restoration of collective bargaining, by agreement with the social partners.

3.07 pm

Lord McNally (LD): My Lords, when I was in my sixth-form debating society, we would occasionally have a debate entitled "Something must be done." That mood was well captured in yesterday's *Daily Telegraph* "Chopper Politics" column, written by its chief political correspondent, Christopher Hope. He said: "Everyone can see the cost-of-living crisis about to hit millions of British households in the spring. Oddly though, the Prime Minister appears to be all at sea about how to deal with it." The validity of that statement is beyond doubt and the Question of the noble Baroness, Lady McIntosh, for which I am grateful, goes to the heart of the impending crisis, with its impact on pensioners and those on low incomes.

We have just had a contribution from the noble Lord, Lord Lilley, that goes to the heart of this dilemma. We have on the one hand his “stop the world, I want to get off” approach against the commitments that the Government made only recently in Glasgow. It will be interesting to see how the Minister responds to both challenges.

There is no shortage of suggestions for measures to deal with the matter. We heard some in great detail from the noble Baroness, Lady McIntosh, and the Labour Party and a significant number of Conservative Back-Benchers favour a significant cut in VAT. The Prime Minister immediately stamped on that idea because it would help

“a lot of people who perhaps don’t need support”

with rising living costs. That might well be true, but it will not feel that way to voters in Uxbridge, Surrey or where the noble Lord, Lord Lilley, used to represent in Hertfordshire when they open their energy bills in the spring.

So whatever the response and whenever it comes, the Government must give the country clear direction, not only on short-term measures but on a clear and sustainable national energy policy. That would be difficult for a Prime Minister who seems to work only to a 24-hour rolling news cycle.

The initiative announced by my right honourable friend Ed Davey for a Robin Hood tax on the gas and oil companies would enable the Government to help the vulnerable in immediate need and provide encouragement and resources to help with home insulation and other energy-saving measures in the long term. It is that combination of long-term planning for the future and immediate help to the most vulnerable that is most likely to result in parliamentary and public support for the difficult choices that the Government are going to have to make.

I presume that we have all received the excellent brief for this debate from Energy UK setting out the facts about the gas price crisis and the fragility of the UK energy market. That brief asks two pertinent questions. When will the Government launch their fairness and affordability call for evidence, which was expected in April 2021, on the options for energy levies and obligations to help to rebalance electricity and gas prices, and support green choices? What estimates have BEIS and HM Treasury made of the implications of the high wholesale gas costs for the whole economy and inflationary pressures on business and households? Perhaps the Minister could address those questions in his reply.

After two years of Covid, we are moving into even more uncertain times in the economy. Such times need a Government who are strong in leadership and clear in policies. I fear that at the moment we have neither.

3.12 pm

Lord Berkeley (Lab): My Lords, I congratulate the noble Baroness on securing this debate. It is topical and she outlined very clearly the problems that we face. I was struck by her figure of 6 million people being in fuel poverty, because we must remind ourselves that we need energy to survive as a country, as individuals and as a society.

The noble Lord, Lord Lilley, talked about the pressure towards zero carbon, which I will not go into now because he did so clearly, but the other option for people is, of course, to consume less and change our lifestyle. It may be possible to do something like that with transport, but it is much more difficult to do with the things that affect fuel poverty. I was struck by a recent Eurostat report that set out that across Europe 63% of one’s energy consumption—a good average—is on space heating. If one tries to cut out space heating, one is shivering. One can cut out water heating and have cold showers. One can cut out cooking and lighting, but the biggest demand by far is for space heating. The report also says that in 2019 the residential sector represented 26.3% of final energy consumption. That means that we have an energy supply problem.

Putting it simplistically, we now have a situation whereby demand exceeds supply. We have all read about the way in which the Russians are playing off the European Union—Germany in particular—on the supply of gas. Renewables are not there; the noble Lord, Lord Lilley, mentioned France’s nuclear situation and the fact that the interconnector is not functioning as a result. Therefore the price goes up, and, as several noble Lords have asked, how much has it gone up?

There is no easy short-term solution, because unless something is done in the short and the long term, people will continue to shiver. The Prime Minister has said that the energy shortage is a short-term problem. I see that in the *Daily Express* today the Chancellor said that there is a limit to how much government can do. There may be a limit to what the Government want to do, but in practice the Government can do what they like. They obviously respond to the electorate.

I hope that the Minister when he responds will tell us not just about the short-term solutions that are needed, as other noble Lords have said, but about a long-term solution to help the large number of people—the noble Baroness said it was about 6 million—who are going to suffer and shiver, not just this winter but for many winters to come, unless we do something to put this issue on to a sound, long-term basis.

3.57 pm

Lord Sikka (Lab): My Lords, I thank the noble Baroness, Lady McIntosh of Pickering, for this debate.

The effects of high energy prices upon low-income households are exacerbated by the Government’s wrong policies. The cut in universal credit has made millions of households energy poor. Disposable incomes of the less well-off will be further depleted by the 1.25% Johnson tax and the freezing of personal allowances and income tax thresholds. We already know that VAT on domestic fuel and the green levy are regressive and hurt the poorest the most. Millions of retirees are unable to afford the high energy costs. Despite the triple lock, some 2.1 million pensioners live in poverty. The government response is to cut the real value of the state pension, which in April this year is due to rise by 3.1%, while the rate of inflation is expected to be double that. The age-related winter fuel payment of between £100 and £300 has remained unchanged since 2011. If it was linked to energy prices, it would need to

[LORD SIKKA]

be double that. Due to the Government's policies, millions of people will suffer hardship and thousands will die from fuel poverty.

The privatisation of the energy industry has also been disastrous. There is little focus on the long-term, and that has deepened the crisis. In the past decade, the big six energy companies, mostly foreign-owned, have paid £23 billion in dividends, equivalent to 82% of their pre-tax profits. The investment in infrastructure is pitiful. The UK relies upon gas and electricity imports from Belgium, France, Ireland, Norway, Russia and elsewhere. The UK has around nine terawatt-hours of stored gas reserves, equivalent to 2% of annual demand, compared with equivalents of between 25% and 37% in major EU countries. As a result, people are highly exposed to price shocks.

Ofgem has failed to provide energy security and market stability or monitor the financial stability of energy companies. The collapsed Bulb Energy had, on its last balance sheet, bank loans of £54 million, owed suppliers £466 million and had accumulated losses of £223 million. However, its share capital was only £100. With such gigantic leverage, bigger than the leverage of Lehman Brothers and Bear Stearns, neither Bulb nor its parent company Simple Energy, which had debts of £1 billion, were in any position to manage the volatility in the market. Ofgem did absolutely nothing to deal with that.

To mitigate the crisis, I urge the Government to do five things: first, reverse cuts in universal credit and planned tax increases; secondly, abolish VAT and the green levy on domestic fuel; thirdly, double the winter fuel payment and restore the real value of the state pension; and fourthly, provide funds to insulate homes.

The cost of these four things can easily be met by taxing unearned income at the same rates as earned income. Applying that to capital gains would raise £17 billion extra in income tax and £8 billion in national insurance contributions—more than enough to cover the cost.

Fifthly, and finally, the energy sector should be brought under public ownership so that the country can plan for the long term and we can end profiteering and abuses by energy companies.

3.20 pm

Baroness Boycott (CB): My Lords, I am very pleased to support this debate, but I am always sad that we have to have it at all. In her Question to the House, the noble Baroness asks about the effect of rising energy costs. In my few minutes, I will talk about the effect this will have on food.

Potentially, 6 million households—not 6 million people—will have to choose between heating and eating, paying a bus fare or buying sanitary towels. Some 2 million of those households are, at the moment, keeping their heads above water, but come 1 April they are liable to sink below the waterline.

These energy price rises affect everything in the life of a family. Food is always the part of the budget that is squeezed. You can always, more or less, buy something cheaper and thus less healthy, or you can just choose not to eat at all. This already happens, not just in families but in cash-strapped councils and schools,

which take bits of the schools food budget as it passes through their hands. Too many of our children are being served cheap food that limits their physical and mental progress; now even more of them will be suffering that at home. For many more, breakfast will be reduced to a packet of crisps and a fizzy drink; that might fill them up for a moment, but who is thinking of the long-term damage? Of course, we see all this in the Covid epidemic.

Food prices are also rising. The Government's own food security report, published just before Christmas, acknowledges that the poorest 20% of households are "more impacted by changes in food prices", and that

"With a decrease in income alongside the percentage spent on food having remained the same, the poorest households" have had a really "diminished budget" since 2017. But why is food always singled out as an item of expenditure that can be, and often is, the first to be cut? The report again explains that

"expenditures such as electricity and gas bills are ... non-discretionary, meaning that it is difficult for a household to cut back on spending."

In a subsequent paragraph, the report confirms:

"For some households, it could also mean that people might rely on food aid",

or completely miss meals.

The Government are armed with all the facts they need to justify action. They know full well that without such action there will be more visits to the food bank. This has certainly been the case at Feeding Britain. One little boy said to his mum when they were aboard one of our food buses the other day, 'Do we really need to go home, mummy? If we stay here we have the internet, it's warm and there's food'. A dad who recently joined one of our affordable networks commented to a volunteer that he had the first piece of meat he had been able to afford in six weeks. Aboard another of our food buses, two-thirds of people signing up at the first couple of stops required both low-cost food and emergency credit on their meter. One family in London recently sought help late on a Friday afternoon, with just 5p on their meter. Even if they could get some food, how would they cook it? Pensioners have been especially badly hit. As I have spoken about before, they are reluctant, through a matter of pride and despair in this country, to have to turn to food banks. We have been able to set up many food banks in Glasgow—not something I am proud of having to do.

I urge the Government to look at every possible bit of support they can through the social security system and things such as the Robin Hood tax, the warm homes discount and winter fuel supplies. I also urge the Government not to turn their back on investment in green energy. It would be a very short-sighted decision to say that we will stop funding our investments in this direction. We will all pay for it in the long run. Quite frankly, the energy companies have made enough money out of all of us over so many years that to tax them to try to stabilise this situation seems only fair and just.

3.24 pm

Baroness Fox of Buckley (Non-Afl): My Lords, I heartily welcome this short debate from the noble Baroness, Lady McIntosh. I am just surprised that the

Chamber is not packed out. We hear a lot about emergencies—public health emergencies, NHS emergencies and, of course, the mother of all emergencies, the climate change emergency—but millions not being able to afford energy in the UK in 2022 really is an emergency and will be immediately devastating for many individuals and institutions.

When we talk about climate-related deaths, I hope we count those people who could die of the cold because they cannot afford bills. This is also not just about consumers. Think of all those businesses struggling because of lockdown policies. These extra energy costs will be a hammer blow and will lead to many cafés, pubs and factories shutting up shop—hardly levelling up. Two small charities I know that work respectively with vulnerable women and the homeless have told me that they will not be able to keep their premises open because of energy bills.

Of course I welcome short-term fixes—yes, scrap green taxes and VAT—but this surely demands a major rethink of energy strategy. I understand partly that this immediate crisis is caused by international lockdown measures, but as economics writer Phil Mullan points out, we need to untangle contingent factors from long-term endemic issues affecting gas shortages and higher energy prices. I quote him:

“long-term problems ... derive from the ... transition ... from fossil fuels, and the absence of reliable alternative energy”

supplies. I agree, and this points to how green policies and tougher and tougher targets for decarbonising energy supplies are one major reason for the hike in energy bills that has left our energy supplies so precarious and left ordinary people to foot the bill.

We need to stop letting carbon reduction policies be placed ahead of securing the supply of cheap, reliable energy. I would like the Government to address the following four areas. First, having spent millions subsidising renewables, will the Minister concede that the headlong embrace of wind power means that the UK is vulnerable to energy shocks when the wind stops blowing? Until the technology exists to store wind, surely we need to recognise that fossil fuels, gas turbines and coal-fired power stations are still needed.

Secondly, can we stop neglecting nuclear power, given that it is a clean, stable energy source that produces carbon-free electricity? The onerous, prohibitive and exorbitant regulatory bureaucracy and the years of delays in building new plants needs to stop. Indeed, I suggest that the Government emulate—wait for it—the EU’s Ursula von der Leyen; you never thought I would say that. They should label nuclear as green if they need to do so to brandish their eco credentials post COP 26.

Thirdly, unlike the noble Baroness, Lady McIntosh, I think we should look again at fracking. A vast supply of gas lies beneath our feet, and if the UK extracted just 10% of its shale gas resources it could meet gas needs for the next 50 years. Can the Government please lift their seemingly indefinite moratorium on fracking?

Fourthly and finally, I suggest that the best way the Government can lower energy bills is to review, and indeed scrap, some of their own wrong-headed eco policies—none more so than my *bête noire*, the imposition of heat pump boilers. They are costly to install and

you have to wait 24 hours to get a limit of 17 to 19 degrees, yet they are likely to lead to even more green levies on gas bills. They should go. What we mainly need is a complete overhaul of our energy policies so that energy price crises do not become the new normal.

3.28 pm

Lord Oates (LD): My Lords, I congratulate the noble Baroness, Lady McIntosh, on securing this timely and important debate. Although I do not often agree with the noble Baroness, Lady Fox, I absolutely share her view that this is an emergency. After that, however, I think we part company. The Minister knows that I always want to be helpful to him, so I will share some of the practical suggestions that, as my noble friend Lord McNally told the House, the Liberal Democrats have recently set out to tackle the immediate energy price crisis.

Noble Lords will be aware of the excess profits currently being generated by oil and gas companies as consumers suffer. Consequently, we propose a windfall tax on these profits to support vulnerable individuals and families. This Robin Hood tax would raise an estimated £5 billion to £7 billion, which would be spent on the following: doubling the warm home discount, taking £300 off the bills of 7.5 million vulnerable households, and extending the discount to all those on universal and pension credit; providing up to £600 a year to 11.3 million elderly pensioners to help with heating bills through a one-off doubling of the winter fuel allowance; implementing a 10-year home insulation scheme to reduce energy bills in the long term, including £500 million to be spent on emergency insulation in the next year through fully granted funds for those in fuel poverty and on low incomes; and, finally, establishing a £500 million fund to support energy-intensive businesses, protect jobs in the sector and help companies to reduce their long-term energy requirements.

These are practical short-term measures that the Government could take now, if they had the will. In the longer term, they have to construct an effective energy policy, which should be centred on three principles: first, reducing energy waste; secondly, massively increasing our energy storage capacity; and thirdly, accelerating renewable deployment. Although we face an undeniable crunch on household energy bills today, over the decade from 2010 to 2020—the last full year for which government figures are available—total household expenditure on energy and overall household energy bills based on average consumption both fell significantly in real terms. This was due significantly to reduction in consumption as a result of new heating and energy-efficiency measures introduced during the coalition Government by the then Secretary of State, one Ed Davey. Total household energy expenditure in real prices fell from £28 billion to £23 billion. During that time, average annual household consumption of gas fell from 17,651 kilowatt hours in 2010 to just 12,225 kilowatt hours in 2020.

As the Climate Change Committee has reported, measures to reduce emissions from the UK’s 29 million homes have since stalled. Energy usage in homes has increased and adaptations of the housing stock to meet the impact of the changing climate are lagging

[LORD OATES]

far behind what is needed. The Government urgently need to address this issue. As the NAO report on the green homes grant fiasco recommends, the Government must

“engage with the installer market on the proposed design of any future scheme and base its planning on a realistic assessment of how long it will take ... the market to mobilise the skills and capacity to meet demand across ... the country.”

Can the Minister tell us what discussions the Government are having on this? Can he also tell us why the Government have failed to take up the Minimum Energy Performance of Buildings Bill tabled by my noble friend Lord Foster of Bath, which places a duty on the Secretary of State to achieve the Government’s energy-efficiency targets for homes, by placing them in legislation and requiring annual reports on progress provided to Parliament? A very similar Bill was proposed in another place by the late David Amess. It would be a fitting tribute to his memory if the Government would now implement this in law.

I will avoid being provoked into an intemperate response to the curious comments of the noble Lord, Lord Lilley. I simply conclude by saying that the influence of climate defeatists on past Conservative policy is one of the key reasons for the difficulties in which we now find ourselves.

3.33 pm

Lord Grantchester (Lab): I thank the noble Baroness, Lady McIntosh, for introducing this topical debate on rising energy costs and their effect on the cost-of-living crisis being felt across communities while the Government dither. The Government have conducted three rounds of industry talks and are yet to come forward with robust plans. They are still considering a range of options to protect consumers from the full impact. I thank all noble Lords for their many contributions, admirably expressed from around the House, which have laid bare the cause and effect of the recent spike in energy gas market prices—the highest seen in October 2021 being surpassed in December, now nine times higher than prices a year ago.

The UK imports approximately 50% of its gas, making it especially sensitive to price rises. Some 85% of homes use gas central heating. In addition, gas is used to generate around 30% of the UK’s electricity, with knock-on effects on electricity prices. The Government have set the conditions for this crisis and need to respond.

At this stage, I also draw attention to the impact on rural households, so often ignored but nevertheless still important. They tend to be off-grid and vulnerable to spikes in diesel prices for their heating, as well as transport costs. I also thank my noble friend Lord Hendy for his remarks on the effects on low-income households, and my noble friend Lord Sikka for his remarks on the old in our society.

Labour has called for an immediate cut in VAT on fuel bills, from 5% to 0%, for the winter six months of this year. This can happen immediately to reduce the burden and disruption in the market from the October rise in the price cap to £1,277 for the so-called “reference customer” and from the bankruptcies experienced by utility companies. This would also benefit rural households.

The scrapping of VAT on fuel for homes would bring benefits of £2.4 billion to consumers this winter and would be absorbed by the excess of forecast VAT receipts that the Government have received from inflation and increases in supply chain, materials and transport costs experienced throughout the economy. In addition to this immediate benefit, the Government can deliberate on medium-term measures to be introduced once the new price cap is announced on 7 February. This is forecast to see it rise by 40% to a new high of over £2,000 in annual household bills.

As the Minister will appreciate, it was Labour that called for the consumer price cap that the May Government introduced under the Domestic Gas and Electricity (Tariff Cap) Act 2018. At this time, Labour argued that the full five-year period, which I recollect from the legislation, would be needed for an effective market to be created. With the disruption from collapsing utility companies, can the Minister foresee that not only will the full duration to 2023 be required but extension may also be necessary?

Energy companies have requested a loan scheme to smooth out the volatility. Ofgem is considering changes to the price-cap mechanisms. Can the Minister repeat the confidence, which he expressed in answer to a previous question, that the Government are happy with the operation of the tariff cap and the application of the supplier of last resort process? Administrators have access to £1.7 billion in government loans for Bulb customers. UK households will already be paying an extra £80 in their energy bills from these recent collapses, according to Ofgem. That is why, in the medium-term, Labour is also considering measures to help pensioners and low-income families from targeted changes to the warm home discount and ECO schemes. The noble Baroness, Lady Boycott, is correct to direct attention to the wider effects on families and to speak against scrapping green levies.

In the longer term, Labour plans to upgrade the UK’s 30 million homes through its climate investment pledge of an additional £28 billion in green investment each year of this decade. This is the decisive decade for the climate emergency, and Labour plans immediate energy efficiencies to upgrade 19 million homes to reach energy efficiency—EPC band C. This is the size of the cost-of-living crisis that the Government need to have answers for.

3.38 pm

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, I first pay tribute to and thank my noble friend Lady McIntosh for securing this debate on what is, of course, an extremely important topic. I think that all of us will agree that the debate has, yet again, been interesting and informative. I am also grateful to all others who contributed.

First, I make it absolutely clear that this Government are committed to supporting vulnerable households with their energy bills, both now and in the long term, as we seek to decarbonise our energy system and transition to net zero by 2050. I say to the noble Lords, Lord Berkeley and Lord Grantchester, that the Government are currently engaging with stakeholders,

including consumer groups, energy retailers and other business sectors to consider what further action may be necessary in the short term.

The recent rise in energy prices has been driven by the increase in the price of wholesale gas, the demand for which has grown, as we and other nations recover from the Covid pandemic. Consequently, higher gas prices were observed internationally in the latter half of 2021, with tremendous increases across the world. In addition, greater liquefied natural gas—LNG—demand in Asia, upstream maintenance affecting supply capacity last summer, a fire at one of the UK's major electricity interconnectors with France, and increased demand for gas in electricity generation in the UK and on the continent, as coal is disincentivised, have all played a role in and contributed to rising prices.

However, it is important to emphasise that this has not impacted on our energy security. The Government continue to work closely with Ofgem, National Grid, National Grid Gas and other key industry organisations to monitor gas supply and demand.

A number of Peers—the noble Lord, Lord McNally, the noble Baroness, Lady Boycott, the noble Lord, Lord Hendy, and others—raised the issue of protection for households. The Government already have a wide range of support measures in place to help the most vulnerable households reduce their energy consumption, through both rebates and energy efficiency measures. These include, first, the warm homes discount, providing support with energy bills through rebates and helping households to stay warm and healthy in winter. The scheme currently provides more than 2 million low-income and vulnerable households with a £140 rebate of their winter energy bill, and BEIS has already consulted on proposals that would expand the scheme from about £350 million to £475 million per year at 2020 prices, which will help the scheme to reach 3 million households from winter 2022-23 onwards. Let me say to my noble friend Lady McIntosh that in 2011, that scheme replaced the social tariff to which she referred, and, in our view, it provides better targeted support than the tariff. The additional funding and proposed reforms would mean that 780,000 more households would receive rebates every winter, with a proposed increase in the value of rebates to £150 per household. In addition, most households would receive their rebates automatically, without having to apply.

On the many points raised on energy efficiency by the noble Lords, Lord Berkeley, Lord Oates, and others, we of course have the energy obligation scheme, which has already installed 3.3 million measures in 2.3 million homes. We are increasing the amount that energy suppliers invest in energy efficiency measures for low-income households, extending ECO until 2026 and boosting its value from £640 million to £1 billion per year. We estimate that this will help at least an extra 305,000 families with green measures such as insulation and low-carbon boilers, which will reduce their energy demand and save them an average of £300 a year on their dual fuel bills.

I remind the noble Lord, Lord Oates, that we are also investing more than £2 billion in other energy efficiency schemes through projects such as the home upgrade grant, the local authority delivery scheme, the sustainable warmth competition, which brings

together HUG 1 and LAD 3, and the social housing decarbonisation fund. All those measures are helping to provide long-term solutions by improving the energy efficiency of homes.

In addition, the Department for Work and Pensions provides support for both vulnerable users and pensioners through its winter fuel payment and cold weather payment schemes. The winter fuel payment is worth between £100 and £300 and is paid automatically to those in receipt of state pension or other social security benefits, while the cold weather payment is a £25 payment for vulnerable householders on qualifying benefits when the weather is expected to be unusually cold. In addition, the Department for Work and Pensions announced last autumn a £500 million support fund to help those most in need this winter, and that includes provision for utility costs, including energy.

A number of noble Lords—the noble Lord, Lord Grantchester, and my noble friend Lady McIntosh in particular—raised the issue of the price cap, which has protected households this winter from the short-term volatility of wholesale gas prices. Ofgem has confirmed that the cap will stay at the current level this winter. The Government have committed to retaining powers to implement a price cap beyond the current long-stop date of 2023, should that be necessary. I say to the noble Lord, Lord Hendy, that the Government have made protection of consumers their priority, and the price cap has indeed protected millions of consumers. Setting it is, of course, a matter for Ofgem, and the regulator has issued a number of consultations in recent weeks on how the price cap could adapt to changes in the cost of supplying energy to households; we look forward to its decision on this matter. In the longer term, in reply to the noble Lord, Lord Grantchester, the Government are looking at how policy costs that help to fund low-carbon energy infrastructure, to provide support to vulnerable consumers and to ensure security of supply are distributed between gas and electricity.

My noble friend Lord Lilley raised the issue—I think it was also raised by the noble Lord, Lord McNally—of green levies. As set out in the *Heat and Buildings Strategy*, we will publish a fairness and affordability call for evidence to set out the options for energy levies and obligations in order to help to rebalance electricity and gas prices and to support green choices, with a view to taking decisions this year.

My noble friend Lady McIntosh asked me about a number of matters, particularly the removal of green levies, as did my noble friend Lord Lilley; I think the noble Baroness, Lady Fox made a similar point. I say to all of them that the Government's energy, investment, environmental and social policies have helped to protect the most vulnerable, to lower emissions and to increase security of supply. However, we also want to make sure that our policies enable consumers to make decisions that support decarbonisation. As set out in the *Heat and Buildings Strategy*, as I said earlier, we will publish a fairness and affordability call for evidence to set out the options for energy levies and obligations, in order to help to rebalance electricity and gas prices to support the transition to net zero.

On scrapping VAT on energy bills, raised by my noble friends Lady McIntosh and Lord Lilley and the noble Lord, Lord Sikka, I suspect all noble Lords

[LORD CALLANAN]

know that this remains a matter for the Chancellor and Her Majesty's Treasury and is not something I am able to comment on, although it is worth bearing in mind the point made by my noble friend Lord Lilley: that the only reason why we can even consider doing this is that we have now left the EU.

On energy loss from transmission lines, raised by my noble friend Lady McIntosh, the Government and Ofgem recognise the value of minimising energy losses in reducing emissions and protecting consumers from unnecessary cost. It is an important feature of Ofgem's regulation of energy companies.

The noble Lord, Lord Grantchester, and my noble friend Lady McIntosh raised the issue of off-grid homes. The Government are of course aware that the price of oil has remained around levels not seen since 2018, which has had an impact on the price of heating oils. Heating oil consumers are of course able to shop around for the best price for each delivery, and we believe that this provides the best long-term guarantee of competitive prices.

On the costs of renewables and decarbonisation, raised by the noble Baroness, Lady Fox, as we set out in the *Net Zero Strategy*, the Government are introducing a balanced range of low-carbon technologies, including new nuclear and hydrogen technologies. The noble Baroness also raised the important issue of the costs to businesses. We recognise the impact of rising energy prices on businesses of all sizes, and Ofgem and the Government are in regular contact with business groups and suppliers.

Unfortunately, I am running out of time, so I say in conclusion that the Government are committed to protecting vulnerable households in respect of their energy bills, which is why we have in place the many support schemes I have outlined to help those most in need, both through direct financial rebates and through measures to improve energy efficiency in the home. We will continue to engage with consumer groups and industry and consider what further support may be necessary. I apologise to those noble Lords whose points I did not get a chance to refer to, but I will write to them.

3.49 pm

Sitting suspended.

Education: Return in January *Statement*

The following Statement was made in the House of Commons on Wednesday 5 January.

“With permission, I would like to make a Statement regarding the return to all educational settings for children, students and staff. There have been a number of adjustments to the start of this term, and I am grateful for the chance to update the House in more detail on what that means.

Although we are beginning the transition from pandemic to endemic, Covid has undoubtedly been the greatest threat to our way of life since the Second World War but, just as we did then, we are going to get on with the job. I know that our teaching communities

have been adversely affected by the omicron variant, which is why I issued our recent call to arms, urging any teachers who have stepped away from the profession or who have retired to return, even if it is for just a few hours a week, so that we can keep children learning. I am glad to say that we have already seen the first volunteers heading back to our classrooms, including at least two of our own, my honourable friends the Members for Eastbourne (Caroline Ansell) and for Stoke-on-Trent North (Jonathan Gullis), as well as staff from my department who have answered that call. They do this House great credit, and I am sure I speak for the whole House when I say that we thank them and wish them well. I will have a better idea at the end of this week of the exact number of former teachers who have come forward to lend their support.

Even so, schools will be suffering some degree of staff absences. At the end of last year the figure was about 8% of staff off and that is likely to rise, with increasing cases in school and among young people as we return to school. However, let me say this: I have absolute faith in our teaching communities. Teachers, classroom assistants, nursery providers, heads and lecturers in all our education settings have worked miracles throughout this pandemic and continue to do so. To ease some of the burden, there will be a short temporary break from Ofsted inspections during the first week of term as schools undertake on-site pupil testing. Ofsted will also encourage settings that have been hit badly by Covid-related staff absences to ask for a deferral of planned inspections. We will work with supply agencies to make sure that schools can continue to function, and that we prioritise children's learning face to face and, of course, in the face of staff absences.

In November, we reopened the Covid workforce fund, and we are extending it to the February half-term to support schools that are facing the greatest staffing and funding pressures. I would like right now to be crystal clear about one thing: we must do everything in our power to keep all education and childcare settings open and teaching in person. Face-to-face education is the best way for children and young people to learn and develop. You do not have to be the Education Secretary to know this. Teachers know it, parents know it and kids know it better than any of us.

I would now like to outline the additional measures we have put in place to make that possible and at the same time limit the spread of infection. On 26 November, every single nursery, school, college and university was invited to order supplies of lateral flow tests, and they will have received their allocation of the 31 million tests, in advance of their pupils, students and staff returning, through a dedicated supply channel. As a result, all our education and childcare settings were already well prepared for the start of this term.

It is because we know that one of the most effective weapons in our Covid arsenal is a robust testing programme that all secondary schools were asked to provide one on-site test for pupils at the start of term. They are getting on with that job right now, and I thank them for it. All college and university students and all staff have been asked to self-test at home before they return to the classroom. Secondary, college and university students, and education staff and childcare staff, should then continue to test themselves at least

twice a week. If any school or college runs out of testing kits, they can order more through the usual online ordering channel, or call 119 to receive further advice and support about their supply. We continue to work closely with the UK Health Security Agency to maintain supplies for all our education settings.

We continue to welcome international students to the United Kingdom, and universities stand ready to support any students who are required to quarantine on arrival. Overseas students should not worry, because visa concessions remain in place for international students to allow them to study remotely until 6 April this year.

The best way people can safeguard themselves and their families is by getting jabbed. The British public have responded magnificently, with around 60% having received all three jabs. We want to make sure that everyone gets vaccinated as soon as possible, which is why I have been urging parents to get the second doses for 12 to 15 year-olds that are now on offer. They can make appointments for both doses on the NHS booking service, and any children who are at risk in the five-to-11 age group can also get a jab by the middle of this month. There will also be a vaccination service in schools for those children who are eligible for jabs, beginning on Monday.

We have already delivered more than 350,000 carbon dioxide monitors, which settings have found extremely helpful in managing ventilation. Teachers have told us that they are finding the monitors helpful to manage ventilation, and in the majority of settings existing ventilation measures are perfectly adequate for the job. For the few—the very few—cases where maintaining good ventilation is more challenging, we are sending out up to 8,000 air cleaning units from next week. Alongside other protective measures such as testing, vaccinations and better hygiene, these will help to manage transmission and keep settings open.

To keep as many people as possible learning in school and college and higher education, we have said that face coverings should be worn in classrooms and teaching spaces for pupils and students in year 7 or above. We would not normally expect teachers to wear face coverings in classrooms if they are mainly at the front of the class delivering a lesson. I know people feel very strongly about this, and some have said we are wrong to do it. I follow the data, however, as I have always done. The UK Health Security Agency has said that the measure will help reduce transmission at a time when rates of infection are so high with the omicron variant. My department has also looked at observational data from a sample of 123 schools where face coverings were in use in the autumn term and found that there was a greater reduction in Covid absence compared with those where students did not wear face coverings.

Obviously, wearing face coverings is not ideal. It is distracting for children at a time when they should be concentrating or listening to their teachers. I also know that it is not great for any child's well-being, and I have commissioned staff from my department to conduct further research to better understand the negative impacts of face coverings on education along with publishing the initial findings today, but I have to strike a balance between the vital need to keep schools

open and reducing the spread of infection. As my honourable friend the Member for Stoke-on-Trent North rightly pointed out in his article in the *Times*,

'Facemasks are a price worth paying to keep kids where they belong, in the classroom.'

So, for the shortest possible time, and not a day more, that is what we will recommend. It is the sensible and pragmatic thing to do, and it is a proportionate thing to do.

I will review the recommendation on 26 January when I hope the data will allow us to ditch masks in class. Our young people have put up with an awful lot over the past two years. By doing everything that has been asked of them, they will have sacrificed many of the things all of us here took for granted when we were growing up. I am determined that we take whatever precautions we have to take now for the shortest possible time so that children can get back to the life that they should be leading and that they deserve.

We all owe it to this generation to give them the world-class education they deserve. For this reason, I commend this Statement to the House."

3.54 pm

Lord Watson of Invergowrie (Lab): My Lords, I am pleased to take this opportunity to wish both noble Baronesses on the Front Bench opposite and all noble Lords a happy and healthy new year, and certainly a better one than 2021—which, I have to say, is not a high bar to set.

We welcome the Statement on the return of education settings, although it is noticeable that the Secretary of State had very little to say about post-school education and nothing at all, not a single word, about preschool education. Can the Minister say what advice and support have been offered to early years and nursery settings to ensure that they remain as safe as possible and that as many as possible can remain fully or near fully functional? It is essential that four year-olds are school ready come September, and parents would value an indication as to what the Government are planning to ensure that. I am sure they would agree that additional funding would be a significant start.

We welcome the Secretary of State's stated determination to do everything possible

"to keep all education and childcare settings open"

and to ensure teaching in person. In pursuit of that aim, the Government will have the full support of the Official Opposition.

Yesterday's *Times* newspaper quoted the chair of Ofqual as saying that schools may need to suspend specialist subjects and focus on core lessons as a means of coping with staff absences. The Secretary of State's call for former or retired teachers to return to the profession to cover for staff shortages caused by Covid is sensible, and we hope it will prove successful. Interestingly, the Statement informs us that two of those who have answered the call are Tory MPs. Given the Government's recent record in by-elections, I suspect that it is unlikely the pair will be permitted to return to their profession full-time.

The Statement also says that, at the end of 2021, the level of staff absences in schools was around 8%, a figure likely to rise given the increase in Covid cases.

[LORD WATSON OF INVERGOWRIE]

Since the Department for Education monitors daily whether a school has closed, can the Minister say how many schools have not opened so far this term?

Then there is the vexed question of air purification. In May 2020, SAGE first recommended to the Government that all educational spaces should be effectively ventilated in a manner that does not rely just on opening windows—not a pleasant prospect in winter. In answer to my colleague Bridget Phillipson MP in the other place, the Secretary of State said yesterday that

“8,000 air purifying devices are going out as of next week”.—[*Official Report, Commons, 5/1/22; col. 54.*]

That will be at least 600 days after SAGE first flagged the importance of school ventilation. Meanwhile, a pilot study of air purifiers has been undertaken in schools in Bradford. Can the Minister say when we can expect to see the report of that pilot?

The Statement says that there will be a short break from Ofsted inspections in secondary schools due to lateral flow testing. We believe that it is much too short a break and that asking only current heads of schools not to participate in Ofsted inspection teams is also not helpful. It is probable that many current senior staff also undertake Ofsted inspection work, and taking them out of their own school for that to continue when their primary duty is to help minimise staff shortages due to Covid is irresponsible. Can the Minister tell noble Lords how many current school staff a week on average are taken out of their schools because of Ofsted inspection duties? How many schools have asked recently for an inspection to be deferred because of high staff absenteeism?

For reasons that I hope the Minister will be able to explain, the Statement had nothing at all to say about examinations. Indeed, it required a direct question from Bridget Phillipson to elicit from the Secretary of State yesterday that BTECs and other vocational exams will proceed as planned this month. Noble Lords also heard an education Statement this week last year, and one of the contentious issues then was that BTECs were to proceed with their January exams while those for students sitting A-levels were not. The Minister and noble Lords will be familiar with the Government's controversial plans in the Skills and Post-16 Education Bill to defund most BTECs, and it seems that the failure to give them so much as a mention in this Statement underlines the low level of importance attached to these qualifications by many in the DfE. Their future remains uncertain, but it is not acceptable for the futures of these young people studying them and currently preparing to sit their exams to remain uncertain.

There remains much uncertainty surrounding the immediate future of young people at all stages of their education. Parents deserve to have clear evidence of planning by the Government and, while some signposts are included in this Statement, there is no mention of a plan B should the worst happen and exams be disrupted for a third successive year. I do not expect the Minister to respond on that point, because even to admit that a plan B exists would be perceived as a sign of government weakness, not least by the more extreme elements of her own parliamentary party. This Statement represents a start point, no more.

Baroness Garden of Frognal (LD): My Lords, I wish a happy new year from these Benches to everyone who is here. I shall try not to repeat what the noble Lord, Lord Watson, has said, but on many of these issues we are singing from the same hymn sheet. There is much to welcome in this Statement, and I must start by paying tribute to our wonderful teachers who have pulled out all the stops and worked horrendous hours to try to supply interesting learning online to their students. I have a teacher daughter, and she was working absolutely horrendous hours during that time.

Teachers have been at the sharp end, a much sharper end than where Ministers have been. I, too, am delighted that two MPs have answered the call to arms by returning to the classroom, but I am disappointed that teachers who have stepped away from the classroom were, I understand, advised to contact supply agencies, not their local schools. Can the Minister explain this? It is likely to deter many willing ex-teachers. We recognise that having teachers is essential and that their subject expertise is less important, although many subjects will suffer without professional expertise. I think I have probably been away from the classroom for too long to offer my old skills, but I will never forget my supply teaching days, which included a woodwork lesson in a room surrounded by lethal tools and large angry boys who realised that I was not going to be qualified to let them loose with practical work. I was lucky to get out alive on that occasion, but here I am today with the help of general knowledge quizzes, mental maths tests and an instinct for survival. I hope that ex-teachers who return to the classroom are not faced with such situations today.

We warmly welcome the policy to keep education settings open. There is much evidence of the great harm done to children and young people deprived of classroom teaching. Children need communal learning experiences and social interaction to develop the best from education. Sitting alone talking to a screen is no substitute.

On the provision of lateral flow tests, what assurances can the Minister give that schools will not be hit, as much of the country has been hit, by shortages? We are lucky here that the Bishops' Bar seems to have supplies, as I drew a blank trying to find a chemist or an online supplier which would let me have tests yesterday. Will schools and colleges have priority bookings? Where should they send pupils if they run out and pupils cannot be tested at home? What is being done about those who peddle misinformation on vaccines? Will the Government bring in exclusion zones around schools so that those messages are not heard by our young people? Can the Minister say something about the catch-up programme and, as the noble Lord, Lord Watson, asked, the position about mock exams and real exams in the summer? Can entrants be assured of exams in person?

We, too, are concerned at the Secretary of State's defence of the very belated announcement of only 8,000 air purifiers for more than 300,000 classrooms in England in which he said that they do not need them. Will the Government publish the data from the CO₂ monitors that shows that only 8,000 classrooms need them? When will they arrive at schools? How many classrooms will one unit service? Opening windows in

this weather is likely to lead to very chilled students, but proper ventilation is a key to battling Covid. Can the Minister also say why the department is recommending Dyson air purifiers when there are far cheaper ones available on the market and Dyson has demonstrated his loyalty to the country by taking his workforce overseas? Are there not British-based companies which would welcome this business?

On face masks, which will obviously impact teachers' and students' ability to communicate but which I recognise are probably a necessary evil, can the Minister say what provision is being made for deaf or hard-of-hearing students who normally lip-read? I have a deaf friend who has found life very difficult trying to understand anything that has been said by mask-wearing people. Does the Minister have proposals for such people?

We all recognise the pressures on education in this unprecedented situation and we will do all we can to support government measures where we can, but many teachers, parents and children will be thinking and saying that this is too little and too late. Time will tell how effective the Government's measures have been. I look forward to the Minister's reply.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): I thank the noble Lord and the noble Baroness for their good wishes for 2022 and offer my good wishes to the whole House. I echo the sentiments of the noble Baroness, Lady Garden, about the extraordinary job that our teachers have done, and I know the noble Lord, Lord Watson, shares that sentiment.

I will respond to the points the noble Lords raised. The noble Lord, Lord Watson, started by asking about early years and post-school education. Guidance has been provided to all educational settings, including early years, further education and higher education. The testing capacity that we have set aside for all in education applies to those settings also.

The noble Lord, Lord Watson, referred to the absence rate among the teaching workforce, which was around 8% at the end of last term. It is slightly higher at the moment, at around 8.5%. I think the noble Lord is right that we should expect to see it rise, which is why we have encouraged schools to think about flexible ways of delivering the curriculum, with an absolute emphasis on trying to keep children in classrooms. We know that about 99% of primary schools opened at the beginning of this term. We are just cleansing the data on secondary schools, because they had a number of inset and testing days, which makes it slightly more complicated to analyse. I will be happy to update the House when we have that data.

The noble Lord asked about the Bradford study in relation to ventilation. That trial is being funded by UKHSA through the Bradford Teaching Hospitals NHS Foundation Trust's research centre. The results of the study are expected in October 2022. More broadly, the noble Baroness, Lady Garden, asked about the justification for 8,000 ventilators and why we are using Dyson. If I may, I think the noble Baroness was quite ungenerous about the role that Dyson has played during the pandemic. She will remember, and I am sure will acknowledge, the extraordinary work it did to supply ventilators in ICUs. Dyson is one of the

suppliers the department is using but, in addition to the 8,000 units, there is a marketplace for schools that feel they need additional units, through which a range of suppliers are providing equipment. The 8,000 figure comes from the data from the 350,000 CO₂ monitors that we supplied, as promised, last term, which shows that additional ventilation needs in some spaces can be addressed through opening a window, but other spaces need extra support, hence the air purification equipment.

I will try to clarify the situation in relation to Ofsted. As the noble Lord said, we have suspended Ofsted inspections for the first week of term. We have also very much encouraged schools which are suffering particularly high levels of staff absence and which have an Ofsted inspection due to ask for a deferral of that inspection. We would expect that to be looked on very generously. In relation to staff, my understanding is that there will be no extraction of staff from schools and that this does not relate just to head teachers, to whom the noble Lord referred. However, all Ofsted inspections relating to safeguarding are continuing, for obvious reasons.

Both noble Lords asked about the situation with exams. There was nothing in the Statement about exams because there is nothing new on exams; our intentions in relation to exams remain unchanged. The lack of reference to BTECs has absolutely nothing to do with a lack or low level of respect—I think those were the noble Lord's words—on the part of the department or its Ministers.

In relation to the use of supply agencies for those returning to the classroom, that of course does not prevent retired teachers contacting a local school. I am sure the noble Baroness heard the same interview with Sir Michael Wilshaw that I heard, when he talked about going back to his local school, but it is fair to say that supply agencies will know where needs are greatest. We have extended the time for the Covid workforce fund so that the costs of using supply teachers are covered.

The noble Baroness asked whether I could give an assurance about the availability of tests. Having listened to the debate, not in your Lordships' House but in the other place and in the media, this seems to be an area where there is real misunderstanding. For year 7 and above pupils and staff, we have a separate supply of test kits. Schools were informed in November, then reminded in December, to order tests for testing at the beginning of this term; we delivered around 31 million tests to schools, early years settings, colleges and universities in the weeks commencing 6 and 13 December in readiness for that testing. We received a further 17.6 million orders for test kits from schools between 8 and 28 December, and those will be delivered by 14 January. If schools find that they have run out of test kits, for whatever reason, there is an emergency line and those deliveries are normally turned around in 48 hours. Any education setting can place a new order for lateral flow devices 10 calendar days after its previous order has been confirmed.

Misinformation, which the noble Baroness raised, is extremely troubling and something that we are concerned about. She will remember that it was debated

[BARONESS BARRAN]

extensively during the Police, Crime, Sentencing and Courts Bill. The police have powers to deal with those sorts of protests and a lot of work has gone on to improve the liaison between schools and the police, but we share her concern.

Finally, in relation to face masks, we very much encourage the use of discretion with them, where appropriate. Teachers facing a classroom and teaching are not expected to wear a face mask. We absolutely recognise the difficulties that deaf children face but we encourage schools to use their discretion in ensuring they can accommodate those children, just as they accommodate every other child.

4.13 pm

Lord Young of Norwood Green (Lab): My Lords, I would like to raise the importance of keeping all staff in schools. That requires vaccinations to be readily available for not just teachers but cleaning and catering staff. From my contact with somebody who runs a significant number of primary academies, that is still a significant problem. If you want to keep the maximum number of children in school, you need to ensure that there is no problem with teachers getting vaccinated. Also, there is bound to be some learning online but there is still a problem with some children, especially in low-income houses, having a lack of available laptops or iPads—or, perhaps even more challenging, a decent broadband connection. Those are some of the issues that I hope the Minister will address.

Baroness Barran (Con): I thank the noble Lord for his question. He will have seen the same figures that I saw about the extraordinary efforts over Christmas on the vaccination booster campaign, with remarkable numbers—900,000 people a day—being vaccinated. I know that he was talking about staff but it is also really important for pupils. Almost half of 12 to 15 year-olds have now had their first vaccination, so extraordinary progress is being made but he makes a valid point: we need everybody to be vaccinated who is able to be. In relation to the availability of devices and data, he will be aware that we distributed more than 1.3 million devices and, where needed, data dongles so that children working from home were able to do so if they did not have access to them. We keep that closely under review.

Baroness Fox of Buckley (Non-Aff): My Lords, I was glad to hear in the Statement that face-to-face education is the best way for children and young people to learn and develop—I agree—but face mask to face mask is not face to face. There is a lot of concern that face masks are really not necessary but are a bit of theatre and performance when the young are not under threat from this variant and when the Education Secretary's newly published evidence is being widely described as not fit for purpose, as very thin and even as misinformation, which is leading to a lot of cynicism. Will the Minister comment on the fact that, according to the BBC and the NASUWT, a huge number of north-west secondary pupils are not following guidance because they just do not believe in it? They are refusing to do LFTs or wear masks. In one school, 67 out of 1,300 pupils are not following

guidance—I do not want them to be punished, by the way; I rather admire it. Can the Minister indicate how the young can be convinced when the evidence just is not there that face masks will protect them in schools? Other things might, but not face masks.

Baroness Barran (Con): To pick up on the noble Baroness's final point, face masks—as she puts her face mask on enthusiastically—

Baroness Fox of Buckley (Non-Aff): Not enthusiastically at all.

Baroness Barran (Con): Face masks are part of the answer. As the noble Baroness well knows, it is a mixture of a number of elements, including—importantly—vaccination, ventilation, hygiene, testing and face masks. She may have heard my right honourable friend the Secretary of State say yesterday that face masks will not stay on a day longer than they need to, and we will review them on 26 January.

I want to make two points. First, beyond the evidence that we have gathered from 123 schools—I am surprised at the noble Baroness's remarks, which I think are harsh; having read it myself, I would not agree with her—there is also advice from Sage, there are randomised control trials from UKHSA and there is international evidence, all of which build a picture of this being part of an effort to control infection at a time when the virus is rampant.

Secondly, I guess it depends on which kids you listen to but based on the interviews with young people that I have seen, they are really pragmatic. They say they would much rather not wear face masks, but they understand, and they feel a bit safer. They will put up with it, as they have to. It is not what anybody wants, but it is part of making sure that schools stay open and parents feel confident that their children can go.

Baroness Bennett of Manor Castle (GP): My Lords, I am aware that the Minister was venturing somewhat outside of her portfolio, but I point out with regard to her response to the Front-Bench questions that Dyson did not supply any ventilators to the NHS and the Dyson ventilator never received MHRA approval. It is a point of fact.

My question builds on the Front-Bench questions about the up to 8,000 air-cleaning units that the Statement says will be sent out next week. I am delighted finally to see ventilation for the first time playing a significant role in a government Statement on Covid; this is progress. However, as the Front-Bench questioners pointed out, there are 300,000 classrooms and 8,000 air cleaners. From my knowledge of this area—I have met some people from the industry—I think that, to be effective, at least two cleaners would be needed for an average-size classroom, so we are talking about a tiny fraction. This will be an issue, particularly in many new classrooms. Speaking from experience, having been a school governor—possibly for my sins—on the building committee for the rebuild of a school, I remember that the one thing the teachers asked for was opening windows. What did we get? Windows that

did not open. I believe that many new schools have windows that do not open, and that will present a huge ventilation problem.

My question to the Minister is—maybe she does not know the answer at this moment; perhaps she could write to me—how many of those 300,000 classrooms have windows that cannot be opened?

Baroness Barran (Con): I am not sure, with respect, that the question asked by the noble Baroness is the right question. We had 350,000 CO₂ monitors in schools last term. They are portable and are moved around multiple classrooms, staff rooms, lavatories—all over the school. From those we have readings showing where there is an elevated level of CO₂. Those spaces, which amount to about 8,000, are where we are putting in the ventilators. If the noble Baroness does not believe the Government, she might look at Teacher Tapp, which came up with the same figure.

Lord Lexden (Con): My noble friend did not reply to the question from the noble Lord, Lord Watson, about the comments from the head of Ofqual, who seems to think that teachers of music should be redeployed to teach other subjects. Surely, we need more music in our schools, not less.

Baroness Barran (Con): One can never have enough music in one's life, but the point we are trying to make is that we are in a relatively brief—hopefully—but intense and challenging period for schools. We trust teachers and head teachers to make the right judgments about how to use their resources. If that involves some flexibility in the curriculum or combining two class groups if a teacher is off sick, then we trust them to do that intelligently, well and in our children's interests.

Legislation: Skeleton Bills and Delegated Powers

Motion to Take Note

4.21 pm

Moved by **Baroness Cavendish of Little Venice**

That this House takes note of the increasing numbers of skeleton bills and the associated use of delegated powers within them.

Baroness Cavendish of Little Venice (CB): My Lords, this is a debate about power and the damage done to ordinary people and democracy when the workings of power are hidden. In this country, laws which affect people's lives are increasingly being made through delegated powers, secondary legislation and regulations which do not require the parliamentary scrutiny that voters expect. However, voters themselves are largely unaware because the shift in power towards the Executive is cloaked in technical language. The heading of our debate today would make most people's eyes glaze over, and I thank all my noble friends for recognising its importance.

During a global pandemic, it is one thing to restrict people's freedoms by pushing rules through quickly using procedural mechanisms which require minimal

scrutiny by Parliament. Laws introducing the national lockdowns, limiting social gatherings and closing offices and schools were all made through public health regulations, the vast majority of which became law before being seen by Members of either House of Parliament. That is understandable—although I have been staggered to discover how keen Ministers have been to use this route. Over 100 such Covid regulations have been made in this way since March 2020. However, it is quite another thing to find that, beyond Covid, we are sleepwalking into a world where Governments increasingly rule by diktat, without even fully realising the cumulative effect of what can often seem to them like small tweaks made for efficiency.

Two excellent reports guide our debate today: the Secondary Legislation Scrutiny Committee report, *Government by Diktat*, and the report by the Delegated Powers and Regulatory Reform Committee, *Democracy Denied*. I am delighted to see that the noble Lords, Lord Blencathra and Lord Hodgson of Astley Abbots, are both speaking in this debate, as are many other noble Lords who are much more expert than me.

Each of the reports contains a stark warning about a shift in power towards the Executive which has been occurring for decades. They describe in detail how Bills are often drafted only in outline, as skeletons

“so devoid of content they leave the real operation of the law to Ministers.”

Of course, the important detail is left to secondary legislation. They describe how Henry VIII powers let Ministers amend and even repeal Acts just by making regulations, and how Whitehall is using guidance and protocols as a form of disguised legislation, with legal effect but no oversight. According to these reports, hundreds of laws are being imposed on all of us, with no effective scrutiny and control by Parliament. This should be better known.

Exceptional powers are lent, not granted, to Governments by the legislature, in times of emergency. In such times, such powers should be returned in their entirety as fast as possible. Yet Governments of all stripes have increasingly sought to expand their power. In 2006, the Legislative and Regulatory Reform Bill sought to give Ministers the power to amend, repeal or replace any Act of Parliament by simply making an order. That was eventually withdrawn, after pushback from the House of Lords Constitution Committee. But during the financial crisis of 2008, the Banking Act gave the Treasury power to disapply any other relevant statute bearing on the Act, which was a pretty substantial power. In 2010, the Constitutional Reform and Governance Act allowed any Minister to make changes, again by ministerial order, as she or he considered appropriate. There are many other examples, which I am sure we will hear about in a moment.

Cynics might suggest that, when any Government have a large majority, they will get their way anyway, and so does this really matter? The principle of our parliamentary democracy is that Parliament's core constitutional functions are to legislate and to hold the Government to account in order to protect individuals from the arbitrary exercise of power. One of the important aspects of secondary legislation, as you all know, is that, unlike Acts of Parliament, it is not

[BARONESS CAVENDISH OF LITTLE VENICE]
subject to several stages of robust scrutiny; it is debated only once in each House, if at all, and it cannot be amended—it can only be accepted or rejected as a whole, and wholesale rejection is, unsurprisingly, something this House has been reluctant to do.

I am not alleging any grand conspiracy to subvert the constitution. While this Prime Minister has perhaps been keener than some others on Henry VIII clauses, he is by no means alone in wanting to expedite business. And I am not in any way comparing him to Henry VIII, although in writing this I did reflect that he has actually outdone Henry VIII in some ways: he has broken with Brussels—the new Rome—and he has had his third marriage blessed by the Catholic Church. But I know that he believes in the sovereignty of Parliament; after all, he led a withdrawal from the EU in order to reassert our parliamentary sovereignty.

The truth, I think, is more banal. It is that Whitehall increasingly finds it convenient to use these powers. I know from experience, as do many of us here, that Ministers are usually mightily relieved if they are told that they can get something done without the tedium of having to go back to Parliament. Who would not be relieved? When you are in government, it can feel unbelievably hard to get anything done at all.

But the cumulative effect is, I fear, corrosive. To quote the noble and learned Lord, Lord Judge, in a speech he made as Lord Chief Justice, if Whitehall gets into the habit of using Henry VIII clauses,

“we are ... in ... danger of becoming indifferent to them.”

This indifference, I fear, encourages Governments to be too casual. Shortly before Christmas, the Home Secretary added 18 pages to the Police, Crime, Sentencing and Courts Bill which had not been there when MPs voted on it in July, including on the right protest, where this Government’s stance seems to me to be approaching the Orwellian. If the Executive add things to Bills after MPs have voted, or if they use skeleton Bills to push the detail to later, ultimately Parliament is not really clear what it is being asked to approve, and that is dangerous for democracy.

The committees write that the use of delegated powers may also conceal a growing tendency to draft Bills before thinking through the underlying policy. I will refrain from pointing out examples of where that might have been the case—I am sure we all have our favourites—but we should not be putting Parliament in a situation where it is not clear what it is being asked to approve.

What is the common defence for using such powers? Necessity. We are always told the same thing: “We need to get this done quickly, and trust us, we will not abuse the power”. But as William Pitt once warned,

“Necessity is the plea for every infringement of human freedom.”

When scrutiny is limited, essential checks on executive power are lost. I often wonder why those in power today do not think more about what they are going to feel when the other lot get into power tomorrow.

I will leave it to others to outline the detailed recommendations made by the committees, but I very much support the suggestion that it would be useful for end-of-Session reports from both committees to form the basis of regular debates in the House on

issues relating to the balance between primary and secondary legislation, the quality of legislation and the provision of explanatory materials.

I also wonder whether it would be possible to establish the equivalent of the Delegated Powers and Regulatory Reform Committee in the House of Commons, so that MPs can see the explanations for proposed delegations and get the opinion of a legal adviser with a higher profile. I say this partly because of the contacts I had with a number of Back-Benchers after I wrote about these issues a few months ago in the *Financial Times*. A number of MPs contacted me to say that they felt these were issues of real importance which they did not know enough about. If that is true, that is a gap in our democracy.

I will finish, if I may, with a personal reflection. Some years ago, I ran a campaign to expose miscarriages of justice that I believed were occurring in the family courts, which were taking children away from their families on the basis of evidence which, in my opinion, was not always sufficiently robust. My campaign resulted in the Government changing the law to open the family courts to more scrutiny. But to achieve that, we had to fight our way through thickets of legalese and rafts of procedural language which were preventing ordinary people seeing what was being done in their name. I think we face a similar but much bigger version of this in the issues we are debating today, and I hope that we can find ways to communicate their importance to the public.

In conclusion, laws affect our lives and rights. They should not be made by bypassing the very institutions which are supposed to be a check on power. We need a fundamental reset in the culture of both Ministers and senior officials, who should in fact be the gatekeepers of democracy. I beg to move.

4.31 pm

Lord Blencathra (Con): My Lords, I warmly congratulate the noble Baroness on setting out the case so thoroughly and eloquently on the inappropriate delegated powers that skeleton Bills contain.

In December, the Secondary Legislation Scrutiny Committee and the Delegated Powers Committee published joint reports heavily criticising skeleton Bills. Let us be clear: our criticism was not an attack on this current Government alone, since the abuses of delegated legislation have been growing under all Governments for the last 30 or 40 years—not just since Brexit or Covid.

What do I mean by abuses? Our Delegated Powers Committee report listed four main concerns, including: first, skeleton Bills, which we are debating today; secondly, the growing predilection of departments to stick Henry VIII clauses on to every Bill, just in case it might be convenient in the future; and, thirdly, the sub-delegation of legislative powers. These are laws made not even by Ministers as secondary legislation but by people or bodies who have been granted the powers to do so. These tertiary rules can have a big impact on citizens and are legally enforceable.

We will have a perfect example of this before us on Monday, when the Home Office will have to table an urgent amendment to correct unlawful guidance produced by the College of Policing. Our report on the police

Bill criticised the fact that the College of Policing is not a statutory body but a private limited company, but the dear old Home Office had been merrily shovelling to it powers to invent statutory guidance. I have tabled an amendment to say that all such guidance should be held in abeyance until the college has been approved by Parliament, since its guidance could be illegal. Well, what do you know? The Court of Appeal ruled on Christmas Eve that its guidance on placing 110,000 innocent people on a criminal records list for non-crime hate crime was unlawful, and the Home Office tabled an amendment just yesterday to rectify it. Both Houses of Parliament will now have a chance to debate it for the first time. How much more possibly illegal guidance is being manufactured by third parties which will never be exposed unless it is challenged in court?

Our fourth concern was disguised legislation. Guidance which is advisory need not be approved by Parliament, but so much of it now is guidance which one “must have regard to”. While it is not technically mandatory, our experience is that everyone treats it as such because the issuing body tells them that it is compulsory.

A year ago, we had an excellent little Bill on school uniforms which permitted the Department for Education to issue guidance. I moved an amendment to say that the guidance should be subject to the negative procedure, but the official answer was—I paraphrase slightly—that it was merely advisory. The department had issued lots of guidance every year and had gotten away with it not being checked by Parliament before, so why should it start now? There was also the usual answer that the department would consult all the relevant experts and stakeholders, and that we parliamentarians should not worry our pretty little heads about it.

However, noble Lords ought to see the press release that the department issued in November with the advisory guidance. It is headlined:

“Schools will need to follow statutory guidance”

and talks about “new legally-binding guidance” that

“schools will be required to”

follow and saying that the DfE

“guidance means schools ... must ensure”

and so on. That does not sound advisory to me. This guidance should have been seen by Parliament, even just under the negative procedure, but drafters of Bills have become wise to the fact that we and this House will criticise things called guidance. So they now use disguised terminology, calling guidance “determinations”, “protocols”, “directions”, “arrangements”—even a “public notice”. What a wonderful way to make laws: do not bother with MPs and Peers, just publish a notice in the *London Gazette* and, hey presto, new rules.

I have deliberately covered more issues than just skeleton bills because these are part of a whole menu of thoroughly inappropriate delegations that should have no place in a democracy. Of course every democratic Government in the world needs secondary legislation if they are to work, but the nature and extent of that secondary legislation is what matters.

I conclude by saying to my noble friend and all government Ministers that not a single one of our recommendations would prevent any Government passing their full legislative and political programme. It would

simply mean that both Houses of Parliament would have the chance to debate, if we wished, a little more secondary legislation than we do now. How can any Government object to that?

4.36 pm

Baroness Andrews (Lab): My Lords, I congratulate the noble Baroness, Lady Cavendish, on her choice of debate and the brilliant way in which she introduced it. As a member of the DPRRC, it is a particular pleasure to follow our chair, the noble Lord, Lord Blencathra—the Braveheart who led us into this important report alongside his colleague, the noble Lord, Lord Hodgson of Astley Abbots. I am sure the Minister knows how formidable a duo he faces.

What is different about the two reports at the heart of this debate is not just the arresting language or, indeed, the fact that we have a pincer movement on Westminster and Whitehall; it is the nature of the analysis and the depth of the recommendations, which will go beyond this Chamber. This is about context.

Take the titles of the reports, for a start: *Democracy Denied?* and *Government by Diktat*. One might be forgiven for thinking that these were the product of some raving pamphleteer but no, they are not. They come from the two most senior scrutiny committees in the House, and the language is justified. They express with little reservation all the frustration that we in this House have felt for a long time at the growing contempt for Parliament, which has been accelerated by the expediency of Brexit, the concentration of ministerial powers, the interpretation of “emergency” in terms of Covid and the stranding of Parliament.

The reports confront this challenge holistically and head on. They take the long view: they look backwards over a century of accumulated frustration but they also look forward. If Parliament is to reassert its power, it will be for the long term. Over the years, the DPRRC has won many battles on the Floor of this House. What we have been less successful at is changing and challenging habits, which these reports do. What should be exceptional has become business as usual, whether it is skeleton Bills or delegated powers.

The prescription set out in these reports goes far beyond “Chaps should do better”. It challenges the Government in principle and in practice to assert and govern by the basic principle that legislation is the servant of parliamentary democracy. In that context, the state we are in is not an extension of a game of cat and mouse between Ministers and Parliament. The reports document a structural shift in both the culture and strategy of the Government and Whitehall—that is, a culture that says that anything goes, anything can be tried on and any excuse can be offered and a strategy through which Ministers can, without restraint, hide in delegated legislation aspects of policy that need to be open to scrutiny and challenge. Skeleton Bills, Henry VIII powers and guidance rather than regulation are defended on the grounds of urgency and flexibility, no matter how flimsy or, frankly, nonsensical the argument. It is a creative culture, as we have seen in the raft of inventive ways, language, protocols, directions and so on in the form of disguised legislation.

[BARONESS ANDREWS]

The point is that this transfers powers to people and institutions that are well out of Parliament's sight, sometimes in contested areas when the police are asked to do something by guidance that should have been regulation. The impact of this secondary legislation is the sharp end of the law: the point at which perverse consequences that could have been cleared away become real and make a real difference to people.

Sometimes it is argued that the Government do not understand what they are doing—of course they understand. Why else would they have introduced attempts to prorogue Parliament, or indeed to strip out treaty obligations by law? It marches on: the Health and Care Bill has so much delegated legislation and, with 50% of it beyond parliamentary control, the committee had to weigh it rather than analyse it.

We can no longer rely on the good chaps reasserting control. A reset means putting the Cabinet Office on the line so that its own guidance insists that the making of all legislation and the behaviour of Ministers is subject to the explicit principle of parliamentary democracy. It means identifying skeleton Bills as the outlaw Bills that they are and treating them as such, and it means ensuring that every civil servant assumes that Henry VIII powers can expect to be constrained by regulation.

It is time that we reopened the whole debate over the nature of secondary legislation and the sole nuclear option open to us. We ought to revisit this because it disables us as a Parliament. If we intend to strengthen Parliament in future, we have an obligation now to revisit that.

Baroness Scott of Bybrook (Con): May I remind noble Lords that the limit for speaking is four minutes? We have a long list of speakers tonight.

4.41 pm

Lord Bridges of Headley (Con): My Lords, I start by congratulating the noble Baroness, Lady Cavendish, on securing this debate and her masterful speech, as well as the two committees on their excellent, hard-hitting reports.

I am conscious that, unlike many speaking today, I am not a constitutional expert, nor am I a lawyer. That said, what I do know is that although much of what we are talking about may sound abstract, this debate—about the power of Parliament versus the Executive and the processes that underpin our democracy—has a direct impact on all our lives. If those processes that underpin scrutiny and accountability are not cherished and nurtured, and the Executive are allowed to chip away at them, the freedoms that we all take for granted risk being eroded. My concern is that this is happening thanks to a subtle but profound shift in the culture of government over the last 30 years—a shift that is having a big impact on process and, therefore, on democracy itself.

Politicians' lax approach to Cabinet government has led to sofa government and the rise in the power of unaccountable special advisers. The 24-hour media cycle, turbocharged by social media, fuels hysterical calls that something must be done to tackle a problem

or Ministers' demands for an eye-catching initiative. Process, precedent, accountability and scrutiny are all seen as mere irritants that get in the way of action.

Having worked in No. 10—many moons ago with my noble friend the Minister and more recently as a Minister—I know only too well what happens. To manage a crisis on the evening news or a Twitter storm, a press release is cobbled together, which spawns a piece of legislation barely longer than the press release itself, which then gives rise to a skeleton Bill full of delegated powers. This creates the issues that these excellent reports touched on and which the First Parliamentary Counsel delicately mentioned in her evidence when she talked about the

“practical or political drivers to bringing forward the legislation at a particular time”

and the “great demand for legislation”.

As has just been said, delegated powers are necessary. But we now have a culture in which Ministers either push for, or allow, half-baked legislation—not, as the Prime Minister might call it, “oven-ready” legislation—to be brought to Parliament. The fact that Mr Rees-Mogg could find, in the mountain of Acts passed, only one example of legislation—the Cities and Local Government Devolution Act—to justify skeleton Bills makes me conclude that we must act to stop this culture of creating more skeleton bills and turning Parliament into a graveyard of democracy.

Cultural change takes years, but processes can be changed quickly. Let me ask my noble friend—he is an old friend who I know is a steadfast defender of parliamentary democracy—a simple question: does he agree that it should be made explicitly clear to Ministers and the Civil Service that skeleton Bills are, in the words of the report, “rarely justifiable” and, if so, that this is written explicitly into the Cabinet Office's *Guide to Making Legislation*? That would begin to put the genie back in the bottle.

4.45 pm

Baroness Thomas of Winchester (LD) [V]: My Lords, I shall speak in shorthand in this very welcome debate. As a former chair of the Delegated Powers Committee, I am familiar with this battleground, and I have the scars to prove it, particularly from the Public Bodies Bill.

First, as the noble Lord, Lord Bridges, said, the practice of bringing framework Bills to Parliament must be discouraged from the outset, however tempted Governments are to use them. Secondly, the House must have agreed procedures to swing into action if there are inappropriate delegations. I endorse the “scrutiny reserve” plan in *Democracy Denied?*, but we must beware: no Government will agree to this willingly if it means that legislation will be held up. So we must watch out for that.

Before closing, I want to say that I hope that the House will never give up its priceless unfettered power over secondary legislation, even if it is hardly ever used.

4.47 pm

Lord Judge (CB): I do not feel like following any of those speakers; they have said everything that I want to say. It is awfully tempting to sit down, but I should just mention one or two things.

The noble Baroness, Lady Cavendish, referred to something that I said when I was Lord Chief Justice. It was a political speech—nothing to do with party politics—and I addressed the issue of Henry VIII clauses. That was more than a decade ago. The moral of the story is that judges should not interfere in the political processes—because no one took the slightest bit of notice of what I had to say. Indeed, the response was the opposite: the departments invented a new button on their computers that said “Henry VIII” on it, and every piece of legislation since I spoke has had it pressed and Henry VIII drawn into it. So I have given the Red Bull treatment to Henry VIII and the corresponding treatment for somnolence—I do not know what the right pill is for that—so we just go on producing delegated legislation. It is more than 10 years since I spoke, and has the House of Commons rejected a single piece of delegated legislation? No. I am sure that every piece of delegated legislation that we have had has been sublimely wise, but the House of Commons has not rejected a piece of delegated legislation since 1979—1979, for heaven’s sake—when thousands and thousands of pages, in small print, are sent out to us every year, telling us all how we should live.

I go back to the time when Henry VIII was first trying to get these powers. It is an interesting story. This Parliament had given him the power to decide that he was the Pope—or the head of the Church in England—who would succeed him, that he could bring down the monasteries and that he could do anything that he liked. But the one thing that it drew the line at is something that we have been pathetic at. It said: “No, we will not give you the power to amend our statutes.” Here we are doing it 400 years later.

It is sometimes said that Thomas Cromwell fell because he introduced Anne of Cleves into Henry VIII’s bed and she could not quite arouse him—whatever you call it—interest. I must say, nobody ever asked her what she thought about him. But that is not the whole story. When I retire, I will launch a piece of research which will demonstrate that Thomas Cromwell fell because he did not produce for the king the power that the king wanted: absolute power. If he had had time—his head came off too quickly—he would have thought of skeleton Bills, guidance, protocols, and so on. However, he did not have time. However, if we turn to Henry VIII for inspiration and to Thomas Cromwell for further inspiration, we are running up a very strange path.

I have three suggestions. First, let us never ever pass legislation like Clauses 55 and 56 of the current police Bill, which enable the Secretary of State to define what the Bill means by “serious disruption” after it has been enacted. We should reject any and every Henry VIII clause until the Minister identifies the specific areas it is intended to address and then we should limit the Henry VIII power to a power to amend specific clauses in the instant Bill, not any statutory provision in any Bill past and to come. Finally, on statutory instruments, we should at least have the power to have a process to say, “We agree with 99 but number 100 we do not want.”

4.51 pm

Lord Hodgson of Astley Abbotts (Con): My Lords, I add my thanks to the noble Baroness for introducing this important debate. When I wrote to her, I said that

this was not an issue that would have them dancing in the saloon bar of the Dog and Duck but that, nevertheless, it would affect their lives even if they did not know about it.

I have the privilege—it is a privilege—to chair the Secondary Legislation Scrutiny Committee of your Lordships’ House. As my noble friend Lord Blencathra has explained, we have been working together to introduce these two reports. I will not repeat what we said in our SLSC report, which is entitled *Government by Diktat*, except to thank my noble friend Lord Sherbourne, who we will hear from in a minute, as the progenitor or author of the word “diktat”, which has resonated so well in the House and in the country. However, I will quickly remind the House about one thing. Last year, the SLSC looked at 901 pieces of legislation—every law binding on every citizen—passed with, I think we can all agree, a very inadequate level of scrutiny.

The reaction to our two reports was positive; indeed, the number of noble Lords who wish to speak this afternoon shows that we have struck a chord. In the last couple of minutes that I have I will turn the guns forward and decide what we could do to remedy and improve the situation. I have two suggestions. First, to pick up on the point the noble Baroness made, we have to discuss and make common cause with the Commons about how we might improve the situation. Any change will inevitably restrict the power of the Government, and no Government will like that. Many reasons will be given why these proposals are worthy but not necessary, and I am sure we will hear a great many of them from my noble friend when he winds up shortly. Without being unduly cynical, I hope that the House will forgive me if I say that I think the enthusiasm from Her Majesty’s loyal Opposition, always with an eye on the future, may be only limited, and that tears may be shed but they will be crocodile tears. The killer blow is the allegation—the accusation—that this is an attempt by the unelected Lords to tell the elected Commons how to do their job better. It is not a fair accusation or allegation; this is about the balance of power between the legislature and the Executive—between the two Houses of Parliament and the Government.

My second suggestion is perhaps slightly more radical. We in Parliament might be able to agree that the pace of change in our modern society is so fast that the more stately rate of change and passage of primary legislation is possibly too slow to keep up with events. We may have to accept that, in future, more fundamental changes will have to be contained in regulation. If we were to accept that, the Executive, the Government, might in return accept that new and better methods of scrutinising these fundamental changes could be introduced. This would not need wholesale reform but could be focused on improving methods of scrutiny of regulations that are of high statutory significance. If the Government could bring themselves to accept that as a first step, we would be on the way to improving a situation that, as I think every Member of the House agrees, is unsatisfactory.

4.55 pm

Lord Rooker (Lab): My Lords, I too congratulate the noble Baroness. I much enjoy her *FT Weekend* pieces and I have detected a major change in tone in

[LORD ROOKER]

the last three or four months. I used New Year's Eve to read the report from the Delegated Powers and Regulatory Reform Committee cover to cover, and I admit to feeling quite bad about it—bad about my sheer ignorance of what had been happening to the imbalance between the Executive and Parliament. Of course, I was aware of the odd complaint, but I confess to being sadly unaware of the wholesale undermining of Parliament's role. Built-in checks and balances have been dismantled on a huge scale.

Others have been seized of the issue, as paragraph 32 makes clear, such as the Wakeham commission in 2000 and the Leader's Group in 2011. Over the years, those involved—I do not know who they are—have almost acted as a conspiracy by seeking to make the issue one between the elected House and this unelected House. Having served in both Houses for over 20 years and having been a Minister in both, I can fairly say that that is not the issue. The issue is indeed the relationship between the Executive and Parliament. I have been at the same place as the noble Lord, Lord Bridges, on emergencies and everything else in both Houses.

It also seems sensible to ensure that Parliament must never be in ignorance of the laws passed in its name. The report highlights the disturbing new trends in detail. As disguised law goes, I am familiar with some of the terms—"mandatory guidance", "to have regard to", powers to determine "arrangements" and "protocol"—but I had never heard of "public notice". That was a new one, the consequences of it anyway. All combine to camouflage legislation.

The most worrying aspect of the discussion is tertiary legislation. That appears deadly. We have indeed delegated far too much to the Executive. I do not want this to be misunderstood, but I deeply regret that parliamentary counsel has acquiesced to all this. I have never picked up bad vibrations from parliamentary counsel to any of this. I know they are government lawyers, but parliamentary counsel is their title.

I have two points to make. Sitting days for Parliament are not mentioned. I think they should be controlled by Parliament, via the Speaker and the Lord Speaker, not the Government. If this were the case, government using the excuse of emergency very fast legislation fixed by Ministers without recourse to Parliament because it is not sitting or is not due to sit could be avoided. If we decide to sit as and when necessary, that would be one excuse out the door.

There is a strong case for a targeted and limited ability of Parliament to amend some SIs. "Targeted and limited" is a phrase I picked up during the discussion on one of the breaches of international law in the other place. It would be targeted and limited; there is no way we would go for wholesale. That should be looked at in detail.

I am interested in the future and in solutions. Chapter 5 is crucial. Some of the recommendations in chapter 5 are for the House, not the Government, so there is no excuse that the Government will not buy them. For two or three key matters, the House should make the decision. That is where the power lies, so that is really important. Scrutiny reserve is the key

recommendation. I do not want to put a hierarchy on them, but that seems to be the nuclear option. The fact is that they should all be accepted.

4.59 pm

Lord German (LD): My Lords, congratulations to the noble Baroness, Lady Cavendish, and amen to everything that has been said. I shall concentrate on the antidote to the legislative creep that has been described so well by earlier speakers.

If we are to continue to get skeleton Bills and skeleton clauses—or, as the Government like to call them, enabling Bills and enabling clauses—we must have better provision for examining secondary legislation. The important balance is between the legislature and the Executive. That is the cornerstone of a functioning democracy. Together with the judiciary, the balance and independence of each are critical for them to truly act as the representatives of our people.

I deprecate the use of delegated powers as a substitute for imperfect policy-making. I want to look at the issue of electric scooters. The delegated power that gave electric scooters the right to exist in this country only if they were from a hire company, they could drive at no more than 15.5 mph, and anyone using them had to have a driving licence has been outshone by the over 100,000 electric scooters operated illegally across this country. In fact, I was driving at 30 mph down a 30 mph road and was overtaken by an electric scooter. So noble Lords can imagine that this is an example of what delegated power is dealing with, as a substitute for imperfect policy-making.

Looking at the problem from the other end of the telescope, what can be done to achieve a proper role for the legislature in retaining its crucial job of scrutiny and ensuring that our laws are fit for purpose? There are three ways outlined in the excellent reports that the two committees have produced. One is an enhanced procedure allowing Parliament or committees of the two Houses to comment on a draft instrument before the final form is laid. The second is to amend the Statutory Instruments Act 1946 to allow enhanced scrutiny and amendments to be made to secondary legislation. The third is to require Ministers to undertake consultation on any secondary legislation derived from skeletal clauses or Bills before bringing them before Parliament, and for those pieces of legislation to introduce and include a report on how the findings of the consultation have been taken into account.

I would like to add a fourth: a flagging mechanism where either House could indicate that a piece of secondary legislation deriving from a skeletal Bill or clause was unfit for purpose or failing to meet its declared intention. The flag would require the Government to temporarily withdraw the instrument, look at it again and produce a revised version.

I am not wedded to any of those four proposals or any combination of them, and there may well be more, but, in the light of the fundamental concerns raised both in this debate and in the two reports to the House, there is an urgent need for action by both Houses, preferably together, in order to inquire into the changes that we need to undertake to fulfil our legislative function and to recommend a way forward for Parliament.

It is genuinely Parliament's role to investigate this. It is our role as a legislature, which is gradually being eroded. As a first step, would it be possible for both Houses to co-create a committee or an inquiry to look at these matters and bring forward suggestions to both Houses on how we could improve the situation? It is clear that the creep cannot continue, but both Houses together can make it stop.

5.03pm

Lord Brown of Eaton-under-Heywood (CB): My Lords, I shall focus on a single provision, Section 10 of the Human Rights Act 1998, a classic Henry VIII provision. In essence, it provides that by ministerial order you can amend legislation found incompatible with our convention obligations. Last year, this House in fact sanctioned a remedial order amending Section 9 of the Human Rights Act by allowing extended circumstances in which damages can be awarded in respect of a judicial act.

A Policy Exchange paper at the time questioned both the vires of the order and, more forcefully and persuasively perhaps, its propriety. More recently, in a much more comprehensive report addressing a whole range of suggested amendments to the Human Rights Act, Policy Exchange returned to Section 10, advocating that future legislative change should be secured by primary legislation and certainly that Section 10 should not be used to amend the Human Rights Act itself.

Section 10 has also been the subject of consideration by the Gross committee in its recent independent review of the entire Human Rights Act, and on this issue, its report recommended, first, amending Section 10 to clarify that remedial orders cannot be used to amend the Act itself and, secondly,

“potentially better use of the JCHR powers of scrutiny” of the remedial order-making power. I should just note that the JCHR, for which in other important respects, the Gross committee also recommends an enhanced safeguarding role under the Human Rights Act, at the time of the 2020 amendment to Section 9, failed not merely to address the vires argument but even to draw the ministerial order to the special attention of the House on the basis, as heralded in its 2001 statement of principle, that

“it appears to make unusual or unexpected use” of powers conferred by the statute under which it is made.

Coming, finally, to the MoJ consultation paper just issued on the reform of the Human Rights Act, one is heartened to note passages which, as the paper itself notes, go further even than the Gross committee. It says this:

“There is a case for retaining remedial orders under the urgent procedure only, as a means of addressing urgent (and compelling) cases where leaving the law unamended, even for a short period, could be damaging.”

And then there are these important words:

“This must be weighed, however, against the constitutional arguments against executive legislation, which may suggest removing the power entirely.”

How good it is to see in a government document—issued, no doubt, under the aegis of Mr Raab—so plain a recognition of the constitutional argument against executive legislation. We should focus on that.

5.07 pm

Lord Sherbourne of Didsbury (Con): My Lords, as a member of the Secondary Legislation Scrutiny Committee, I have seen us comment on thousands and thousands of SIs, and we have been very fortunate to have a brilliant team of advisers and clerks to help us do our work, so I am not surprised that, recently, a House of Commons report praised the Lords for the scrutiny and expertise that they bring to SIs.

However, when it praised us for scrutinising SIs, I asked myself what they mean by scrutinising. Imagine I am doing a deal and my lawyer says to me, “I’d like you to scrutinise the draft contract.” I look at it and say, “I have now studied it very carefully, but I do not like certain parts of it.” The lawyer says, “By scrutiny, I simply meant comment on it—you can’t actually change it; you cannot reject it; it is a fait accompli.” That is our position with SIs in this place. Except on the rarest occasions, that is what we do in the House of Lords when we scrutinise SIs. We pass thousands and thousands of them unamended; we are not allowed to amend them and, by convention, we are duty bound to pass them.

As other noble Lords have said, these SIs can impose very detailed and onerous restrictions and burdens on the day-to-day life of individuals, businesses and organisations. They often come into force immediately, and Parliament just waves them through compliantly. This is why we called it *Government by Diktat*, and it is no wonder that the Government are trigger-happy with SIs.

You might ask, “Why doesn’t Parliament reject them from time to time?” A Government with a majority in the House of Commons will always get its way, and in this House, if we were to reject an SI, as we cannot amend it, we would kill it stone dead, and we are understandably very reluctant to defy the elected Chamber when we are unelected.

As the noble Lord, Lord German, said, we cannot expect the Government to change their ways. We will go on having an avalanche of SIs, skeleton Bills and Henry VIII powers. It is Parliament that has to look at how to change our ways. We will have to have a really serious look, either through a Joint Committee or through our procedure committees, but the only way we will change the way we deal with SIs is for Parliament to grasp this nettle.

5.10 pm

Lord Davies of Brixton (Lab): My Lords, this is an important issue in terms of controlling the Executive and establishing the role for your Lordships’ House. I very much welcome the fact that this debate has been introduced by the noble Baroness. It refers specifically to skeleton Bills, but by incorporating the two committee reports the debate is somewhat wider. I do not make any apology for that.

I will use my brief time to highlight one specific issue identified by the Delegated Powers and Regulatory Reform Committee: that of the recent growth in the use of what the committee describes as “disguised legislative instruments”. This is dealt with in paragraphs 92 to 120 of its report. The committee provides various examples of this trend, but the common factor is that

[LORD DAVIES OF BRIXTON]

Ministers are being given the power to supplement primary legislation with what is, in effect, disguised legislation: instruments that are legislative in effect but not subject to parliamentary oversight. Examples have been quoted. The committee refers to

“powers to make a ‘determination’ ... to determine ‘arrangements’ ... to issue a ‘code of practice’, a ‘protocol’ or a ‘public notice’”, and my major concern, to issue “directions”. The committee concluded that the

“the multiplicity of disguised legislative instruments is confusing to Parliament and to the public, and does not ... promote the good law principles of law that is clear and accessible.”

The use of Treasury and other departmental directions in the context of the legislation on public service pension schemes sparked my concern, but I have subsequently come to understand that it is a wider problem, as highlighted in paragraph 101 of the committee’s report. It arises from Section 12 of the Public Service Pensions Act 2013, which provides a mechanism for what is called the cost cap as a limit on employer contributions. It provides that the cost cap should be determined in accordance with Treasury directions.

We have just had the McCloud and Sargeant case, which the Government lost, and there is a very expensive remedy. The Government have decided, by using directions, that the cost within the cost control mechanism should be borne by the members. I do not wish to argue the case for or against that decision, but it is manifestly a matter of public policy, where Parliament should have appropriate oversight over such an important decision.

Although we need to understand that there is not a hierarchy of significance in terms of different forms of legislation, some directions have a bigger and more immediate impact on individuals, their income and benefits than some pieces of legislation. Yet we spend a lot of time on the legislation and do not even get to see the directions. This is surely wrong. I think that is in accordance with the committee’s conclusions. It sets out a simple principle:

“In the absence of convincing reasons to the contrary”, these devices “should not be used.” Will the Minister let us know whether he shares the concern about disguised legislation? If so, what steps will be taken to limit its use?

5.14 pm

Viscount Eccles (Con): My Lords, I think we are approaching some form of consensus but the problem is: what does one do when one has achieved that consensus? Many years ago, I was on the Merits Committee and subsequently on the Delegated Powers Committee. We experienced many of the issues that have been highlighted in these two excellent reports. It was on those committees that I discovered the depth of skill and professionalism of the staff of this House. They were a mine of historical and current information. They told us many of the things that the committees are being told again today.

However, it has always been the case that Executives want to make their lives easier by limiting the powers of legislatures. As life gets more complicated, there is

no chance at all that that is going to go away. After all, everybody would like to have a weekend off every now and again. Although sometimes I think that the stress on Parliament is exaggerated, it is nevertheless true that there is a problem of parliamentary time.

One can have all the good ideas about what should happen. I well remember coming out of a trustees meeting at Kew, where we had seven members of the Royal Society on the board. They had extremely good ideas and the chief executive of what was then SmithKline Beecham said to me afterwards, “John, we need to remember that although we have a lot of people who have very bright ideas with which we agree, we will be lucky if we can find one or possibly two people who can carry them out.”

Therefore, the challenge to this House is: what can we do about this complicated and unsatisfactory situation? We have to start from a position where we do not have much leverage, and that is never a comfortable position to be in when one is in negotiation. I agree with my noble friend Lord Hodgson of Astley Abbots that we need to limit our ambitions to something we believe is negotiable and for which we may have the leverage. That would be—although it entails a lot more work—an increase in our ability to scrutinise, and practice of scrutinising, secondary legislation. That is probably the most practical road to go down.

I should like to share just one memory. I was on the Merits Committee when we threw out the statutory instrument to set up a grand casino in Manchester. So that has been done and there is no reason why the House of Lords should not, given suitable debate on the detail, go down that path again. However, as has been said by several Members, our relationship with the Back Benches of the House of Commons will also be the clue as to whether we can get there and improve this situation.

5.18 pm

Viscount Stansgate (Lab): My Lords, I thank the noble Baroness, Lady Cavendish, for securing this debate and for the excellent way in which she introduced it. I sense that the mood of the House very much agrees with many of the arguments she made. I am conscious, too, that many Members with great expertise are taking part—we have heard from some of them already—so, in the brief time I have I can make only a few points.

First, secondary legislation is absolutely essential to the running of a modern Government. I fully expect the Minister to emphasise that when he replies from the Dispatch Box, but process and procedure still matter, and we are having this debate because it is the abuse of secondary legislation that is its subject. When the Minister replies, perhaps he could be more explicit about the criteria by which the current Government deem that abuse to be justifiable in some cases and not in others.

It has been at least three years since the Constitution Committee of your Lordships’ House first identified skeleton Bills as a recurring problem, and the history of this issue goes back many years. What we heard today made me feel that not only would I have liked Henry VIII to have taken part, but Thomas Cromwell would have been an advantage.

Just before Christmas, I went to speak to a secondary school. I deliberately brought with me these two excellent reports, because I wanted to make sure that those sixth-formers discussing the British constitution were aware that it is not solely the rose-tinted version of parliamentary accountability so often portrayed. They were very intelligent sixth-formers, and I wanted them to know that parliamentary scrutiny of the Executive is creaking at the seams—that is putting it mildly.

For how much longer can we assert that Governments are effectively held to account by this mother of Parliaments? For how much longer can we promote our current system as a role model? The direction of travel is more than worrying. Parliament is losing power to the Executive, and power in the Executive is gradually being concentrated in Downing Street. Within Whitehall, power can pass from elected Ministers to unelected civil servants. Skeleton Bills benefit the Whitehall machine in so far as the details filled in later give the Civil Service, rather than Ministers, more of the opportunity to shape and preside over the detail. I note with great interest what the noble Lord, Lord Blencathra, said about the new nomenclature used to describe the many different ways in which secondary legislation is used.

Meanwhile, of course, Ministers are not subject to the scrutiny they should be at the Dispatch Box. If something goes wrong, which occasionally it does, the chances are that the Ministers originally responsible have moved on and hence escape the kind of scrutiny that taking a substantial Bill through Parliament would entail.

I was particularly interested in one point in the *Financial Times* article by the noble Baroness, Lady Cavendish: that the Government do not seem to wonder what others might use these powers they are creating for. It reminded me of 1972 and the Heath Government, who passed the Industry Act in that year. For a free-market Government, they introduced considerable powers over industry. I remember it well; it was described at the time as “Heath’s spadework for socialism”. I mention it now only to emphasise the point that the noble Baroness made to the government Benches: one day they may feel slightly differently about what is being done, because there are precedents that they might come to regret.

When it comes to the remedy, I say only—as my time is up—that it is clearly time to consider our power to amend statutory instruments. I fully endorse the excellent recommendations made and very much hope that fair-minded Members on all sides of the House will agree that that is one way forward: not the wholesale rejection of SIs but selected amendments.

5.22 pm

Baroness D’Souza (CB): My Lords, the following blunt phrases crop up repeatedly in the authoritative committee reports *Democracy Denied?* and *Government by Diktat*:

“a critical moment has been reached ... signing a legislative blank cheque ... should be used only in the most exceptional circumstances ... striking and disturbing recent developments ... egregious erosion of democratic accountability ... wide and ill-defined delegated powers ... *The New Despotism* ... disguised legislative instruments”.

These phrases, and those such as

“most draconian powers ever seen in peacetime”,

indicate disquiet at the increasing use of skeleton Bills where the meat, both policy and technical, is supplied by means of secondary legislation, including Henry VIII powers, statutory instruments, tertiary legislation and guidance.

The recent upsurge in concern about the relationship between the Government and the Executive is by no means a new phenomenon. Parliamentarians were voicing similar concerns in the Donoughmore committee in 1932, the Jellicoe committee in 1992 and ever since in various articles, debates and lectures, notably the lecture on Henry VIII powers given by the noble and learned Lord, Lord Judge, at King’s College in 2014.

Clearly, there is a place for delegated legislation, but the democratic problem arises when Governments seek to push policies into secondary legislation, thereby depriving them of proper, sustained debate and amendment. This happened during the passage of the Brexit Bill and with the emergency Covid legislation. In recent years the Government have thus exercised an authority over lawmaking that goes well beyond the filling in of technical and administrative gaps, and strays into issues of policy and principle.

It has become a habit, and one which we in this House are reluctant to confront; we all remember to our cost the Strathclyde report of 2015, following the vote on the tax rebates secondary legislation. This, as noble Lords will recall, was an executive order and was challenged because of a very recent report indicating that acceptance of the policy as set out in the order would immediately catapult several hundred thousand families into dire poverty. Following a Motion to Regret, on which noble Lords overwhelmingly voted “content”, subsequent discussion at government level revolved around how to ensure that the wishes of the elected House were not thwarted. However, as we all know, the real issue was, and is, the relationship between the Government and the Executive.

Parliamentary scrutiny is a good thing; it is in fact the *raison d’être* of this House. What must never be minimised is the democratic process that enables the operation of parliamentary sovereignty on a daily basis and not just at elections. Again, as the noble and learned Lord, Lord Judge, has said:

“At the heart of the development of our constitutional arrangements, Parliament is there to protect us from authoritarianism, from despotism, from an over mighty monarch, but also from an over mighty executive.”

The two reports in question offer some solutions to this disturbing trend. Perhaps the most radical are those that seek to reset the balance of power. These might be initiated by Ministers taking on the responsibility of making reasoned decisions on whether or not a Bill should include delegated legislation and publishing these reasons in advance. The guiding principle here would be that such legislation is drafted only in the most exceptional circumstances and where the use of delegated legislation can be fully justified.

Finally, I suggest that the oxymoron of “mandatory guidance” should be immediately removed from the parliamentary lexicon.

[BARONESS D'SOUZA]

The time has come to address this trend, and the Minister is earnestly entreated to take these reports very seriously and act upon them because, as the noble Baroness, Lady Cavendish, made absolutely clear, it matters.

5.27 pm

Lord Norton of Louth (Con): My Lords, I too congratulate the noble Baroness, Lady Cavendish, on initiating this debate. I too commend and endorse the powerful reports of the Delegated Powers and Regulatory Reform and the Secondary Legislation Scrutiny Committees.

Governments are under pressure to produce results. The “something must be done, and done quickly” mentality affects Governments of all persuasions. The tendency is to resort to legislation—to passing a Bill. Whether legislation is actually needed is another matter. One indication that it is not is the volume of statute law that has never been brought into effect. One study found over 480 Acts of Parliament passed between 1960 and 2020 with at least one section or schedule not yet commenced. Governments are tempted to give themselves wide powers to cover all sorts of potential problems. Skeleton Bills represent part—but only part—of a wider, growing problem in the Government’s approach to legislation. We need to come up with a solution that addresses the problem holistically.

I wish to commend a proposal that has been raised before, including in this House by the Leader’s Group on Working Practices, in its report of 2011, and in the Commons by the Political and Constitutional Reform Committee, in its 2013 report, *Ensuring Standards in the Quality of Legislation*. Each endorsed the proposal for a legislative standards committee to examine each Bill against a set of objectives embodied in a code of legislative standards. It would be able to identify and report on skeleton Bills prior to their consideration in either House and it would not be constrained in the way our committees dealing purely with secondary legislation are constrained. As the Hansard Society told the Political and Constitutional Reform Committee:

“Parliament should at least be a partner in the process of setting the standards of what constitutes a well prepared piece of legislation, rather than permitting the executive to determine this from bill to bill. If Parliament is serious about checking the growth of the statute book and improving the quality of law-making, then it must be both more imaginative and muscular in asserting its role and function vis-à-vis the executive.”

The Secondary Legislation Scrutiny Committee recommends that both Houses and government agree procedures for determining what our skeleton Bills—and what the consequences of such determination—should be. If government and the other place are not too keen, I think we should be prepared to go it alone with our own legislative standards committee. That would play to our strengths.

5.30 pm

Lord Henty (Lab): My Lords, as a member of the Delegated Powers and Regulatory Reform Committee, I take the opportunity to join my noble friend Lady Andrews in paying my deepest respects to the superb chairpersonship of the noble Lord, Lord Blencathra, of that committee. I do not want to miss the opportunity

to also pay my respects to the counsel that advises that committee—in particular, to our committee clerk, who indeed graces the Table before us today. Needless to say, I wholeheartedly endorse the report—and I can say that because my contribution to it was truly negligible. In particular, I endorse its recommendations.

Having been on the receiving end of a rap over the knuckles by the committee in respect of my own Private Member’s Bill for a failure to properly regulate a delegated power that I was going to give to the Secretary of State, it might be thought that I would have some sympathy for those in government who impose delegated legislation on us—but of course I do not. In my case, it was inadvertent, and probably negligent inadvertence at that. In the hands of government, as the title of our report describes, it is a denial of democracy. It may not be conscious, of course, but that is the effect of extensive delegation and skeleton Bills.

Like the noble and learned Lord, Lord Judge, but in my case much more predictably, I find that everything that I wanted to say in the debate this afternoon has already been said, but much better than I could say it. In sitting down, I want to express what I, as a batter at the end of the order, sense to be a consensus in the House: that there should be, with the other place, a joint committee to consider the way forward and to avoid the situation in which we now are. It is a crucial moment in parliamentary history, and we must deal with it.

5.33 pm

Lord Janvrin (CB): My Lords, I add my thanks to the noble Baroness, Lady Cavendish, for securing this debate this afternoon. I declare my interest as yet another member of the Delegated Powers Committee, and indeed a past member of the Secondary Legislation Scrutiny Committee during the time of the Strathclyde review.

I certainly share the view that abuse of delegated powers and a lack of proper scrutiny of secondary legislation corrodes our system of democracy. There are matters of fundamental constitutional principle involved here, but there is also a good British pragmatic principle at stake. Good scrutiny makes better law. Ignoring Parliament has, I submit, a practical cost. As others have pointed out, Brexit, and more so Covid, have certainly revealed far more widely the nature and effect of this marginalisation of Parliament. Therefore, it is not surprising that this issue is moving up the political agenda, and I welcome the momentum given to it by the two recent Lords reports and by the work of the Constitution Unit and the Hansard Society.

I will make three points, briefly because much has been said already. First, I too commend the noble Baroness, Lady Cavendish, for drawing particular attention to skeleton legislation. It has long been a source of parliamentary concern, and the number of skeleton Bills has grown significantly in recent years. I join in asking the Minister for his views on a “scrutiny reserve”, as proposed in the Delegated Powers Committee report, to allow that committee to take evidence from a Government Minister who introduces a skeleton Bill before that Bill’s Second Reading.

Secondly, as has been widely mentioned, there are other ways in which the Government inhibit effective scrutiny of their legislation by Parliament, including through Henry VIII powers, tertiary legislation and disguised legislation. The Delegated Powers Committee report looks to address some of these practices by a major revision of the Cabinet Office *Guide to Making Legislation*, not least to emphasise that constitutional principle is more important than political expediency. This suggestion specifically addresses what the noble Baroness, Lady Cavendish, referred to as a growing Whitehall indifference. Would the Minister support this sensible and reasonably modest step?

Thirdly, I join others in thinking that, in this field of delegated legislation, rebalancing this relationship between Parliament and the Executive raises much more fundamental questions, which have already been mentioned. Should both Houses of Parliament make common cause to develop more effective secondary legislation scrutiny procedures? In particular, should some means be found to allow the amendment of secondary legislation, perhaps in exceptional circumstances?

I share the view that there is a rising and, dare I say it, bipartisan tide of concern here. To rise with it, might the Government see any advantage in having a much wider look at this, even among their many other pressing priorities? I wonder whether there is scope to think about a new statutory instruments Act to replace the existing legislation, which, I notice, is as old as I am. The Minister has well-toned and well-honed political antennae. I look forward to his reply, although I fear it may fall short of an epiphany moment.

5.38 pm

Lord Lisvane (CB): My Lords, I congratulate my noble friend on securing this debate, her excellent article in the *Financial Times* and her outstanding speech to move the Motion. I speak as a former member of the Delegated Powers Committee and as a current member of the Secondary Legislation Scrutiny Committee. I think, as has been generally agreed this afternoon, both committees have done an excellent job in highlighting this—not to mince words—blight upon the legislative process.

Of course, skeleton Bills, although a baneful phenomenon, are only part of the problem. It has for some time been routine for Bills of every sort to contain wide ministerial powers, subject to minimal parliamentary control and scrutiny. The Delegated Powers Committee does an excellent job, but it cannot hold back the tide. Understandably, we see these problems through the lens of the relationship between the Executive and Parliament, and the leaching of power away from Parliament by these means should be a matter of wide constitutional concern.

The Government's own definition of "good law" is law that is

"necessary, effective, clear, coherent and accessible."

We are dealing here with law that fails the "accessible" criterion, because when Parliament deals with the parent legislation it is so often not clear how delegated powers will be used—as they are too often for matters of principle and policy that should be in primary legislation.

The real losers are our citizens. We in this House may not represent them, but we can act in their best interests. They and business, industry, our national institutions and civil society need to know how the law will be changed, to have the opportunity to comment and make representations, and to know how it will end up applying to them. It is all the more surprising that the House that is elected seems to engage so little with these issues. At the very least, there is the powerful argument, which has already been mentioned, that an Administration of a different party will happily use extensive delegated powers that the party presently in power thought would be for its especial convenience.

Four minutes is not long enough to have a really satisfactory rant, although the present state of affairs certainly deserves it. We are agreed that things have come to a pretty pass, but, as noble Lords have said this afternoon, the real question is: what do we do about it? Most of the sophisticated suggestions about new procedures would probably require extensive amendment of the Statutory Instruments Act, passed in 1946—only yesterday, I should say to my noble friend—when secondary legislation was concerned only with detail and the Donoughmore principles were observed.

The Delegated Powers Committee could routinely report on Bills starting in the Commons when they are introduced there, as it did very successfully with some Brexit legislation. That is taking its recommendation in paragraph 154 a little further. We might have a Joint Committee on delegated powers, but that would depend on a greater degree of interest and enthusiasm at the other end of the building. We could simply vote down draft affirmatives that should have been in primary legislation, although we would then be operating on what I term the "Strathclyde caution", despite the splendidly fierce words of the noble Baroness, Lady Andrews, a little earlier.

I have heard noble Lords say that there should be no more than two rounds of ping-pong and that there is some sort of convention to that effect. It is not so. For example, the Corporate Manslaughter and Corporate Homicide Bill, which I remember very well, had 10 exchanges—five on each side. So perhaps we should set ourselves the task of making the securing of improper delegated powers really inconvenient, even to the edge of double insistence—not over the edge, but within shouting distance. That might concentrate ministerial minds powerfully.

5.42 pm

Lord Liddle (Lab): My Lords, I too congratulate the noble Baroness, Lady Cavendish, on introducing this debate and on the way that she shows originality and independence, as she does in her *FT* column. We are very grateful to her.

I have been on a steep learning curve on these issues, having spent a lot of my life in the shadows, as an adviser to senior politicians and Ministers. Recently, in the last 10 years, I have learned quite a bit about the importance of Parliament, which I had not quite appreciated before. I had the luck briefly to be a member of the Secondary Legislation Scrutiny Committee. Under the tutelage of its excellent clerk, her advisers

[LORD LIDDLE]

and its excellent chairman, the noble Lord, Lord Hodgson of Astley Abbots, as well as other distinguished members, such as the noble Lord, Lord Sherbourne, I learned an awful lot. Like the noble Lords, Lord Norton and Lord Janvrin, I have come to the view that it is time that we showed a bit of muscle on these questions.

There is a way through this that does not, as it were, throw the whole question of secondary legislation up in the air. It is there in the reports that have been the background to this debate. First, we need a process for the certification of skeleton Bills. One suggestion that struck me as a good one was that this would be done by the Speakers of this House and of the Commons, rather like the way that money Bills are certified. So skeleton Bills would undergo a process of certification, and, when a Bill or part of it was so certified, we as a House would take additional powers over the statutory instruments that flowed from the use of those skeleton Bills.

We should look at the power to make references back from the SLSC to the department on draft SIs before us. We should be able to propose amendments. Ultimately, the whole House, in extremis, should have the power to reject the statutory instruments that we regard as an abuse of delegated powers. I think this would lead, albeit in a small set of cases, to a transformation of departmental practice and the change in culture on the part of the Executive that a lot of us are looking for.

5.45 pm

Lord Anderson of Ipswich (CB): My Lords, one of the lesser highlights of my festive season, which I have to admit was almost as unexciting as the New Year's Eve of the noble Lord, Lord Rooker, seems to have been, was to read in the *House* magazine the advice of the noble Lord, Lord Pickles, on how to be a Minister.

"Few Acts of Parliament change much",

he reflected.

"It is secondary legislation that delivers policy."

Of the many recent examples that confirm the truth of the noble Lord's words, the most striking for me is the commitment to achieve net-zero greenhouse gas emissions by 2050, introduced under the Climate Change Act 2008 without any opportunity for meaningful debate about what consequences that would involve. A more significant policy decision, now that Brexit is behind us, it would be hard to imagine.

It has been a joy to hear today the vigour and the independence of our chief champions, the noble Lords, Lord Blencathra and Lord Hodgson of Astley Abbots. I thank them and their hard-working committees, so many past and present members of which are here today. There seems to be a consensus among your Lordships, including those such as the noble Lord, Lord Bridges, with recent experience of ministerial office, that the scrutiny tools we have for delegated legislation are mismatched to their task. There is little guidance as to when statutory instruments are inappropriate, or by what procedure they should be made, or as to when Henry VIII clauses are allowed. There is no power to amend, and the power of your Lordships' House to reject delegated legislation—a

power undiminished by the Parliament Acts—lies unused, apparently out of fear that it is one of those powers that cannot be used without massive and destructive retaliation.

The Hansard Society in its current review, which I welcome, has a quite a job on its hands. No doubt it will propose sensible solutions, as others have before. But then comes the important question posed by the noble Viscount, Lord Eccles. Why would any Government favour fewer skeleton Bills and more scrutiny of delegated powers? Let me suggest two reasons, both connected with the courts. First and rather obviously, the courts can strike down only provisions that do not appear in an Act of Parliament. If the Act is reduced to a skeleton, the meat is taken off the bone and may be more easily devoured. Secondly, the stronger the scrutiny of Parliament, the less the courts will intervene. I learned recently that the French administrative court, the Conseil d'Etat, suspended no fewer than 51 Covid restrictions in the year to April 2021, including for the infringement of human rights to assemble, to private life and to worship. In some 200 other Covid cases, according to the court's website, the Government amended their practices or were given advice by the court before judgments were issued.

Our courts are far less inclined to intervene, partly because of the weight they place on parliamentary scrutiny. The position was set out by Lord Sumption in the second *Bank Mellat* case in the Supreme Court. He stated that,

"when a statutory instrument has been reviewed by Parliament, respect for Parliament's constitutional function calls for considerable caution before the courts will hold it to be unlawful on some ground (such as irrationality) which is within the ambit of Parliament's review. This applies with special force to legislative instruments founded on considerations of general policy".

He added that parliamentary review may also be enough in itself to satisfy the requirement of fairness.

My time is over. Perhaps I may give the last few seconds from the Back Benches in this debate to the Member of Parliament who deprecated what he called "the new fashion of legislation by way of skeleton" and concluded that

"on the whole the old-fashioned way of saying in an Act of Parliament what is meant is certainly the better method of legislation."—[*Official Report*, Commons, 1/8/1899; cols. 1072-73.]

His name was Augustine Birrell KC, and his critique was addressed to the Marquess of Salisbury's second Government in 1899. It is high time, I suggest, to act on those sound instincts.

5.50 pm

Lord Wallace of Saltaire (LD): My Lords, this has been an excellent debate and well worth all of us postponing our journeys home—I wish more noble Lords had been here. I hope the Minister will respond, after reflection, in writing to all those who have taken part in the debate about some of the important issues which we have been discussing, as well as, of course, responding to the two committee reports which we are discussing.

We have been talking about both the balance of power between Parliament and government and the quality of policy-making. The noble Lord, Lord Bridges

of Headley, remarked that we are facing a good deal of half-baked Bills at the moment. I have certainly read through two half-baked Bills over my recess—the Higher Education (Freedom of Speech) Bill, which is a real mess, and the Elections Bill. I also read the highly critical report of the Commons Public Administration and Constitutional Affairs Committee on the Elections Bill, which was published on 7 December. In paragraphs 48 and 49 it states:

“The melange of delegated powers provided for in this Bill serves to highlight, and potentially adds to, the complexity of an already disparate body of electoral law ... The Government should present the draft secondary legislation as early as possible, as committed to by then responsible Minister, Chloe Smith MP, to enable due consideration by both Houses and stakeholders of the proposed secondary legislation that will provide further detail on the purpose and implementation of the Bill prior to that legislation being laid or made.”

As an example of the style of the Bill, I quote from Schedule 6, paragraph 18:

“The Minister may take whatever steps the Minister considers appropriate to promote awareness among qualifying people of the changes made by section 11 to the overseas elector franchise.”

That is the sort of thing that surely has to come out, and I hope the Minister will accept that.

In winding up, the Minister might like to tell us whether the Government will publish this draft secondary legislation before the Elections Bill receives its Second Reading in the Lords, and whether they will also publish their response to this highly critical PACAC report, which concludes in effect that the Bill in its current state is not fit for purpose. If the Government provide neither of these before the Bill reaches us, it will be appropriate, I suggest, for the Lords to rule that the Bill be paused until they have been received. The strength of these Commons criticisms means that there is a case for withdrawing the Bill in its present form and radically redrafting it. I suggest it might even amount to contempt of Parliament to attempt to push such a Bill through as it stands without taking such criticisms into account.

I say to the Minister that I have hard experience of Bills being paused when I was in his position in the Cabinet Office in the Lords. A Bill was paused for several months for extra consultations and it came back considerably improved. I note that at paragraph 39 the Secondary Legislation Scrutiny Committee recommends precisely that for skeleton Bills, saying that departments should be

“pressed into providing illustrative draft statutory instruments before second reading, to show how the powers were intended to be used.”

That, I suggest, should become a general principle: a draft of secondary legislation proposed under a Bill before Parliament should be published before either House concludes its scrutiny on it.

One of the basic rules, which has been quoted already, that any democratic Government should follow is to refrain from pushing through powers for Ministers which they would object to if they found themselves in opposition, with another party in power. Since the last election, this Government have been behaving as if they expect to be in power for a very long time and can therefore afford to reinforce executive power and sweep away parliamentary objections.

The polls now suggest that this is a less likely outcome of the next election than it seemed six months ago. Wise Conservatives should remember that limited government used to be a sound Conservative principle, and that if and when they again find themselves in opposition, they might deeply regret tipping the balance between Parliament and the Executive so far in favour of executive power. I can almost hear the weighty speech that the noble Lord, Lord Strathclyde, would then make about the importance of a strong Opposition and the wisdom of the Government giving way to constitutional objections and reasoned criticisms.

There are contradictions in the Government's attitude at the present moment in calling for cuts in the policy-making ranks of the Civil Service while pressing forward with a heavy legislative agenda and on centralised legislative powers. That is a recipe for poorer-quality legislation and policy outcomes—of course, so is the increasing frequency with which senior and junior Ministers change positions. There is hardly time for a Minister to learn his or her brief before they move on again, leaving frustrated and bewildered officials to greet their successors.

I mention in passing that both these reports talk about the need to ensure that there are adequate resources for parliamentary scrutiny. That is a point that we should not lose, and I hope that the relevant committees will look into that.

The question of how we get down from the temporary surge of both post-Brexit legislation and the response to Covid is another important matter that we all need to look at. We should be returning to the normal pace of legislative change after this, not allowing the rush of each new Minister deciding that he or she wants a Bill and is going to compete to push it through, with the consequences that the noble Lord, Lord Norton, suggests.

It has been said by several Members—including the noble Viscount, Lord Stansgate, the noble Lord, Lord Janvrin, and others—that Parliament should now assert its right to amend secondary legislation or, at least to start with, to send it back more regularly to the Government to ensure that the quality of that legislation is more carefully examined before it is submitted.

Of course, the concentration of power in London and the weakening of local government in England has increased the pressure on government policy-making and the congestion in parliamentary scrutiny. I note that Ministers now issue detailed guidance to local authorities and parcel out funds to local government in multiple small packages; according to one figure I saw recently, less than £250,000 is being sent out in small packages to various local authorities in some cases. Whitehall and Westminster would be much less choked if more decisions were taken by locally elected bodies, as in other democratic states. Sadly, we have a Government that seem fundamentally to distrust local government.

The House of Lords, in turn, would be less heavily burdened with scrutiny if the Commons was more conscientious in its legislative tasks. I note, for example, that the Commons went through the entire Committee, Report and Third Reading stages of the Dissolution and Calling of Parliament Bill in 100 minutes—scarcely

[LORD WALLACE OF SALTAIRE]
time for any serious debate. We are all familiar with Bills which arrive in the Lords with many of their clauses unexamined in the Commons.

The respective roles of the first and second Chambers of Parliament come into play here, and the importance of the scrutiny and revising role the second Chamber plays in our overcentralised state raises broader issues than we can touch on now. That is a matter for a broader discussion of parliamentary and constitutional reform which our Government promised to launch in their 2019 manifesto but have sadly backed out of. However, we need to tackle those issues, and I suggest that one of our key committees—probably the Constitution Committee—needs to therefore return to the question of the role of the second Chamber, how it should be expanded, and how, as the noble Viscount, Lord Eccles, and others said, we persuade the new generation of Members of Parliament at the other end that we play a necessary, useful and increasingly important role here.

5.59 pm

Baroness Smith of Basildon (Lab): My Lords, let me first say how grateful we are to the noble Baroness, Lady Cavendish, for the opportunity to debate these two reports today and for the excellent way in which she introduced this debate, which set us off in the right direction. She mentioned the House of Commons having its own committees; one of the things I always say to new MPs about the things that I wish I had known as a new MP is about these two committees and how useful the reports they produce are when examining legislation. Although we have had a brief debate, I hope we will have a further opportunity, when the Government respond to these two reports, to debate them alongside the Government's response to look for the way forward.

The debate today has been thoughtful and proportionate; there is always a danger that it can descend into a whinge session on all the things we think are wrong. What has happened today is that we have seen productive and sensible suggestions for ways forward. I am not saying that there are no circumstances in which a Government should introduce a skeleton Bill, and I do not think that was the consensus today. But essentially, if it is deemed necessary to do so then the means by which the provisions are considered need to be improved.

These two reports have identified three broad categories regarding legislative scrutiny. One is the relationship between Parliament and government, and therefore the role of Parliament. My noble friend Lord Rooker made a point which I had also intended to make: too often, the Government confuse and conflate the arguments between the Commons and the Lords, but it is actually between the Executive and Parliament where the debate should be had. Thinking about the Strathclyde report, when I became Leader of the Opposition in your Lordships' House one of the first things I faced was Jacob Rees-Mogg—perhaps in the role of Cromwell, I thought, having listened to the noble and learned Lord, Lord Judge—threatening this House with 1,000 new Peers if the Government did not get their way on a piece of legislation.

The second category was on the balance between primary and secondary legislation. The third is the slide, whether deliberate or just careless, into bad practices in drafting and considering legislation that undermine parliamentary democracy and therefore undermine good legislation.

The use of delegated powers and secondary legislation is not inappropriate in every circumstance; it is certainly not for the normal uprating and relatively minor and non-contentious issues. There generally is no issue where policy has been clearly set out in primary legislation and the SI or delegated legislation does not deviate from it. However, using delegated powers to avoid effective parliamentary scrutiny, whether because the detail is unavailable or because it is too time-consuming to introduce primary legislation—too much hassle—is where the problem arises.

The concern about skeleton Bills and delegated powers is not new. As we heard, in 1992 Lord Jellicoe's committee responded to the "considerable disquiet" on this issue. That led to the establishment of what is now our Delegated Powers and Regulatory Reform Committee. The Cabinet guidance on legislation still refers civil servants and Ministers to that Lords committee, yet the latest version of the guide, produced in 2017, downgraded how Governments respond to its recommendations. Instead of the Government seeing the DPRRC as an aid to good legislation, they have moved towards seeing it as a challenge to them getting their own way.

In 2018, our own Constitution Committee reported on delegated powers and the legislative process, and it identified similar concerns. At that point, I had identified two examples where I thought there was inappropriate use of secondary legislation. The first was in December 2010, with the increase in higher education tuition fees from £3,000 to £9,000—that was clearly a policy issue. The second was on tax credits in 2015, where this House did not vote against an SI but just asked the Government to bring in mitigating measures before taking it forward. As your Lordships will recall, the Government hugely overresponded and overreacted to that when we saw the Strathclyde report.

Neither of those examples would have fitted the statement by Chris Grayling, the former leader of the Commons, that SIs were for "minor, technical and mundane" changes. I think we have moved a long way from that. I would argue that the process used by the Government in those two examples made those issues even more contentious than they needed to be.

Another example is the Childcare Bill in 2016, which in the Government's first Session started its parliamentary passage in the Lords, mainly because the broad policy objective was uncontroversial. But it rapidly became clear that the detail was unavailable and a view had been taken that that could be sorted out later in statutory instruments, even including a provision providing for a custodial sentence. Then we had the Children and Social Work Bill, which contained 55 references to the use of secondary legislation, though no drafts of those orders were available, and 20 clauses on social workers with all the detail in regulation. About half the Bill was framework or skeleton.

I understand the arguments that legislation may need to be updated regularly or that consultation is required, but in both the cases I have mentioned the

reason was that the policy and detail had not been completed. As we have heard across the House today, we know that the consideration of secondary legislation is inferior, but, while the parameters of what is appropriate are adhered to, that does not become a problem. In those cases, though, it certainly was a problem.

Where a Government consider that they have to introduce a skeleton Bill—perhaps because of parliamentary timetabling—we should look at additional ways of enhancing the process. We have heard some examples today. The DPRRC makes the helpful recommendation of a scrutiny reserve, providing time for Ministers to provide further information, evidence and justification. I have previously called for all draft regulations in such cases to be made available at least prior to Report.

My noble friend Lord Liddle's proposal that there should be certification of a Bill as a skeleton Bill, and that in those very limited circumstances the statutory instruments could be amendable, deserves further consideration. I think that could be helpful. It would not encourage skeleton Bills through laziness or any parliamentary sleight of hand, but, where it was essential, Parliament would still have the opportunity for effective consideration. I also commend the recommendation by the noble Lord, Lord Norton, for a legislative standards committee; I think that would be helpful, certainly for some of the drafting and what I call the workability of legislation. So there are ways of doing this better.

Noble Lords will be aware of the 2006 report by the Joint Committee on Conventions, which emphasised that your Lordships' House had a limited role when considering secondary legislation but also concluded that one of the very few situations when the House had constitutional cover for a fatal Motion against an SI was

“when the parent Act was a ‘skeleton Bill’, and the provisions of the SI are of the sort more normally found in primary legislation”.

Your Lordships' House is, wisely and rightly, uncomfortable with fatal Motions, so the kind of process that has been described today by noble Lords across the House would certainly present a more moderate and helpful way forward without disrupting the Government's timetable or the programme of legislation.

When parliamentary scrutiny is evaded, Professor David Judge—of the University of Strathclyde, interestingly—refers to that as “the dark side”. He identifies the essential components for effective scrutiny as a willingness by the Government to have their legislation properly scrutinised, alongside the willingness and the capacity of Parliament to do so. There is not time today to consider all the practical recommendations in the two reports that have been brought to the House today, but it is clear that they all require the willingness of both parties, or at least one party, and that is where we ought to direct our energies and efforts.

I have a couple more comments to make about scrutiny. The first is that we have heard before in your Lordships' House—indeed, from the Minister—the Government's unpersuasive argument against amendments: “The House of Commons didn't amend this Bill, so likewise your Lordships' House shouldn't vote for any amendments either.” My objection to that is twofold. First, the reason for our consideration is

that there may be further information, a new issue or a different viewpoint that has come to light and which it would be helpful for Members of the other, elected House to consider, especially when that part of the Bill has not even been considered in the other place because of timetabling.

My second objection is that it misrepresents and overstates the role of your Lordships' House. We are a scrutinising and advisory Chamber, and any amendment to primary legislation by this House has to be voted on by the elected MPs. My noble friend Lord Rooker has on more than one occasion referred to your Lordships' House, perhaps unkindly, as a sub-committee of the House of Commons, and it is the case that our deliberations on primary legislation have to go to the Commons. A Government who are confident of their position have nothing to fear from the scrutiny of your Lordships' House, but it is understandable that a weak Government who do not enjoy the confidence of their MPs may not want to reconsider an issue—in which case that is not about support from this House but about support in the other place.

Finally, Select Committees are probably the most important non-legislative role that Parliament has. When examining ministerial attendance at Select Committees, it is clear that it is not just the “Today” programme on Radio 4 that has its invitations rejected because no government Minister is available. That should change in all cases, especially when Select Committees are looking at legislation or its impact. Ministers should not refuse or unnecessarily delay their appearance before a Select Committee.

It is clear that considerable intellectual efforts and practical experience have been brought to bear in producing these reports. The noble Baroness, Lady Cavendish, brought the reports together, and her experience and the evidence in her *Financial Times* article have been helpful to the House in considering these issues. I look forward to the Minister's response today, but also to a further debate, when we can examine and discuss the Government's response to these two reports.

6.11 pm

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, I do not agree with my noble friend Lord Hodgson of Astley Abbots that this debate would not interest people in the Dog and Duck—though it has to be said I have not felt like either a dog or a duck in this debate but rather like one of those creatures in a shooting gallery at the circus, as each one of your Lordships has risen to take aim. This subject should interest people in the Dog and Duck, and it rightly interests your Lordships. The subject matter and the quality of the debate justifies, amply and fully, the decision of the noble Baroness, Lady Cavendish of Little Venice, to bring this important matter before the House. I thank her for the measured and balanced way in which she set out her arguments, and I pay that tribute to other noble Lords who have spoken.

Good, clear, well-scrutinised legislation should be the objective of us all. I am quite happy with the idea expressed—one might not agree with this but I do—that the quality of government is improved by scrutiny.

[LORD TRUE]

Here I agree with my noble friend Lord Norton of Louth that it is the constitutional right and duty of this House to ensure that the laws that any Government bring forward are of a high standard in both their policy intent and their drafting.

Many noble Lords made points addressing the ability of each House of Parliament to reject but not amend legislation. That is a matter not for the Executive only but for Parliament. As my noble friend Lord Sherbourne acknowledged, there is an issue that relates to your Lordships' House in that regard. This House maintains the power and right to examine statutory instruments laid before it. The Government support the declaration made in 1994:

"That this House affirms its unfettered freedom to vote on any subordinate legislation submitted for its consideration."—[*Official Report*, 20/10/1994; col. 356.]

Between 1950 and 2015, this House withheld consent to seven statutory instruments.

The Government agree with my noble friend Lord Strathclyde in his review after the House withheld agreement to the tax credits regulations in 2015 that in respect of these matters the will of the elected Chamber should prevail. There is no mechanism for the elected Chamber to overturn a decision by this House on a statutory instrument, and the Government said at the time that this could not remain unchanged. As we go forward, we will keep that situation under review, and we remain prepared to act if the primacy of the Commons is threatened.

I am sorry to have started on what might seem to be a minatory note, because I am actually profoundly interested in the many varied and interesting contributions made by noble Lords. As several—indeed, all—of them have justifiably noted, we have the benefit of a pair of carefully considered reports on the process of legislation from your Lordships' Delegated Powers and Regulatory Reform Committee and the Secondary Legislation Scrutiny Committee. These are both thorough and learned reports, as one would expect of the committees in question. I congratulate my noble friends Lord Blencathra and Lord Hodgson, as well as all those noble Lords who served, on the quality of the reports. They deserve a full and proper response from the Government. I cannot pre-empt that response at the Dispatch Box today; it will be published in the usual way and, I trust, in the not-too-distant future. I say to the noble Lord, Lord Wallace of Saltaire—I nearly said, "my noble friend", as we were noble friends for years—that this debate will certainly be taken into account as we consider the response.

Noble Lords will not be surprised to know that I did not particularly care for the soundbite titles—that democracy has been denied or this Government operate by diktat. I have never got out of bed wanting to diktat and I do not intend to start doing so at this advanced age.

The Government consider that this House's role as a revising Chamber is of the utmost importance. In this House, we have the privilege of hearing from highly informed and experienced experts and practitioners from every walk of life, if occasionally with a soupçon of political spin. The Government take that expertise seriously and listen carefully to the concerns raised by

noble Lords on all sides of the House. I share the opinion expressed by all, including in the conclusion of the noble Baroness opposite, that Bills often leave this House better than when they arrived. We should facilitate that process, which is of course down to the hard work, skill and knowledge of many noble Lords here today and the two committees that submitted these reports.

As my noble friend Lord Blencathra underlined, the issues raised here today are not new. For hundreds of years, Parliament has aimed to strike the right balance between allowing the Government to act and ensuring that Parliament's voice is heard. The noble and learned Lord, Lord Judge, reminded us that this dilemma goes back to Tudor times. Parliament must consent to changes in the law. I understand some of the concerns expressed, and we will consider carefully what has been said. Skeleton Bills attract attention but, as the noble Baroness, Lady Smith, acknowledged, they may have their place and are not unknown; indeed, the noble Baroness, Lady Cavendish, will remember from her time in No. 10 that the Cities and Local Government Devolution Act 2016 and the Childcare Act 2016, referred to by the noble Baroness, Lady Smith, were examples of this.

The procedures for the delegation of powers are now well established. They almost invariably have parliamentary oversight through the negative or affirmative procedure or other procedures that Parliament has decided are appropriate. I remind noble Lords that delegated powers are granted only by Acts of Parliament, each of which will have been thoroughly scrutinised in this House and the other place.

Although it is true that there has been a general trend over the years—indeed, over many years, and not solely under this Government—of increasing numbers of statutory instruments being made, this is not a straightforward issue. As society evolves and becomes more complex, so do our laws. Government does more than it did 50 or 100 years ago. Your Lordships will have differing views on the desirability of that, although I rarely come to this Chamber without being asked for the Government to do more. Be that as it may, the world is more complex. Public expectations of the state are higher, and technological change is accelerating. As my noble friend Lord Hodgson of Astley Abbotts said, in order for the Government and our laws to adapt to this fast-changing world, they need to have delegated powers to give them the flexibility and speed to act and react; indeed, I think that every noble Lord who has spoken has acknowledged the necessity of delegated power.

Over the last few years in particular, the Government have needed to respond to a changing and complex landscape; first, following the referendum and general election decisions that the UK should leave the EU, and then, of course, with the response to the Covid-19 pandemic, to which many noble Lords have referred. It was right that the Government responded in the face of the pandemic to protect lives and livelihoods, while reducing the spread of Covid-19, including variants.

The alternative to delegated powers is to continually return to Parliament for every minor or technical change. I venture to suggest that this would not be the most practical use of noble Lords' time or expertise—

I do not think that anyone has suggested in the debate that that should be the case. The Government share the view of their predecessors that delegated powers are necessary. We believe that the processes around their creation and implementation are robust and have sought to improve them.

Lord Hodgson of Astley Abbotts (Con): I am grateful to my noble friend for giving way. He was kind enough to quote me, but he quoted only half of what I said. I said that life is more complicated and therefore we would need more delegated legislation on important issues, but the Government had to give more and better methods of scrutiny. He quoted half of what I said about the concessions by the legislature, but he did not give the concession that the Government must make in response to that.

Lord True (Con): My Lords, I am sad; I was seeking courteously to acknowledge the contribution made by my noble friend. I am grateful that he has reiterated what he said. I have said, and will say again, that the Government will carefully consider the points made by his committee and others, which embrace much of the second part of what he said.

I was referring to the efforts made by the Government to improve implementation. In the last few years, all departments have been asked to appoint a Minister and senior official to be responsible specifically for secondary legislation. Departments are responsible for the quality of their own secondary legislation, and Ministers can be asked to account for their department's performance to the Parliamentary Business and Legislation Cabinet Committee. All statutory instruments laid by Ministers must now go through the PBL Committee triage process. This is relatively new. Departments are given laying dates to limit the number of statutory instruments being considered at any one time by Parliament. This process ensures that there is a steady flow of statutory instruments being laid before Parliament and therefore, I hope, facilitates better scrutiny. These changes have strengthened the Government's approach to secondary legislation and created a clearer structure for accountability.

Before a Bill is introduced by the Government, we take steps to ensure that any and all powers contained within it are justified. Ministers are brought before the Parliamentary Business and Legislation Cabinet Committee, where the Bills are examined in detail. The Lord President of the Council, who chairs that committee, told the Delegated Powers and Regulatory Reform Committee earlier this year that he will

"invariably ask for the powers to be justified"

and that

"it is in the interests of the Government to be as specific as possible in the Bills that have been brought forward."

I have the privilege of being a member of that committee and can assure noble Lords that the Lord President is as good as his word.

Ministers must seek the agreement of the PBL Committee prior to introduction of a Bill. They must provide the committee with a delegated powers memorandum and the committee will examine each power and the justification for it. The Lord President wrote to the

chairs of the DPRRC, SLSC and Constitution Committee setting out that—and I profoundly agree with this sentiment—

"Bills with substantial powers, though sometimes essential, should not be a tool to cover imperfect policy development."

I agree with what the noble Baroness opposite said about that. The PBL Committee is one mechanism through which this is safeguarded as the committee must be satisfied that the powers are necessary and essential before agreeing a Bill's introduction. The committee, as the Lord President went on to say,

"discusses every single power and every single Henry VIII power that comes forward. It has a note provided to it on the use of powers and the legal consequences of those powers. The law officers sit in and we have to be convinced that those powers are needed and are proportionate. The law officers are very important in this, particularly in relation to Henry VIII powers."

The noble Viscount, Lord Stansgate, asked about the control mechanism. PBL is the check and the pressure to ensure that Bills are fleshed out at the first stage. Noble Lords can be assured that any Bills with delegated powers have been interrogated internally before being brought to this House and the other place. In every meeting on delegated legislation, consideration is of course given to the likely challenges to be presented in your Lordships' House. As this debate demonstrates, your Lordships have a great interest in delegated powers, and I repeat that it is in every Government's interest to ensure that before a Bill arrives here, each and every power is justified and subject to the appropriate parliamentary procedure.

Of course, this is a matter of judgment. Sometimes the DPRRC will make a different judgment. I and all Ministers fully respect that. The Government examine any report and concerns about these powers in a Bill seriously and bring amendments when necessary. There is, of course, further scrutiny of such powers when a Minister decides to use them. Your Lordships will be well aware of the differences between these procedures, and the Government greatly appreciate the work of the Secondary Legislation Scrutiny Committee and others in holding us accountable through their examination of instruments.

I am aware of the amendment tabled by my noble friend Lord Blencathra, and that of my noble friend Lady Williams, on the code of practice for non-crime hate incidents. I look forward to hearing speeches, but it is not right to begin the debate on the police Bill here or to discuss the amendments tabled to it. That is for another day, and other noble Lords will wish to take part. The House will have its chance to consider whether that is an appropriate delegation of power, as is right and proper.

I am also aware that the noble Lord's committee has made recommendations in its report relating to guidance, and that a number of noble Lords, including my noble friend Lord Blencathra, the noble Baroness, Lady Andrews, and the noble Lord, Lord Davies of Brixton, have spoken on this. I agree that guidance is not law, as the Leader of the House of Commons said in evidence to the noble Lord's committee when he stated:

"I very strongly agree ... that guidance is guidance, and the law is the law."

That is right, but I have heard what has been said in this debate and we will carefully consider the

[LORD TRUE]

recommendations of the report. We will carefully consider the reports of both your Lordships' committees and will publish the responses shortly.

I am tempted to respond to many suggestions made in the debate. The noble Lord, Lord Janvrin and my noble friend Lord Bridges of Headley cast particularly fruity-looking flies. Your Lordships will appreciate that I will not respond specifically at this stage, but I can assure you that we are carefully considering those recommendations, including those that suggest amending the language of the Cabinet Office's guide to making legislation. I do not wish to pre-empt the Government's response today. I hope that we will have a further opportunity to consider that, but I cannot speak for the usual channels.

In a changing and complex world, delegated powers are necessary for the proper functioning of government. I acknowledge that the particular circumstances of the last few years have at times meant legislating at pace and taking a greater number of powers that at one time would have been inconceivable to many of us, to ensure flexibility as the situation evolves, especially in responding to the pandemic. As the pandemic abates, I am hopeful that we will find ourselves returning to a more predictable rhythm of producing and passing legislation. The noble Lord, Lord Wallace, referred to this. He will forgive me if I refer to his specific points on the Elections Bill separately.

The Government have confidence in their processes, and the processes in Parliament, to ensure that laws are necessary, clear and effective. I repeat: we will take on board the reports of the two committees and your Lordships' comments, in what has been an outstanding debate. Where the Government feel that processes can be improved, we will endeavour to do so.

It is the Government's constitutional role, and indeed their right, to put before your Lordships proposals for legislation they judge to be expedient to deliver on their manifesto commitments and to address the issues of the day. It is Parliament's role to ensure that this legislation is effective, necessary and balanced. Your Lordships have a fundamental place in that.

Your Lordships' views have been heard. I have listened to the debate with very great care. The debate is timely. I am confident that this balance between government and Parliament will continue to evolve for the better. I repeat that I hope the Government will, before too long, be able to respond to the reports recently published by your Lordships' committees.

6.30 pm

Baroness Cavendish of Little Venice (CB): I am very grateful to the Minister for making the time and giving such a thoughtful response. I will use the few minutes I saved from earlier to make a few remarks, if that is all right.

I am very glad to hear that serious consideration is being given to the reports of the two committees and some of the suggestions made in the Chamber. I will comment on three of the points the Minister just made. The first was that the world is more complex and that therefore we will need to fast-track more legislation and potentially have more delegated powers. People have thought that the world was more complex for the last 200 years. I am always surprised that a Conservative Government believe in the machismo of legislation. It seems that we have got to a point where the volume of legislation is somehow taken as proof of merit. I question whether the world becoming more complex genuinely necessitates the use of more powers, with great respect to the noble Lord, Lord Hodgson.

The Minister made the point, quite correctly, that Brexit and Covid were extremely unusual circumstances. I think everyone would agree with that. Of course, noble Lords are primarily concerned that the issues we are discussing go way beyond those two issues, and we need to address that.

The third point is that it was interesting to learn that there is now a Minister in each department responsible for secondary legislation. I am not sure that that is a great comfort. If every department now has a Minister responsible for secondary legislation, I have no doubt that they will be keen to push more through. I leave that to your Lordships.

I am delighted that the Minister rightly said that these two committee reports deserve a full and proper response from the Government. I am really grateful to hear that that will happen. As the noble Baroness, Lady Andrews, said, these are reports from some of the most senior and learned people in our country, not from rabid pamphleteers—although I have always rather fancied myself as a rabid pamphleteer. I recognise that the expertise here across the parties is arguing very clearly for fundamental change.

I appreciated deeply the wonderful history lessons we got from the noble Baroness, Lady D'Souza, and the noble and learned Lord, Lord Judge. I will remark on two other speeches. The fact that someone as experienced as the noble Lord, Lord Bridges of Headley, believes that there is what he called a "subtle but profound" change of culture in government is very significant; and the fact that someone as experienced as the noble Lord, Lord Rooker, said that he did not actually know what a "public notice" was should give us all cause to worry. I close by quoting the noble Lord, Lord Rooker: Parliament should never be in ignorance of laws passed in its name. I am very grateful to all noble Lords who have contributed.

Motion agreed.

House adjourned at 6.33 pm.