Vol. 820
No. 151

Wednesday
6 April 2022

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

This issue of the Official Report is also available on the Internet at
https://hansard.parliament.uk/lords/2022-04-06

The abbreviation [V] after a Member's name indicates that they contributed by video call.

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

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

© Parliamentary Copyright House of Lords 2022,
this publication may be reproduced under the terms of the Open Parliament licence,
which is published at www.parliament.uk/site-information/copyright/.

House of Lords

Wednesday 6 April 2022

3 pm

Prayers—read by the Lord Bishop of Oxford.

Palestine: Recognition

Question

3.06 pm

Asked by ***Lord Hylton***

To ask Her Majesty's Government what plans they have to recognise Palestine as a state; and whether any such recognition is conditional on the holding of free, fair, and independently monitored elections throughout the Occupied Palestinian Territories.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, the United Kingdom's position on the Middle East peace process is clear: we support a negotiated settlement leading to a safe and secure Israel living alongside a viable and sovereign Palestinian state. We believe that a just and lasting solution that delivers peace is long overdue. The United Kingdom will recognise a Palestinian state at a time when it best serves the objective of peace. We also urge further work towards genuine and democratic national elections, and call on all Palestinian factions to work together to pursue a positive path towards democracy.

Lord Hylton (CB): My Lords, I am slightly encouraged by that reply, but why is self-determination seen as essential for Israelis but denied to Palestinians? Will our Government seek to secure elections, which have been completely missing for 16 years, in the Occupied Territories? If such elections prove free and fair, will they be respected here and will any Government that may emerge be recognised?

Lord Ahmad of Wimbledon (Con): My Lords, I am sure I speak for every country that we are partners and friends with when I say that our view of the global world is that we want free, open and transparent elections everywhere. We support the Palestinian people's genuine desire to be able to express their opinion at the ballot box. It was extremely disappointing that last year's elections did not take place for a variety of reasons, but we urge further work towards inclusive elections, which are crucial to the establishment of a whole and sovereign Palestinian state and equally crucial in providing the basis for a reliable and sustainable partner for peace.

Lord Singh of Wimbledon (CB): My Lords, numerous illegal Israeli settlements in Palestinian areas—some of them the size of small or medium towns—make the existence of a Palestinian state unviable. In any event, dividing people on the basis of religion creates suffering and lasting enmity. We see this between India and Pakistan, where more than half a million people died during the partition; we also see it closer to home, in Ireland. Does the Minister agree that it is much better to work towards equal civil and political rights for both Jews and Palestinians in the one land that is both Israel and Palestine, as was promised in the original Balfour Declaration?

Lord Ahmad of Wimbledon (Con): My Lords, the United Kingdom's position on settlements is clear: they are illegal under international law. We regularly call on Israel to halt the settlements, because they are an obstacle towards the two-state solution. On the sentiments the noble Lord expressed about inclusivity and respecting all communities, I have visited the Palestinian territories as well as Israel. Israel in itself and the current Government represent and seek to represent the whole of Israel in its diversity of communities, which are present and very much brought together in the city of Jerusalem.

Baroness Eaton (Con): My Lords, the United Kingdom has rightly long maintained that recognition of a state of Palestine should take place in the context of a final status agreement negotiated by Israel and the Palestinians. However, a credible peace process with active dialogue between parties has been absent for years. Given the UK Government's strong ties with Israel and the Palestinian leadership, can the Minister tell me what steps the UK Government are taking to bring all parties together to establish a lasting two-state solution?

Lord Ahmad of Wimbledon (Con): My Lords, we continue to engage with Israel and the Palestinian leadership, who were invited to and represented at the COP at the end of last year. My right honourable friend the Foreign Secretary met the Prime Minister of the Palestinian Administration, so we do engage with both sides. I share my noble friend's view that it is important that we bring both communities together. The United Kingdom stands as a partner and friend of all communities to ensure that we see lasting peace in the Holy Land.

Lord Collins of Highbury (Lab): My Lords, at the end of January, the Israeli Defence Minister, Benny Gantz, told the Knesset:

"The years-long weakening of the Palestinian Authority and the concealment of relations strengthened Hamas, harmed Israeli security, and failed in terms of results".

President Mahmoud Abbas of the PA had talks with US Secretary of State Antony Blinken at the same time. The US State Department said that discussions focused on the importance of strengthening US relations with the Palestinian Authority and the Palestinian people, as well as improving the quality of life of the Palestinians "in a tangible way". They also discussed the need for the Palestinian Authority to reform. Can the Minister tell us whether we are following the US's example?

Lord Ahmad of Wimbledon (Con): My Lords, as I indicated in my original Answer to the noble Lord, Lord Hylton, yes, we are. We want reliable partners for peace in the Middle East. What is required now is fair, open and transparent elections within the Palestinian Authority, which are long overdue, as the noble Lord reminded us, to allow for that sustainable partner for peace that is so desperately needed.

Lord Purvis of Tweed (LD): The Minister will be aware of the report of the Human Rights Council's rapporteur into the situation of human rights in the Palestinian territories, occupied since 1967. That report has this very worrying conclusion:

"With the eyes of the international community wide open, Israel had imposed upon Palestine an apartheid reality in a post-apartheid world."

What is the Government's response to the Human Rights Council's special rapporteur and what practical steps are they taking to remove the barriers in order to make a two-state situation viable?

Lord Ahmad of Wimbledon (Con): My Lords, the United Kingdom Government do not agree with the use of that terminology. Any judgment on whether serious crimes have occurred under international law is very much a matter for judicial decision. I can speak directly. I visited Israel in my capacity as Human Rights Minister. I assure the noble Lord that we had a very candid and constructive exchange on issues of human rights, including rights of representation. In doing so, I welcome the recent easing of restrictions in the holy month of Ramadan to allow people who wish to do so to go to holy sites and worship. That is a positive step forward.

Lord Cormack (Con): My Lords, should we not remind ourselves that Israel is at least a democracy? It may be criticised for many things—I would like to see a two-state solution—but we sometimes lose sight of the fact that since the end of the war and the foundation of the State of Israel it has been a proper democracy.

Lord Ahmad of Wimbledon (Con): My Lords, I share my noble friend's view. As I have said right from the start, in answer to the original Question, it is the United Kingdom Government's position—and, I am sure, the position of Her Majesty's Opposition—that we want to see open, flourishing, pluralistic democracies everywhere across the world.

Lord McDonald of Salford (CB): My Lords, the Montevideo convention of 1933 stipulated three requirements for a state: control of a defined territory, a permanent population, and a Government whom the bulk of the population habitually obey. Does the Minister agree that as long as the Palestinians do not fulfil the first and third criteria, sadly they do not qualify as a state?

Lord Ahmad of Wimbledon (Con): My Lords, the basis of the criteria the noble Lord outlined is directly relevant. That is why, as I said in my original Answer, the United Kingdom will recognise a Palestinian state when it is conducive to ensuring lasting peace in the Middle East.

Lord Grocott (Lab): Desirable as I think most of us agree it is to achieve a two-state solution, is it not a matter of obvious fact that such a solution is not possible so long as the illegal settlements remain?

Lord Ahmad of Wimbledon (Con): My Lords, I believe I have already addressed that question. As I said, we believe—it is a long-standing position—that settlements are an obstacle to peace.

The Earl of Sandwich (CB): My Lords, does the Minister consider that the Abraham Accords bring any message of hope and peace to the Palestinians, given that they ignore the settlements and do nothing for the well-being of the Palestinians?

Lord Ahmad of Wimbledon (Con): My Lords, this is my personal view as well as the Government's: I really welcome the Abraham Accords. By definition, Abraham was all about bringing people, communities and faiths together. At this time, the Abraham Accords should not be looked at as something between nations that are ever expanding. We welcome the recent meeting of Foreign Ministers. Any steps forward that bring peace and reconciliation between partners and the people of the wider region are welcome. At this time, in the holy month of Ramadan and with Easter and Passover imminent, the Abraham Accords are perhaps more relevant today than ever before.

Folic Acid Fortification

Question

3.17 pm

Asked by ***Lord Rooker***

To ask Her Majesty's Government when they intend to introduce draft legislation to replace the Bread and Flour Regulations, following their decision to implement folic acid fortification announced in September 2021.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con): I pay tribute to the noble Lord for his tireless advocacy of this important policy. Substantial progress has been made since September 2021, including working with the devolved Administrations to establish a cross-industry Bread and Flour Technical Working Group engaging stakeholders to move forward to the regulatory review. Proposed changes are being finalised and impacts assessed by a whole-UK working group for a consultation once the Northern Ireland Assembly elections have concluded.

Lord Rooker (Lab): I thank the Minister. This is taking a long time. I have only one question for him. Given that it is now more than 30 years since the medical research councils connected up the difficulties of neural tube defects and that more than 80 countries have operated the policy, will he commit to using the best possible science? People have spent decades on this, and scientists tell me this can prevent up to 80% of neural tube defects. It has advanced since the original science 30 years ago.

Lord Kamall (Con): The noble Lord is absolutely right: our scientific knowledge increases as scientists challenge each other and come to other conclusions. We have to be aware that there is no off-the-shelf solution. For example, I am sure the noble Lord will be aware that in Australia they can divide the flour and fortify only flour used to make bread. That cannot be done in this country, which is why we are working with stakeholders including heritage millers, for example, to make sure that we have the right solution. It has all been delayed due to a number of elections.

Lord Patel (CB): My Lords, the United Kingdom has a high incidence of babies born with neural tube defects. What evidence have the Government collected as to the decrease in the incidence of neural tube defects in babies that would occur if an appropriate daily amount of folic acid was available in the nutrition of United Kingdom citizens?

Lord Kamall (Con): I think the noble Lord will be aware that pregnant women are advised to take 400 micrograms of folic acid. That high level cannot be put into other foods because there are some unintended consequences. For example, it disguises some other traits and conditions in the older population. Therefore, one needs to get the right balance and proportion for the wider population.

Lord Cunningham of Felling (Lab): My Lords, why did the Minister not say—or give some indication—as to when this working group will report, first to the Government and secondly to this House? It has had long enough since my noble friend succeeded in moving this policy change. When does the Minister expect the report, and when can we see some action?

Lord Kamall (Con): I understand the complete frustration with the delays. When I asked the departmental officials about them, they said, "Funnily enough, usually we are people who support democracy, but democratic elections have got in the way." Delays are due, for example, to the 2019 general election, the Scottish and Welsh parliamentary elections and the Northern Ireland elections.

Noble Lords: Oh!

Lord Kamall (Con): It is not fair to have a go at officials over this. Once the Northern Ireland Assembly election period is out of the way, they can get on with it.

The Lord Speaker (Lord McFall of Alcluith): My Lords, we have a virtual contribution from the noble Baroness, Lady Brinton.

Baroness Brinton (LD) [V]: My Lords, I too commend the noble Lord, Lord Rooker, for his tireless campaign. The continuing consequences of Ministers not introducing the new legislation are that around 430 children in the UK will be born with spina bifida each year until folic acid is added to bread flour. What will the Minister—not his officials—say to the families of these babies to explain why this was just not urgent enough to put into legislation, despite the Government's decision to do so and despite elections? Officials are not always side-tracked by elections. What will the Minister say given that those children will need continuing health support for life?

Lord Kamall (Con): I think the noble Baroness is being a little unfair. It is quite clear that some of the delay has been due to elections, particularly when it has been necessary to consult across the devolved Administrations. Let there be no doubt. The Government are not against this; we are in favour of it. We are having to cover a number of issues—for example, the level of folic acid fortification to ensure that we add an appropriate amount without the side-effects that have been found in older people. We need to standardise the minimum levels of the existing four fortifications—calcium, iron, niacin and thiamine—and to consider exemptions from fortification for products that have minimal amounts of flour. Provisions have to be made for flour used to manufacture ingredients. We have to consider potential exemptions, for example, for micro-businesses and heritage millers. This consultation will start in earnest once the Northern Ireland elections are out of the way.

Baroness Finlay of Llandaff (CB): My Lords, do the Government recognise that the early MRC trial and all subsequent trials have shown that folic acid must be taken before a woman becomes pregnant? Giving supplementation once someone is pregnant is too late because of the formation of the neural tube. Now, with modern haematological techniques, the problem of pernicious anaemia and the confusion with B12 deficiency does not apply nearly as much, because it is easy to measure the levels.

Lord Kamall (Con): In the brief which I received yesterday the recommendation is for a daily supplement of 400 micrograms of folic acid during the first 12 weeks of pregnancy. I am told that this advice will remain. Certain women with a higher risk of an NTD-affected pregnancy are advised to take a higher, 5-milligram supplement. This is why we have to get the right level. Increasing folic acid in flour alone will not solve the issue.

Lord Dodds of Duncairn (DUP): My Lords, I commend the Government for reaching this position and for being the Government who have brought this matter to this stage. On a couple of occasions, the Minister mentioned the Northern Ireland elections. We know that there are some concerns about what might happen after those elections in terms of a Government being formed. This is a UK-wide matter. Can the Minister assure me that it will progress regardless of the state of devolution in Northern Ireland?

Lord Kamall (Con): Call me old-fashioned, but I anticipated that there would be questions about further delays. When I asked the officials about this, I was advised that once the Northern Ireland elections were out of the way, they could get on with the consultation.

Lord Hunt of Kings Heath (Lab): My Lords, I would like to come back to the level of fortification. There are rumours that the Government are going for a minimal level which will not be very effective. My understanding is that the most up-to-date research shows that folic acid is not at all harmful. Therefore, will he assure me that the technical working group that he is going to take forward at some point will look to implement a level that is going to be effective?

Lord Kamall (Con): I understand the noble Lord's question but the expert Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment has advised on the level of fortification needed to prevent neural tube defects. It wants a level

[LORD KAMALL]
that is not considered to pose a risk to health. The advice it has at the moment is that supplementation of folic acid can mask underlying vitamin B12 deficiencies, particularly in older adults. If noble Lords with medical experience disagree, I will be very happy to facilitate a meeting with my officials.

Baroness Hayman (CB): My Lords, I think the House would be grateful for such a meeting. Perhaps the noble Lord, Lord Patel, could take part. It is extremely depressing to hear the Minister today go backwards in time to the arguments, which have all—one by one—been disproved, against this policy. It would be much more helpful to hear of a timetable going forward for implementing it. Does the Minister accept that it is a matter of embarrassment, shame and distress to many of us that, more than 30 years after UK research did this and with 80 other countries that should be able to help us in getting levels and procedures right, there are still families facing distress and the termination of wanted pregnancies because we have not made progress?

Lord Kamall (Con): I understand the frustration that noble Lords have expressed. The same frustration is shared by officials in the department. When I asked officials, "What are the issues that you really need to get to the bottom of?", one was the appropriate level of fortification. It is interesting that noble Lords seem to disagree with the department's advice. Therefore, I will facilitate a conversation. Another issue is how that appears compared to other additions and fortifications put into flour. We want to get the right balance. The Government are committed to doing this and we will start as soon as the Northern Ireland elections are over.

Baroness Merron (Lab): My Lords, all the research on adding folic acid to flour, including that by the Government's independent Scientific Advisory Committee on Nutrition, shows that it is a completely safe measure with no unintended health consequences. In preparation for going down this route to protect newborn babies—which I really would urge the Minister to progress as soon as possible—what plans do the Government have to communicate the benefits of these measures and to reassure those who may have concerns, including parents, and parents-to-be?

Lord Kamall (Con): This will all be part of the consultation, but once the policy has been decided on and fortification starts, clearly, we will be communicating to parents, families and others. If there is a risk—which noble Lords in their expertise seem to disagree with—we will have to identify that. The history of good intentions is littered with unintended consequences. We must be aware of those in our pursuit of increased folic acid in flour.

Baroness Walmsley (LD): My Lords, over the past two years, the Government have made urgent decisions about Covid-19 to save lives and save sickness. Why can they not, in light of the strength of the evidence we already have, make a similarly urgent decision on this issue to save harm to 400 babies a year?

Lord Kamall (Con): We all want to save harm to 400 babies a year; indeed, we want to save harm to more babies. The issue is that we have to do it in a proper way. When I speak to the officials, they are quite clear that we all want this to happen—there have been delays, which I have mentioned—but we have to get the right level of folic acid. Noble Lords in their wisdom are saying that all the evidence that the department has been presented with is worthless. If they believe that, they should talk to my officials. I will be happy to facilitate that.

Employment Bill

Question

3.29 pm

Tabled by ***Lord Woodley***

To ask Her Majesty's Government when they intend to introduce the Employment Bill, announced in the Queen's Speech in December 2019.

Lord Hendy (Lab): My Lords, in the unavoidable absence overseas of my noble friend Lord Woodley, and at his request, I beg leave to ask the Question standing in his name on the Order Paper.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, the Government are committed to building a high-skilled, high-productivity, high-wage economy that delivers on our ambition to make the UK the best place in the world to work. We will do that by continuing to champion a flexible and dynamic labour market. As we build back better, we will continue to make it easier for people to both enter and remain in work.

Lord Hendy (Lab): My noble friend Lord Woodley's Question could not be more topical. Our employment laws failed utterly to protect the jobs, incomes and careers of 800 P&O seafarers, sacked without consultation or warning and marched off their ships by security guards. The Government's proposals in response are set out in the all-Peers letter dated 31 March from the noble Baroness, Lady Vere. Not included is legislation to strengthen, and in particular enforce, employment rights to prevent repetition of such sacking by ambush. I ask the Minister: why not? Is it connected with the reports that the proposal for an employment Bill in the forthcoming Queen's Speech was overruled last week by the Prime Minister?

Lord Callanan (Con): The BEIS Secretary of State has formally commissioned the Insolvency Service to urgently undertake a thorough inquiry into the circumstances surrounding the recent redundancies made by P&O Ferries that the noble Lord referred to. We will not hesitate to take further action if we find evidence of wrongdoing. He will know that the Secretary of State for Transport has also committed to applying the national minimum wage to seafarers.

Lord Forsyth of Drumlean (Con): My Lords, has my noble friend noticed the catastrophic reduction in the number of self-employed people in this country following the implementation of IR35? What has happened to out manifesto commitment that we would implement

the recommendations of the Taylor report, which would have provided an opportunity for us to have an employment situation that would encourage the kind of high-tech investment and growth that the Government say they want?

Lord Callanan (Con): I certainly know the problems that my noble friend is identifying with IR35 and will communicate them to HMRC and the Treasury.

Lord Touhig (Lab): My Lords, if you are disabled you are 30% less likely to have a job than if you are able bodied. In London alone, there are 400,000 unemployed disabled people. In some London boroughs, just one in four disabled people has a job. What will the Government be doing, if they have no Bill, to address this crisis among people with disabilities?

Lord Callanan (Con): We have an excellent record for job creation in this country, and our unemployment rates are much lower than many others on the European mainland, but I totally accept the point the noble Lord is making. We must all redouble our efforts to make sure that those who are disabled get the same opportunities to work as the rest of us do.

Lord Razzall (LD): My Lords, will the Minister confirm that when the Bill eventually arrives, it will progress the so-called good work agenda, enabling workers with variable hours to request a more stable and predictable contract? I am sure the Minister is aware that the EU transparent and predictable working conditions directive will introduce similar rights on an EU-wide basis from August 2022. Will he confirm that the reason for delay in the Bill is not to avoid similarity with Europe on these issues?

Lord Callanan (Con): Of course all EU employment directives were transposed into UK law, but they are a minimum standard in many circumstances. As the noble Lord will know, we go far beyond EU minimum standards and we should be proud of that.

The Lord Bishop of Oxford: My Lords, technology has intruded further into the world of work over the last five years. Many developments are helpful, but some are not. Almost 60% of workers now report some form of technological surveillance at work, often through so-called bossware, often introduced without consultation with unions and workers. How will the employment Bill eventually keep pace with this development, and will it introduce a statutory requirement on employers to consult and disclose the use of algorithmic and AI surveillance on employees, and protect workers from excessive surveillance by technology?

Lord Callanan (Con): I am afraid that I cannot commit to any specific measures that might be in any future legislation that the right reverend Prelate will be aware of. I recognise the concerns he addressed; it is very important for employers to consult their workforce fully before introducing measures such as this.

Baroness Blake of Leeds (Lab): My Lords, the 2019 Conservative manifesto stated that it would

"encourage flexible working and consult on making it the default unless employers have good reasons not to."

On 9 February 2022, BEIS Minister Paul Scully reasserted the Government's commitment

"to introducing new employment measures"—[*Official Report*, Commons, 9/2/22; col. 1059.]

covering a range of matters. It is now being reported in the *Financial Times* that the long-awaited employment Bill is not expected in the Queen's Speech in May. I am sure that the Minister is aware of the excellent debate led by the noble Baroness, Lady Altmann, exposing the urgent need for flexibility to stem the rapidly increasing loss of older workers from the workplace, especially due to health reasons and caring responsibilities. If there is no employment Bill in the Queen's Speech, does this mean that the Government no longer believe that employees deserve this right to request flexible working?

Lord Callanan (Con): I cannot commit to any particular measures, as I said in response to an earlier question. However, we have a very good employment law framework in this country, as evidenced by our unemployment rate, which is less than half that of France—which has a much more rigid employment framework. Therefore, flexible working is a good thing in this country because we have lower unemployment. The best right anyone can have is to have a job. It is right that we do not change the employment law framework until we are sure that any changes will address the needs of businesses and workers in the post-Covid economy.

Lord Balfe (Con): My Lords, the response from the Government on P&O has been excellent. It has also shown the need for an employment Bill. At the end of this Session, the pledge in the last Queen's Speech will disappear. However, we need it in the new Queen's Speech because, at this moment, many workers are applauding what the Government have done with P&O and are looking to them to honour the promise of the employment Bill made two years—it is more urgent now, not less. I ask the Minister to go back to his department and lobby hard for it to be in the Queen's Speech.

Lord Callanan (Con): I have heard what my noble friend has said, and I know the close interest which he takes in these matters and his close relationship with the trade unions. I will certainly take his message back to the department but, as he will be aware, I cannot predict what may or may not be in the Queen's Speech.

Baroness Blower (Lab): My Lords, the all-Peers letter to which my noble friend Lord Hendy has already made reference contains an excellent proposal to ask European ferry operators and unions to agree a common level of seafarer protection on European ferry routes. Will the Minister undertake to consider legislation to achieve such sector-wide collective bargaining at national level too—as was recently implemented in Spain and proposed in New Zealand?

Lord Callanan (Con): Part of the problem with P&O is that the ferries were registered in another European country, so presumably it was applying European law in those circumstances. Clearly there is an issue with ferries, which by their very nature cross borders, and I know that the Secretary of State for Transport has

[Lord Callanan]
announced nine measures, including minimum wage requirements for seafarers operating from British ports. He will want to take those issues forward as fast as he can.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, will the Minister not admit that this is not the only election promise which this Government have reneged on? They have reneged on the triple lock for pensioners, and now they have reneged on the national insurance rise. When can anyone ever believe what this Prime Minister says ever again?

Lord Callanan (Con): I am sorry to hear that the noble Lord is disappointed with our progress on employment, but I am delighted to share with him the great news that unemployment was down again last month to 3.9%, one of the lowest rates in Europe. If we had adopted some of the proposals of the Opposition to have a rigid, inflexible labour market, unemployment would go up and many people would lose their jobs. Surely that would be a bad thing for workers' rights.

Lord Brooke of Alverthorpe (Lab): My Lords, it is understandable that the Minister cannot give any commitment to what will be in the Bill when it comes. However, given that it was in the 2019 election manifesto and the Government were elected on the basis of delivering that promise, can the Minister give a commitment that they will in fact implement a Bill before this Government go out of office?

Lord Callanan (Con): I can certainly give the noble Lord a commitment that we are going to attempt to take forward many of the measures that were outlined. There are a number of different vehicles that would enable us to do that, but we have to proceed carefully and cautiously. We do not want to damage the excellent, flexible labour market that we have in this country, which has delivered excellent results, including under the last Labour Government, who also decided not to change our flexible labour market.

Covid-19: Financial Support Schemes

Question

3.40 pm

Asked by ***Lord Sikka***

To ask Her Majesty's Government what assessment they have made of the possible losses arising from fraudulent use of (1) furlough support, (2) the Bounce Back Loan Scheme, and (3) other COVID-19-related financial support schemes.

Baroness Penn (Con): The Government take fraud extremely seriously and have been consistently clear that fraud is never acceptable. The latest estimates are set out in the department's 2020-21 annual report and accounts. Updated estimates will be published in the next few months in the 2021-22 annual report and accounts. The Government are investing in tackling fraud and error across these schemes. Most recently, the Chancellor announced an additional £48.8 million for a new package of measures to tackle fraud.

Lord Sikka (Lab): My Lords, under this Government, we now have the highest level of taxation and fraud. Annual fraud is between £29 billion and £52 billion. Last year, the government counter-fraud function classified £219 billion of the £387 billion of Covid-related financial support as "high or very high" fraud risk. Will the Minister tell the House how much is now classified as high or very high fraud risk and when an independent investigation into the Government's failure to apply proper due diligence checks will commence?

Baroness Penn (Con): My Lords, as I said to the noble Lord, updated estimates from the Government will come out in this year's annual accounts. However, I have two points to make to the noble Lord. The first is on the scale of support that this Government put in place during the Covid-19 pandemic, which safeguarded 12 million jobs and more than 1 million businesses, which might not otherwise be here. Secondly, I referred in my Answer to the extra money for a new package of measures to tackle fraud. That includes setting up a new public sector fraud authority. One of the roles that it will focus on is understanding and measuring the losses around the Covid-19 spending, so that we can learn lessons for the future.

Lord Macdonald of River Glaven (CB): My Lords—

Baroness Chakrabarti (Lab): My Lords—

Noble Lords: Oh!

Baroness Chakrabarti (Lab): Never mind—there is plenty of time.

Three quarters of a million new companies were registered—most of them dormant. Will the Minister tell the House how many of those dormant companies were given Covid financial support and how many took support and then were dissolved?

Baroness Penn (Con): My Lords, in relation to the Bounce Back Loan Scheme, the estimate of fraud in that scheme has already come down, but there is more work to be done. On the question from the noble Baroness, we have given new powers to the Insolvency Service to look at these issues and to stop companies with bounce-back loans seeking to escape liability for their loans by winding down before settling their debts. Some 61,758 companies holding £2.1 billion of loans have been prevented from striking off to give lenders time to assess for fraud.

Lord Macdonald of River Glaven (CB): My Lords, does the Minister not agree that it is absolutely essential to public confidence in the effective enforcement of our laws that those whose greed led them to shamelessly loot the public Exchequer during the course of a public health emergency should be brought to justice?

Baroness Penn (Con): I absolutely agree with the noble Lord. In addition to the £48.8 million that we announced in the Spring Statement, we have also put additional resources and money into the HMRC fraud service.

The Taxpayer Protection Taskforce from HMRC, which is also targeting recouping money from those people, is expected to recover between £800 million and £1 billion by the end of 2022-23.

Baroness Kramer (LD): My Lords, while the public is very grateful for the support it got during Covid, I do not believe it will easily excuse the levels of fraud and abuse of public money. Can the Government now tell us what they are putting in place in preparation for the next crisis and the next need to put out emergency funding, to make sure that the systems have within them decent checks and safeguards? For example, the British Business Bank estimates that it could have saved nearly all of that fraud had it waited 24 to 48 hours before actually issuing the money, and used that time for essential checks.

Baroness Penn (Con): My Lords, we have given the British Business Bank additional resources to tackle the issue in bounce-back loans. As I said in response to an earlier question, part of the role of the new public sector fraud authority is to conduct post-event assurance, which will specifically look at Covid 19 spending and learn lessons. A few of the authority's other functions will be across government, such as the provision of data analytics capability, and for those government departments that do not already have it, greater expertise in assessing fraud risk up front, learning lessons and enforcement for particular Government spending.

The Earl of Clancarty (CB): My Lords, following on from the question from the noble Baroness, Lady Kramer, would the Minister not agree that the Covid-related government support has been entirely necessary, and I hope very much that the Government would not be dissuaded from rolling out such schemes if required in the future, and at the pace they did, because of concerns about fraud.

Baroness Penn (Con): I agree with the noble Earl, and I recognise that, particularly with bounce-back loans and the CJRS, the speed at which the Government needed to act was one of the trade-offs with the checks that could be put in place. We will make sure that lessons are learned, to ensure that we got that balance correct, but one of the reasons we introduced the Bounce Back Loan Scheme and reduced the checks on it, was that original government support programmes that had greater levels of checks were not getting the money to people who needed it, and the scheme prevented the loss of businesses and livelihoods in our economy.

Lord Tunnicliffe (Lab): My Lords, at 3.31 pm on 24 January, I asked a similar question. I did not get a reply, but the House was treated to an insightful resignation speech by the noble Lord, Lord Agnew. Among other things, he said,

"The oversight by both BEIS and the British Business Bank of the panel lenders of the BBLS has been nothing less than woeful. They have been assisted by the Treasury, which appears to have no knowledge of, or little interest in, the consequences of fraud to our economy or society."—[*Official Report*, 24/1/22; col. 20.]

Assuming the Minister agrees with the statement, what action has been taken to rectify this lamentable situation?

Baroness Penn (Con): My Lords, I would like to pay tribute to my noble friend's hard work in this area, but I disagree with him about the seriousness with which the Government take this issue. I was pleased to note that he welcomed the announcement in the Spring Statement of the funding to deliver the public sector fraud authority, about which I have already spoken to noble Lords.

Lord Forsyth of Drumlean (Con): My Lords, I declare my interest as a chairman of a bank. Can I ask my noble friend: if the banks did not do elementary due diligence, such as checking that a company was trading or checking a national insurance number, why on earth should the Government pay out on the guarantee? Should it not fall on the banks for not having done their job properly?

Baroness Penn (Con): My noble friend is correct that, while there were reduced checks in place on bounce-back loans, there was still a requirement for lenders to make checks, and we are quite clear in the terms of the loan guarantees that, if it appears that those checks were not made, then those businesses do not have a claim against their guarantee.

Baroness Bennett of Manor Castle (GP): Following on from the question from the noble Lord, Lord Tunnicliffe, and his reference to the noble Lord, Lord Agnew, the explanation that the noble Lord, Lord Agnew, gave to the Treasury Committee as to why the Government's performance was so parlous was that there was a 20% to 25% staff turnover at Her Majesty's Treasury. Can the Minister explain why there was such a high turnover of staff and what the Government are doing to ameliorate a situation, which is clearly creating a problem?

Baroness Penn (Con): I think one of the reasons that the Treasury, and other government departments, can have high turnovers is that they have talented staff who do excellent work, and that can be desired by those in the other sector. We work hard to ensure that the Civil Service is a great place to work, and that people have the job satisfaction to carry on.

Lord Browne of Ladyton (Lab): My Lords, the Minister says that the Government take fraud seriously. I am tempted to say that if they did, this would not have happened—but let us test that. In the Spring Statement, the Chancellor announced £48.8 million for this new authority, but that money is against an estimated loss of £15 billion from fraud and error across Covid-19 state-backed business schemes. The £48.8 million over three years is

"to support the creation of a new Public Sector Fraud Authority and enhance counter-fraud work across the British Business Bank"—

which lost lots of money—

"and the National Intelligence Service",

with the intention of recovering "millions of pounds". Those are the Chancellor's words. Does that not tell us a lot about the Government's priority in relation to this when, in the same Statement, the Chancellor announced investing

"£510 million to increase DWP's capacity and capability to prevent and detect fraud and error"?

Baroness Penn (Con): My Lords, that investment in detecting fraud and error in universal credit is incredibly important. If we look at the statistics on universal credit during the pandemic, fraudulent claims went up significantly. Again, it was really important that universal credit was there for people during the pandemic—it worked very effectively in providing support to those who needed it most. But it is also quite right that, where you have high levels of fraud, action is taken on behalf of the taxpayer to recoup that money.

Cultural Objects (Protection from Seizure) Bill

Order of Commitment

3.51 pm

Moved by ***Lord Harlech***

That the order of commitment be discharged.

Lord Harlech (Con): My Lords, I understand that no amendments have been set down to this Bill and that no noble Lord has indicated a wish to move a manuscript amendment or to speak in Committee. Unless, therefore, any noble Lord objects, on behalf of my noble friend Lord Vaizey of Didcot, I beg to move that the order of commitment be discharged.

Motion agreed.

Approved Premises (Substance Testing) Bill

Order of Commitment

3.51 pm

Moved by ***Baroness Sater***

That the order of commitment be discharged.

Baroness Sater (Con): My Lords, I understand that no amendments have been set down to this Bill and that no noble Lord has indicated a wish to move a manuscript amendment or to speak in Committee. Unless, therefore, any noble Lord objects, I beg to move that the order of commitment be discharged.

Motion agreed.

Motor Vehicles (Compulsory Insurance) Bill

Order of Commitment

3.52 pm

Moved by ***Lord Robathan***

That the order of commitment be discharged.

Lord Robathan (Con): My Lords, I understand that no amendments have been set down to this Bill and that no noble Lord has indicated a wish to move a manuscript amendment or to speak in Committee. Unless, therefore, any noble Lord objects, I beg to move that the order of commitment be discharged.

Motion agreed.

Legislative Reform (Renewal of National Radio Multiplex Licences) Order 2022

Motion to Approve

3.53 pm

Moved by ***Lord Parkinson of Whitley Bay***

That the Order laid before the House on 31 January be approved.

Relevant document: 21st Report from the Regulatory Reform Committee. Considered in Grand Committee on 4 April.

Motion agreed.

Boiler Upgrade Scheme (England and Wales) Regulations 2022

Motion to Approve

3.53 pm

Moved by ***Lord Callanan***

That the Regulations laid before the House on 24 February be approved. *Relevant document: 32nd Report from the Secondary Legislation Scrutiny Committee (special attention drawn to the instrument). Considered in Grand Committee on 4 April.*

Motion agreed.

Judicial Pensions Regulations 2022

Motion to Approve

3.53 pm

Moved by ***Lord Wolfson of Tredegar***

That the Regulations laid before the House on 17 March be approved. *Relevant document: 35th Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 4 April.*

Motion agreed.

Judicial Review and Courts Bill

Third Reading

3.54 pm

Clause 49: Payments in respect of pro bono representation

Amendment

Moved by ***Lord Wolfson of Tredegar***

Clause 49, page 60, line 8, leave out "passed without" and insert "the Bill for which would not require"

Member's explanatory statement

This amendment adjusts terminology relating to devolution in Northern Ireland.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Wolfson of Tredegar) (Con): My Lords, there is one minor and technical amendment in my name to Clause 49, which inserts a new clause to allow pro bono cost orders in tribunals. Specifically, the amendment is to the wording of the devolution carve-out, which ensures the clause applies only to tribunal proceedings that are reserved in Scotland and Northern Ireland. I have made this amendment following discussions between the Office of the Parliamentary Counsel and its equivalent in Northern Ireland, as the Northern Ireland equivalent felt the new words more accurately reflected the wording of its devolution settlement. However, the amendment has no impact on either the policy of the clause or how the clause will work in practice. I beg to move the amendment in my name.

Lord Foulkes of Cumnock (Lab Co-op): I wonder why this was not picked up earlier. Does it reflect within Whitehall a lack of understanding of devolution and its impact yet again?

Lord Wolfson of Tredegar (Con): My Lords, no; it reflects the extremely high standards of parliamentary counsel. If we had not picked this up, nobody else would have done, but we felt it was the right thing to do.

Amendment agreed.

3.56 pm

Motion

Moved by ***Lord Wolfson of Tredegar***

That the Bill do now pass.

Lord Marks of Henley-on-Thames (LD): My Lords, I will speak very briefly on this issue. I want to say two things. The first is to express our gratitude to the Minister and the Bill team. The Minister has given all of us a great deal of time, both before Committee and on Report, and that has been used very successfully. I would also like to express my thanks to Opposition and Cross-Bench Peers, particularly those with legal and judicial experience, who have done a great deal of work in improving this Bill. The Bill team also has given us all a great deal of help.

The second point I want to make is that we have made a number of changes to this Bill after really serious consideration in Committee, on Report and following Second Reading. It would be nice to think that, when this Bill now goes back to the Commons, those changes will get some serious consideration, rather than simply being returned to this House after cursory consideration. They are important. We have deployed a great deal of expertise, knowledge and effort in making those changes, and they deserve a proper look from the other place. That said, I give my grateful thanks to everyone.

Lord Ponsonby of Shulbrede (Lab): My Lords, I echo the thanks of the noble Lord, Lord Marks. I also thank the Minister and his team for their support and the numerous meetings we have had as the Bill has progressed. I would also like to thank the outside organisations that I have found particularly helpful; I mention the Public Law Project, Justice, Inquest, Fair Trials, Transform Justice, Liberty and Amnesty International—I found their support extremely helpful. I would also like to personally thank Catherine Johnson, who has been of great assistance to me as this Bill has passed through this House.

I reinforce the point made by the noble Lord, Lord Marks, about the importance of the amendments we have passed. We have had a different approach from that taken in some other Bills. We have had only a small handful of amendments that have passed for the House of Commons to consider. They have been Cross Bench-led by extremely senior judges and they deserve serious consideration by the other House.

Lord Wolfson of Tredegar (Con): My Lords, I am conscious that the House has a lot of business before it today, but I will take just a few moments to say a few words to mark the end of the passage of the Bill through this House. Over the last few months, we have had some spirited discussions on our Courts & Tribunals Service and the relationship between the judiciary and Parliament. I am grateful to all noble Lords for their scrutiny of this Bill.

Of course, I was disappointed that the House voted, albeit narrowly, to remove the power for prospective-only quashing orders on Report. I will reflect further on the House's decision on Report to remove the presumption in favour of using the new remedies from Clause 1. We had detailed debates over the merits or otherwise of the presumption. I can assure the House that I have heard and listened carefully to the arguments made to me both inside and outside the Chamber.

4 pm

We must also resolve the position on Clause 2 and the Cart ouster clause. I said on Report that I think Cart was a legal misstep; noble and learned Lords who sat on that case acknowledged that too during our proceedings. Along with the new clause proposed by the noble Baroness, Lady Chapman, on legal representation in coroners' inquests, it will now be for the other place to consider these amendments. No doubt we will convene again to debate those measures in further detail.

Having touched on the points on which we disagreed, there were of course many areas where there was unanimity. I am grateful to noble Lords for supporting government amendments to enable coroners to provide registrars with additional information to help ensure deaths do not go unregistered and to extend the remit of the Online Procedure Rule Committee to pre-action conduct of prospective parties to litigation. During Committee, the noble and learned Lord, Lord Etherton, stressed the need for co-ordination between that committee and the existing rule committees. I agree; there will need to be a joined-up approach to rule-making between those various committees. As a matter of statutory process, that will be facilitated by the requirement for the Online Procedure Rule Committee to consult before making rules.

Having just mentioned the noble and learned Lord, I take this opportunity to thank him for raising the important issue of pro bono costs orders in tribunals. I am very pleased that we were able to agree an amendment on this important issue, again on a unanimous basis.

[Lord Wolfson of Tredegar]

I echo what was said by the noble Lords, Lord Marks of Henley-on-Thames and Lord Ponsonby of Shulbrede. I thank all noble Lords who contributed. If I may respectfully say, the debates on this Bill really showcased the depth of experience across the House on these issues. I particularly thank again the noble Lord, Lord Faulks. I am not sure whether it is in order for me to spot him if he is outside the confines of the formal part of the Chamber but none the less, I thank him. He chaired the Independent Review of Administrative Law. That work was indispensable to the process and has informed our measures in the Bill. I also pay particular tribute to and thank the noble Lords, Lord Anderson of Ipswich and Lord Pannick, and the noble and learned Lords, Lord Hope, Lord Brown of Eaton-under-Heywood, Lord Etherton and Lord Thomas of Cwmgiedd, for their valuable insight on the judicial review clauses.

I also thank Members of the Opposition Benches for their extremely constructive engagement with me on this Bill. I thank the noble Lord, Lord Ponsonby of Shulbrede, whose experience in the magistrates' courts certainly enriched our scrutiny of the criminal court measures, and the noble Lord, Lord Marks of Henley-on-Thames, for his various contributions and courteous engagement with me and my team throughout. I also thank the noble and learned Lord, Lord Judge, for his insightful questions throughout the passage of the Bill and for allowing me and my team to come to speak to him and his colleagues on the Cross Benches during the Bill and prior to Report.

I thank the noble Baronesses, Lady Chapman, Lady Chakrabarti and Lady Jones of Moulsecoomb, the right reverend Prelate the Bishop of St Albans and the noble Lord, Lord Beith, for their amendments to the Bill. I am also grateful to the noble Lord, Lord Thomas of Gresford, for meeting me to discuss his amendment on coroners' inquests. We all ultimately want the same thing: a more efficient courts and tribunals system that continues to cater for everyone in our society, including those who are vulnerable or digitally excluded.

I am conscious that there will be many others who I have not named. I hope I have not left out anybody who should have been mentioned and apologise if I have, but perhaps I may take another few seconds to thank the Bill team by name. They really went above and beyond to help not only me but those on other Benches during the passage of the Bill. I thank Georgina Treacy, Paul Norris, Chris Bowring and Julie Clouder, as well as Paul Young from my private office. Their assistance has been invaluable. Without further delay to other proceedings, I beg to move that the Bill do now pass.

Bill passed and returned to the Commons with amendments.

Elections Bill

Report (1st Day)

4.05 pm

Clause 1: Voter identification

Amendment 1

Moved by ***Lord Woolley of Woodford***

1: Clause 1, leave out Clause 1

Lord Woolley of Woodford (CB): My Lords, I will not be making a long speech today, which I am sure many noble Lords will be pleased to hear. I begin by thanking Jessica Garland from the Electoral Reform Society, Maddy Moore from the Joseph Rowntree Foundation and Mr Alfiaz Vaiya, who heads up my office here at Westminster.

I said a lot in the previous debates, so I do not want to go over that, but I do want to highlight some of the key matters that we need to focus on. This Elections Bill came into this Chamber for a number of principal reasons. One highlighted by the Government is voter fraud, as well as voter integrity. When it comes to voter fraud, I am sorry to say that the Government have not made the case. Noble Lords will all know that there was just one conviction out of 47 million voters. You have more chance of being struck by lightning at, I think, one in 3,000 and more chance of winning the National Lottery, at one in 46 million. The case for fraud has not been made; that is just a matter of fact.

Let us move on to the other key point that the Government have made. It is a valid point, which needs to be addressed: as the noble Lord, Lord True, has rightly said, this was in the Government's manifesto. We must acknowledge and, in part, honour that. My only contention is that in their manifesto the Government talked about voter ID, which is distinct from voter photographic ID. Noble Lords may think "What is the difference?"—I am here to tell your Lordships that. The noble Lord, Lord True, might say that a lot of people have voter photo ID but not everybody does. The calculation, even with the Government's figures, is that we could lose over 2 million voters if we persist with photographic ID. That is 2 million, because of one case of voter fraud.

Noble Lords all know that I am a disciple of Dr Martin Luther King, fighting for social and racial justice. Can we sit here in this beautiful building and allow a Bill to go through Parliament which removes 2 million voters? Will we allow that to happen or will we tell the Government that, with the best will in the world, they have got this wrong and need to be big enough, strong enough and brave enough to say, "We need to make an amendment that does not lose us so many valuable voters"? If there is an amendment that removes photo ID I will, begrudgingly but democratically, accept it. If there is no movement, however, I will put my amendment to a Division.

Lord Grocott (Lab): My Lords, I have heard speeches from the noble Lord, Lord Woolley, on a number of occasions. Each time, I have found him completely convincing. The one line I will pick up on is his reference to the level of fraud identified by prosecutions as being "a matter of fact". I just want to put another couple of matters of fact in front of the House.

Fact one is that, whatever you think are the rights and wrongs of voter ID, it is a new hurdle that people will have to surmount in order to vote. Whether it is a big hurdle or a small one is a matter of debate, but there is no doubt whatever that it is a hurdle. In our many experiences of elections, great effort is made in our electoral system at the local level to try to minimise the difficulties that people may experience to make it easier for them to vote.

A simple example is the siting of polling stations. I am sure that dozens of people in this House have spent ages saying, "It's no use putting the polling station there because people won't go to it—it's too far away. You need one nearer". Why do we say these things? Because we want to make it easier, with the fewest hurdles possible in the way of people exercising their right to vote.

I remind the House that there has been a serious decline in turnout in British general elections. When I first fighting them, the turnout was around 75%, generally speaking. It is now around 65%. We are going in the wrong direction. I submit that this clause will send us even faster down that slope.

All I propose to say for now is this: what has been missing throughout our debates is any estimate whatever —even a guesstimate would be an improvement—from the Minister as to precisely what the effect on voter turnout will be in the event of this Bill becoming law. He cannot have it all ways. It will either improve turnout or worsen the situation. Which way it will go cannot be a matter of fact because it is an estimate, but I would have expected at least some information from the Government Front Bench, in this crucial respect of voter turnout, on their estimate of the effect of this Bill on that figure. We have not had one so far. I am not optimistic that we will get one from the Minister when he winds up—but I live for ever in hope, as you do when you are in opposition. Even at this stage, so that we can judge it in the event, I hope that he will tell us his estimate of the effect of the Bill on turnout.

Baroness Jones of Moulsecoomb (GP): My Lords, I rise to speak to these amendments and throw the Greens' considerable weight behind the noble Lord, Lord Woolley. It is slightly scary speaking after him and the noble Lord, Lord Grocott, because they tend to carry the House, whereas I am not sure that I do.

Some people have described voter ID as a solution in search of a problem. Actually, I think that gives the Government far too much credit, because this is a cynical ploy. It is a clear attempt by the Government to make it harder for people to vote in elections. That is the only motive I can see when we have this sort of Bill in front of us. More cynically still, it will disproportionately stop BAME, working-class, Gypsy, Roma and Traveller people voting. These people find it hard enough to vote already. Anything you put in their way will stop them voting completely; that is preventing democracy.

The Government are spreading fake news about there being massive election fraud in this country. I hope we can get these figures out there, because that is a nonsense. I do not understand why the Government persist in this fake news.

4.15 pm

Of course, the real interference in our democracy comes from the top. We all know that the problem is billionaire donors and lobbyists bankrolling the Tory party. That is where a failure of democracy is happening. I hope that the next Government is a Labour Government —with Green support, obviously—and that they start unravelling some of the mess this Government have created for the country. I want a ministerial position—I just point that out. Treasury, please.

We do not even know how far Russian interference in our election goes. Why not try sorting that out before we sort out this non-existent problem of voter fraud? We have to stop the Government's interference with democracy, today and on subsequent days.

Lord Desai (Non-Afl): My Lords, I will speak to my Amendments 2, 3 and 4. Throughout the debates on the Bill I have been of an opposite view from most of my friends about the fear of identity cards. I do not have any fear of identity cards at all, nor do I believe that BAME people are so backward and so bad that they would be frightened by an identity card. I just do not see the logic. As I have said before in your Lordships' House, India has ID cards; the 900 million voters there all use them and electronic voting machines. It is perfectly straightforward stuff and nobody is intimidated or discouraged from voting. If people are not voting, it might be that the quality of politics has declined and people do not see any point in voting—but that is a point that I will come to another time.

The main problem is that responsibility for getting an ID card should not be put on the voter. The Electoral Commission has to enable people to have an ID card. It has the resources. It is very simple. We live in a digitised world, so why are we still using pencil and paper?

For example, I recently moved from where I had lived for 17 years to somewhere in Lambeth. I immediately got a letter from the electoral registration office, saying, "This flat used to be vacant, now suddenly somebody's occupying it. Will you please tell us who you are?" I sent back a form with my name and saying who else lived in the house. I posted it off and so I will be voting at my local polling station.

The electoral registration office has my particulars and my address. It would be very easy for it to send me an ID card. I do not see what the fuss is about. It has much more resources than I have as a voter, so it would be very easy for it to send me an ID card. It is a no-brainer, as far as I am concerned. My children's and grandchildren's generations laugh at this electoral system, in which people have to go to some booth, take a little pencil and put a cross.

Lord Foulkes of Cumnock (Lab Co-op): I do not understand what the noble Lord is saying. The last Labour Government started the procedure for introducing photo identity cards for everyone; the Conservatives scuppered the whole scheme. We should have had ID cards for everyone. The Government could then have introduced this, but they cannot when it is only privileged people with passports and driving licences who have photo IDs. The noble Lord should understand that.

Lord Desai (Non-Afl): My Lords, I used to be on those Benches with the noble Lord, so I am not a stranger to that story. It was not only the Government who stopped it but the Liberal Democrats, whose great leader Nick Clegg cared so passionately for privacy that he has gone to work for Facebook. That was his price for agreeing to ID cards; the Labour Party could not pay it.

I do not care who was responsible—they were responsible, you were responsible—I now want to move on. The Bill is an opportunity for us to thoroughly

[Lord Desai]
rethink our electoral system, bring it into the 20th century if not the 21st and get on with it. We conduct our elections in the most antediluvian way possible.

Baroness Chakrabarti (Lab): The noble Lord made such an important point about the need to move on, this being Report after a very extensive consideration of the Bill in Committee. There are crucial amendments to get through and vote on. I throw that into the ether of your Lordships' House.

Lord Desai (Non-Afl): I thank the noble Baroness but, as she knows, I have been here listening to all the debates. This is the first time I have introduced amendments, so I have to explain them. If I do not, nobody will understand what I am saying. Because I am putting an argument contrary to that generally put forward in the context of this clause, let me continue.

My amendments say that the Electoral Commission should provide everybody with an ID card that has to contain some very simple facts, which we all have. Amendment 4 says

"address … date of birth, and … NHS number".

BAME, white or black and whatever religion, we all have an NHS number. When I call up for anything, the hospital asks for my date of birth and knows immediately who I am. NHS number and date of birth should be sufficient to identify anybody. If you have the address, you will be able to see which is the nearest polling booth.

I recently had my fourth jab. To make an appointment for it, I had a text message from the NHS. It took me five minutes to book myself a jab, with the location and time all in a simple text message. It is not difficult. People will be able to find out where and when they can vote as long as they have this ID card.

Since my time is being rationed, I urge people to vote for this because it will simplify the voting procedure and remove the problem that somehow this special class of untouchables who are called BAME people will be frightened by this. Nobody needs to be frightened by this; everybody would receive an ID card.

Lord Rennard (LD): My Lords, this House can spend a great deal of time discussing the meaning of a single word. Words such as "may" or "must" have great significance in law, and today we are debating the difference between compulsory "photo identification" and just "voter identification". We are debating the word "photo".

It is important for many people because voter identification was in the 2019 Conservative Party manifesto, while "photo identification" was not, and manifesto commitments may be treated differently by Members of the House. In Committee the Government's position appeared to be that the word "photo" was irrelevant or that whoever wrote their manifesto was careless and used sloppy wording, but the Government know the difference between "photo ID" and "voter ID".

How do we know that for certain? Because the Government specifically legislated for different forms of ID requirement when they introduced pilot schemes in 15 local authority areas in 2018 and 2019. In the 2019 pilots, the Government legislated for different rules in 10 different authorities. In two areas people had to show a specified form of photo ID. In five areas they could choose to show either a specified form of photo ID or two pieces of specified non-photo ID. In three areas people could show either their poll card, which does not have a photo, or a specified form of photo ID. So the Government understand the difference between different forms of voter ID, including those which require a photo and those which do not. Their manifesto did not mention "photo".

As the highly regarded expert from the Electoral Integrity Project, Professor Toby James, pointed out on Twitter the other day, the fact that the manifesto did not specify photo ID means that we should "allow non-photographic" ID as in many other countries, or allow those without the requisite ID at the time to be vouched for by someone accompanying them who does have it, as in Canada.

Many of the references made by Ministers to photo ID in other countries have been very misleading. That is because everybody already has a compulsory national ID card in almost all the rest of Europe, so there is no extra barrier to voting by requiring one to be presented at a polling station there.

It is ironic that, as the noble Lord, Lord Foulkes, has just pointed out, one of the main reasons we do not have national ID cards in the UK is because Conservative Members of this House opposed attempts by the Blair Government to introduce them on the grounds that they were not specifically mentioned in the Labour manifesto. What is sauce for the goose is sauce for the gander. National ID cards were not in the Labour manifesto, so this House blocked their introduction. Compulsory photo ID at polling stations was not in the Conservative manifesto, so the Government's attempt to abuse their majority in the other place to change election rules should be prevented here.

In Committee the noble Lord, Lord Willetts, highlighted what the former chair of the Conservative Party, the noble Lord, Lord Pickles, said in the report which the Government commissioned from him—that

"The Government should consider the options for electors to have to produce personal identification before voting at polling stations. There is no need to be over elaborate … measures should enhance public confidence and be proportional. A driving licence, passport or utility bills".—[*Official Report*, 21/3/22; col. 695.]

Utility bills do not have photos.

There is, however, one form of voter ID eminently suitable for the purpose—the official poll card. Making poll cards an acceptable form of ID is proposed in both Amendments 6 and 7, and these amendments are both compatible with Amendment 8, which includes many other forms of possible ID. A polling card is issued to every voter by electoral registration officers. Anyone impersonating a voter would not just have to expose themselves to risk at the polling station, but they would have to steal the poll card as well prior to going to vote. If a polling card was stolen, a replacement could be issued, and a note made to question anyone turning up at a polling station with the original poll card.

In the pilots in 2018, poll cards were allowed in both Swindon and Watford. In Swindon, 95% of voters used their poll card, 4% their driving licence and 3% their passport. In Watford, 87% used their poll card, 8% their driving licence and 3% their debit card. Altogether across

the two local authority areas, 69 replacement poll cards had to be issued. In Swindon a vouching or attestation scheme was also used, and 107 voters used this option.

4.30 pm

There were more pilots in 2019, three of which accepted poll cards. In those three areas, 93% of people used their poll cards, 5% their driving licence, and 1% their passport. Using the existing poll card avoids any additional cost. The pilots also showed that adding QR codes to poll cards was, in some cases, unnecessary, more expensive and less secure. So, the existing poll card, with other forms of ID as set out in Amendment 8, and a vouching system will do the job well.

We know from multiple sources, including the Joseph Rowntree Foundation and the Runnymede Trust, that those without the requisite photo ID proposed are most likely to be the most deprived in the country and from diverse communities. We know that the groups most in need of a new form of photo ID are also the groups who are hardest to get on the electoral register in the first place. Putting another unnecessary barrier in the way of them taking part in the democratic process is at least open to suggestions of voter suppression.

There have been several references in our debates to Northern Ireland. I will not repeat them, but there, in 1983, there was a clear case of multiple voter fraud and the Government acted. As the noble Lord, Lord Woolley, has pointed out, in an electorate 20 times as large, and in two sets of elections, there was only one such conviction in Great Britain, showing that there is simply no case.

The Government even accept that photo ID may be acceptable at the polling station even if the photo is not recognisable, so what is the point of requiring photo ID at all? Non-photo ID would be sufficient and proportional to deal with any perceived threat of election fraud. The Government should concede that they have consistently failed, at every stage of this Bill, to show that there is any real evidence of a significant level of fraud at polling stations. They have failed even in trying to assess the scale of any problem with personation, as was powerfully demonstrated by my noble friend Lord Scriven in Committee. Spending £180 million over the next 10 years to address this potential problem is unnecessary and disproportionate.

Lord Willetts (Con): My Lords, I will briefly speak to Amendment 8 in my name and the names of other noble Lords. The proposal in Amendment 8 would extend the list of accepted documents beyond the narrow group of photo ID that the Government are proposing, but I regard my amendment as consistent with the commitment in the Conservative Party manifesto. I approach this from the perspective of red tape. Is the extra regulation being proposed proportionate to the problem that needs to be tackled? As we have heard from all sides of this House, there is no evidence that personation is a significant problem in the British electoral system.

That is very different from Northern Ireland, where ID and then photo ID were introduced. There, there was in the words of the then chief electoral officer a "planned and well organised" programme of personation. In the absence of any such evidence of personation as a significant problem in the UK, the costs imposed by this measure seem to go way beyond the scale of the problems—costs estimated at £180 million over 10 years. If a broader range of documents is accepted, that removes the need for a new, separate group of voter ID cards and, hence, lowers the costs involved.

I acknowledge the way in which the Minister has engaged with these issues and has recently written to us on these proposals. He may say, "Well, there's not a problem now, but we still need to do this to boost confidence in the security of the British electoral system", despite the evidence that our problems are actually in postal voting and proxy voting and not in personation. We know that confidence in the British electoral system currently runs at over 90%. It is not clear that confidence could be much higher than that. Indeed, the attempt to legislate may have the opposite effect to the one that Ministers are seeking and may create anxiety and uncertainty where none existed before. In Northern Ireland, where there is a track record of voter ID, confidence in the system is no higher than in Britain—indeed, on some measures, it is lower.

Besides this, I have one wider concern: what might happen at the next election if a significant number of voters—hundreds of voters per constituency—confronted with a new requirement with which they are unfamiliar in order to vote, photo ID, are turned away from polling stations and do not return? Let us imagine that the outcome of the next election is a modest majority—I hope a majority for the party of which I am a member—where, throughout the day, the media story has been of voters being turned away from polling stations. That seems a significant political and constitutional risk that needs to be taken into account if this measure is introduced. Here we do have a precedent from Northern Ireland: the first use of voter ID in polling stations there was estimated to have reduced voter turnout and turned away the equivalent of approximately 1 million voters across Great Britain, so this is a real risk.

In light of that, while I respect the similar thinking behind Amendments 5 and 6, for example, my intention is to divide the House on Amendment 8, because I regard it as protecting our system from a major political and constitutional risk while remaining consistent with the manifesto on which the Conservative Party fought the last election.

Baroness Lister of Burtersett (Lab): My Lords, I rise to support Amendment 8, to which I have added my name. I am very pleased to follow the noble Lord, Lord Willetts.

The one real argument put by Ministers to support the restriction of identification to photo ID was that it is the most secure form of ID. However, we never got an explanation of how it was decided that, in the necessary balancing of the two, security trumped accessibility to the point that only the most secure forms of ID were permissible, despite the lack of evidence of fraud, as we have heard. In reaching that position, it was not clear why the Government rejected what we might call the "Pickles principle"—that perfection must not get in the way of a practical solution. Amendment 8 and some of the other amendments offer such a practical solution, but the Government's response hitherto has been disappointing.

[Baroness Lister of Burtersett]

Ministers have also frequently cited the finding of the Electoral Commission tracker that 66% of the public say that the requirement to show identification at polling stations would increase their confidence in security. But I note that the word "photo" is never mentioned, so I can only assume that the question did not specify photo ID. Also, we do not know how members of the public would weigh up that balance between security and accessibility. It would appear from the latest election tracker—a point made by the noble Lord—that a much larger majority, eight in 10, are confident that elections are well run, and that nearly nine in 10 think that voting at polling stations is safe. But there is a real danger, as has been said, that perceptions will be tainted by the Government's narrative of voting fraud, which risks reducing trust in the system, as has been pointed out by a number of bodies. According to the Electoral Reform Society, recent US studies have found that talking up voter fraud reduces confidence in electoral integrity and has indeed corroded trust in the system.

As I made clear in Committee, I am particularly concerned about the impact on people in poverty or on a low income, who are not necessarily caught in the Government's focus on groups with protected characteristics. Of course, I am concerned about them too; I particularly noted the position of Gypsy, Traveller and Roma communities in Committee. The Government have chosen not to enact the socioeconomic duty in the Equality Act, which might have encouraged them to focus on people in poverty. As it is, the more I have read, the more convinced I am that they have in effect been ignored in consultations with stakeholders and in the pilots.

According to 2019 data from the British Election Study, provided to me by the Library, there was a clear income gradient in turnout in the 2019 election, with half—or slightly more than half—of those in households with an income of £15,599 or less not having voted. If the JRF is correct that, as it stands, Clause 1 and Schedule 1 risk disenfranchising as many as 1.7 million low-income members of the electorate, these worrying figures can only get worse.

Finally, the noble Baroness, Lady Scott of Bybrook, promised that she would get me

"a list of the consultees that we worked with because that is important."

This was in response to my questions as to

"what engagement there has been with organisations speaking on behalf of people in poverty, or in which people in poverty are themselves involved, so that they can bring the expertise born of experience to these policy discussions".—[*Official Report*, 17/3/22; cols. 562, 567.]

I repeated the question when we returned to the issue on day three of Committee, but there was still no sign of that list. Instead, in his letter to Peers, the Minister assured us that there has been a comprehensive programme of engagement with civil society organisations, with a heavy emphasis once again on those with protected characteristics. However, once again, the implication of the letter is that the impact of poverty has been ignored, and that there has been no engagement with organisations working with people in poverty or with those who can bring the expertise of experience of poverty to bear on the matter. Yet, their perspectives could be particularly valuable when considering appropriate voter ID and the process of applying for a voter card. I ask yet again whether there has been such consultation and, if not, will the Government now prioritise it?

As it happens, I was at an event this morning organised by Poverty2Solutions, an award-winning coalition of grassroots organisations led by people with direct experience of poverty and socioeconomic disadvantage and supported by the JRF. The key message was the need to put lived experience at the heart of policy-making, complementing other forms of expertise. I asked whether Poverty2Solutions would be willing to engage with the Government on the development of voter ID policy, and the response was an enthusiastic yes. The door is open.

Baroness Meacher (CB): My Lords, I rise to support—I could say all the amendments in this group, but that is slightly inconsistent. There is absolutely no evidence at all to support the need for any voter ID in British elections in person, as highlighted by the Public Administration and Constitutional Affairs Committee and the Joint Committee on Human Rights. The Government's plans are unnecessary, discriminatory, expensive and a regressive step.

There is also no public support for these changes at all. The latest edition of the Electoral Commission's public opinion tracker, which measures public views on the electoral process, showed that 90% of voters say that voting at a polling station is safe from fraud and abuse. That is an exceptionally high percentage in any poll. Overall, public confidence in elections is apparently at its highest level since data collection began.

We know that the idea of voter ID arose from the allegations of election fraud in Tower Hamlets. However, as noble Lords know, the Tower Hamlets allegations had nothing to do with personation at polling stations. It is interesting that the judge in the Tower Hamlets case told the Bill Committee:

"Personation at polling stations is very rare indeed."—[*Official Report*, Commons, Elections Bill Committee, 15/9/21; col. 15.]

This is basically the view of most noble Lords in this House.

The voter ID system will cost an estimated £120 million over three years—there are various estimates, but that is the median. I must say that I find it quite shocking that any Government would spend that sort of money on a completely unnecessary reform when there is so much need which is unmet all over the country—it is really upsetting. I like the Liberty analogy on the voter ID issue: a householder who has not had a problem with burglary for years and yet decides to spend a fortune on a new lock. In similar ways, his house was perfectly safe and so is our electoral system at polling stations. However, I would not say the same necessarily of postal votes.

4.45 pm

This is a serious matter. By far the most important cost, as others have mentioned, is the democratic deficit caused by depriving citizens of their right to vote.

The Electoral Commission's latest research shows that about 2 million—I think the noble Lord, Lord Rennard, mentioned this—are potentially being denied their vote. The Government say, "Oh, there's no problem. We're going to issue these voter cards." But the Cabinet Office research found that 42%—nearly half—of those without an ID are either unlikely or very unlikely to apply for a voter card. In addition, there are another 186,000 voters who do have an ID but who will not vote if the ID system is introduced, probably because they will forget to take their ID with them and they certainly will not go all the way back to vote later in the day.

The consequences of the voter ID system are considerably worsened because of the fact that this will not be spread evenly across the population. About three times as many unemployed people, or local authority and housing association tenants, as the rest of the population do not have any form of acceptable ID. The noble Baroness, Lady Lister, pointed to other groups and other ways of looking at this, but it is a huge difference. Disabled people will be similarly disadvantaged.

I particularly support Amendment 6 in the name of the noble Baroness, Lady Hayman of Ullock, because it accepts the Government's manifesto commitment to the principle of voter ID but goes a long way towards ameliorating the worst consequences of a thoroughly undesirable and unnecessary proposal. Allowing a range of documents, including the poll card, to be presented as ID, and allowing another elector with ID to vouch for the one who does not have any, would greatly increase the likelihood of minority groups successfully voting.

Baroness Verma (Con): My Lords, I would like to pick up on a couple of comments. The noble Lord, Lord Desai, spoke about the objection to grouping all BAME communities together and believing that they will not be in favour of an ID card. I have spent weeks talking to people from all communities, including BAME and poor communities, in my own city of Leicester, which is one of the most diverse cities in the country. When I asked them whether they would object to a voter ID card with a photograph, not one person said that they would. I do not understand where this evidence keeps coming from that BAME communities or people on the lowest incomes are going to be disfranchised.

I have spent my whole life in Leicester. I understand the worries that there are in Leicester. One case has been pointed to, but I have had people coming to me, over several elections, worried about the integrity of the elections being held in Leicester. I am speaking about Leicester because it is my home city and I want it to be a city that believes voting in this country is fair for everyone.

When people in this Chamber say that eight or nine out of 10 people are happy with the system as it is today, I do not know who has been consulted or how far that has reached out into communities such as mine, because I would love each and every one of your Lordships to come and speak to people in my home city and get a real reflection of why I am so passionate about making sure that voter ID is part and parcel of the way we take our elections forward. So many people tell me that they do not feel safe or happy with the current system.

Following on from the noble Lord, Lord Desai, I say: please stop talking on BAME communities' behalf as if all of us are grouped as one lump and we all think and do things in the same way. We do not. We actually are consistent in our duty as citizens to try to partake in elections in the UK, but part of the problem, which I have seen, has been demonstrated to me. At the last local election I was involved with, people showed me two cases where people came with proxy votes: five proxy votes in one case, four in another, and the only registered proxy was one vote in the council.

I really want there to be a genuinely good system for all of us. This is not about the BAME community. It is about the integrity of voting, which is all I am interested in. Not one of the people I spoke to has objected to voter ID. The only clarification I should like from my noble friend on the Front Bench is: will the ID card be for everyone, or for those people who do not hold a photo ID of any kind? Will this £180 million be spent on ID cards for everyone, or is it particularly for those who have no photo ID of any sort? I was not sure about this.

Lord Maxton (Lab): Can the noble Baroness tell me exactly what "photo" means? Looking at the list produced by the noble Lord, Lord Willetts, it could all be contained on one identity card or, as I prefer to call it, a smart card for all.

Baroness Verma (Con): My Lords, I am only saying that I have had no objection to it being a photo ID. The implication seems to be that we, as communities, would object and become disenfranchised but I have not found that. This is the only point I am trying to raise.

Baroness Fox of Buckley (Non-Afl): My Lords, I thank the noble Baroness, Lady Verma. She has raised some of the issues that have prompted me to speak today. I have had a slight change of heart or mind—or my mind has been changed—which is why I am speaking, rather than repeating everything that I previously said.

My concerns about these photo IDs have fairly consistently been that there is no evidence of voter impersonation; it is not an issue. I do not like any move towards a "show us your pass" society. I worry about the unintended consequences of the Government pushing voter ID. In itself, it implies a problem which might then undermine trust in the democratic process. In particular, I echo the query from the noble Lord, Lord Willetts, about the consequences of people being turned away from polling stations. I have raised that before.

I am not very good at paperwork. I am the kind of person who gets it wrong. We have only to look at the best-intended interventions in Ukraine, or in Poland with the issuing of visas to Ukrainian refugees, to see that paperwork can go wrong. I am concerned about people turning up with the wrong thing and being sent away when they only have that day to vote. It would imply to fellow citizens that something dodgy was going on—that they were cheating, rather than just having the wrong piece of paper. What does the Minister advise in this instance?

[Baroness Fox of Buckley]

In following the noble Baroness, Lady Verma, the problem is that we have probably got to a point where the ship has sailed regarding trust in democracy. Something has gone wrong. A constant theme in commentary on elections is that too many people seem to think it impossible for their side to have lost without implying that the other side has somehow won by cheating or that the vote was manipulated. I have been quite shocked by the commentary around the vote in Hungary, in which it has been implied that the only basis on which Orban won was become something dodgy happened and that it was unfair. That was said about Brexit, about Trump's win and about Biden's win. In all those instances, there have been implicit or explicit accusations by losers that somehow cheating has happened. There is a broader problem of the undermining of trust in democracy, which I think a lot of people in this Chamber and outside it have created, but it has nothing to do with voter ID.

When I started to talk to people after my speeches at Second Reading and in Committee, I was absolutely inundated by those who said that they disagreed with my opposition to voter ID. Those were not the cut-and-paste emails, which we all receive, or from organised lobby groups. They appeared to be from ordinary people. Pundits and loads of people contacted me—some I knew and some I did not. I have had more correspondence on this than on anything else.

I tell your Lordships this because I was taken aback, but when I started to talk to people, they said that because there is a big debate about trust in the democratic process, for whatever reason, they want reassurance that the ballot box is secure. People said that their motives were about protecting the vote and respecting democracy. I do not know that it can be described as fake news when the Government say there is a discussion about the democratic process, because it seems that there is. I suppose that has happened in the name of transparency, accountability and trying to be honest, so when people say that they want to shore up democracy through ID, I want to take at least some notice.

Another thing that was said, which fits in with the remarks of the noble Lord, Lord Desai, and the noble Baroness, Lady Verma, was that they felt insulted by the idea that showing ID would put them off voting. They said, "You think we have such a low view of democracy, that we are so easily put off voting. The problem is that we go out to vote and when we do, people tell us we voted the wrong way." That was their problem.

I have thought about it a lot and am still not sure but I am prepared to consider some compromise, particularly on Amendment 8. It does the job by letting us have some ID, as wide a range of IDs as possible so we do not have the problem of turning people away at the ballot box. It is also important to recognise that, whether we like it or not, there is a debate about how much we can trust the democratic process, so if there is a way of reassuring people—although I wish we had not got to that point—then maybe we should think about this.

I would like to know what the Minister thinks about the dangers of undermining our trust in democracy by pushing this too hard. Is there a compromise that the Government can make that would, relatively speaking, satisfy all people? Even the noble Lord, Lord Woolley, said he might reluctantly go down that line, despite it going against what he wants, which is to get rid of it altogether.

Lord Hodgson of Astley Abbotts (Con): My Lords, I did not participate in Committee but I intervened a couple of times, most notably when the noble Lord, Lord Collins, tried to pray me in aid to something I did not say. I want to put my position on the record and, bearing in mind the strictures from the noble Baroness, Lady Chakrabarti, I will be quick.

I want to add a cautionary note about this group of amendments. My caution is absolutely not because I want to restrict participation in our elections in any way. The reverse is true, as evidenced by the work we have done in the Select Committee on Citizenship and Civic Engagement, a follow-up report to which was published a week or two ago. I was lucky enough to chair that committee and place on record my thanks to the noble Lords, Lord Blunkett and Lord Collins, the noble Baroness, Lady Lister, and my noble friend Lady Eaton. The committee did important work and I made sure that I personally sent the noble Lord, Lord Woolley, a copy of our report last week, as he had made a powerful speech during the last stage.

I argue that our primary objective has to be to ensure that people use their vote. I come back to the point made by the noble Lord, Lord Grocott, about declining turnout. While I understand that you cannot vote unless you are on the roll and have ways of voting, we have failed to persuade people that their vote is worth using, as evidenced by the figures laid out in the earlier remarks by the noble Lord.

I suggest that there are principally two reasons why people go out to vote. The first is that they see the act of voting as having their say—"to chuck the rascals out" is the famous phrase that is often used. We need to find ways to encourage more people to think like that, and about what is meant by being a citizen, and by rights and responsibilities. I am afraid that the Government's response to our work to try to encourage citizenship education can so far be described only as desultory. I think I speak for all members of our committee when I say that we do not intend to give way on this. However, equally, nothing in these amendments deals with the question of participation. That is the problem, and that is what I am really interested in getting at.

5 pm

The second reason people have confidence is that they want their vote to be fairly weighed—that is to say, they believe in the integrity of the system. We have heard a lot from my noble friends Lord Willetts and Lady Verma, and from the noble Baroness, Lady Fox, about various aspects and views that people take. I add that, when I was doing the third-party campaigning review, there were rumblings when we talked to third-party campaigners about what was going on. It was not easy to put a finger on it, but there was a general feeling that things were not quite as they should be.

We have to recognise that electoral malpractice—alleged, maybe, but not proven—is big news. Should it be? Well, bad news tends to be news and this is seen to

be news. Once a few cases begin to work through the system, a climate is created—one that is jolly difficult to dissipate and dispel and it takes a great deal of effort to do so. I put it to those who tabled these amendments, which would widen the ability to vote, that it is a difficult balance to strike. I am not sure, from hearing some of the speeches and reading some of the amendments, that all other noble Lords recognise just how difficult the balance is or that there is a balance that we have to deal with.

Finally, and potentially more controversially, in my youth, the poster of choice on the wall of my girlfriend's hall of residence or of her flat was a picture of Che Guevara in battle fatigues—she thought he seemed very attractive; not quite my sort of thing, but there we are—carrying a rifle, which had a flower coming out of the barrel. Some noble Lords will probably have seen it. The underlying message was that you have to make some effort to achieve something if you want to value it when you have got it. I accept that defining "some effort" is exceptionally difficult, but if being a good citizen gives you rights, it also gives you responsibilities. Somehow, we have to reach a situation where being able to vote is seen as infinitely more precious than getting a driving licence.

Overall, having heard the arguments, having read my noble friend the Minister's letter of 4 April in response to the Committee debate, particularly the paragraph on turnout, and having heard my noble friend Lady Noakes explain the ways in which our society is changing and the ever-increasing use, in the digital age, of other ways to ensure we have a system that people feel is worth while and want to participate in, and in which their vote is weighed fairly, I think that this is extremely difficult. The Government have the balance about right in what they propose.

Lord Maxton (Lab): My Lords, I rise very reluctantly to speak in this debate because I participated only very briefly in Committee. However, it seems to me that ID cards for all—or smart cards, as I tend to describe them—is the future. It is time to move the electoral system on, not backwards, as the Minister is trying to do by describing photo ID or whatever it might be as the way forward.

The way forward is one card. I have gone through the list in the amendment of the noble Lord, Lord Willetts, and believe that they could all be on one card: an ID card. In fact, an ID card or smart card could be in the back of your hand, which you carry with you all the time, and not one that you carry in your wallet. A driving licence, a birth certificate, a marriage or civil partnership certificate, or an adoption certificate could all be on a smart card for all and used as an ID card. It could all be contained within one card. You would then use your thumb or finger, or your eye, wherever you need to use your ID card, certificate or whatever it might be.

This policy needs to be withdrawn at this stage of the Bill in favour of the introduction of an ID card or smart card for all that contains many of the things listed. I would object to a bank or building society chequebook, for instance—when did the noble Lord, Lord Willetts, last use a chequebook? I do not even know where mine is, let alone use it. I want to see all those things put on to one card or in the back of the hand.

Lord Stunell (LD): My Lords, it has been a very wide-ranging debate, considering it is Report. I wonder if the House would accept me just focusing as far as possible on the business in hand and the amendments that we have in front of us.

First of all, I fully understand and accept the argument that the noble Lord, Lord Woolley, has put forward: that if everything else fails, we must pull this out. That would be my starting and finishing point. My noble friend Lord Rennard and I have tabled Amendment 7, which has found some favour among those who have spoken. We have made it clear that that would be something which fits very well alongside the amendment in the name of the noble Lord, Lord Willetts. It is just an addition to his list, but a very important addition, because people are familiar with the poll card. Those of us who, on election days, very often spend time trying to persuade people to put their coats on, always hear things like, "Oh, I have lost my poll card." People already assume that the poll card is a significant thing that they need to take with them, so when it comes to acceptance, we understand it to be very much there.

To the noble Baronesses, Lady Verma and Lady Fox, and the noble Lord, Lord Desai—who feel that, somehow, to point to the fact that having voter ID might deter some people from voting is to pick out, talk down to or single out people in a patronising way—I say that we are responding to the evidence of the trials which were conducted by the Government and which are fully certified facts. The facts are that in those places, fewer people finished voting because of the ID system: it is not a huge number fewer but, as the noble Lord, Lord Willetts, pointed out, if we were to read across the data from those experiments, it would be 2 million voters who failed to vote as a result of having such a system in place.

The Government understand that there could be a problem, which is why they are prepared to spend somewhere between £120 million and £180 million getting those 2 million voters to come and vote—if only they would spend that amount on the 8 million not registered, it would be a very good thing. If we acknowledge that there is a problem whereby introducing voter ID reduces participation, let us look at the most straightforward ways of rectifying and lowering that barrier.

I believe that all these amendments are, in their different ways, making the same point. Obviously I want to make the case for Amendment 7 in particular, but I certainly do not exclude the others. It is important to get participation; it is important to consider the issues that have already been raised in the excellent speech by the noble Lord, Lord Willetts, where he prayed in aid the Pickles report. As I have said to the House before, I served with the noble Lord, Lord Pickles, in the department for a couple of years and I never heard him in favour of red tape. I cannot imagine that he seriously thinks that spending £120 million or £180 million on this scheme makes any sense when he has said himself that a utility bill would do.

I say to this House that, from every side, the argument is made that there will be a reduction in participation with an ID scheme. It will be lower if we can manage

[LORD STUNELL]
to make it without photo ID. The pilots showed exactly that: the schemes where no voter ID was needed had fewer voters refused and losing their vote. It is a very straightforward issue; there are bigger issues floating around, which we have heard already, but surely this House must understand and accept the case that, if we want to keep participation up, we need barriers to people going to vote to be at the lowest practical level consistent with a secure system.

Baroness Hayman of Ullock (Lab): My Lords, I will not go over the ground that we have already covered—and there has been a lot—and will just speak to my amendments. Like a number of others in this group, they extend the acceptable forms of voter identification to broaden them out to include non-photographic identity documents. As has been said, the manifesto commitment for voter ID was not for photographic ID, but we respect the fact that the Government had a manifesto commitment to voter ID. My Amendment 6, in particular, would allow a polling card to be an accepted form of identification and would allow for the vouching system currently used in Canada, for example.

The noble Lord, Lord Rennard, mentioned that polling cards were used as the primary method of identification in some of the pilot schemes that were held and that some used a QR code on the card, which was then scanned at the polling station. It was felt that this was more secure but more expensive. However, the evaluation of the pilots also noted that:

"It is also not clear … that additional IT in polling stations … is absolutely necessary to support the use of the poll card as a form of identification."

We believe on these Benches that the Government need to look at this again.

The Government could learn a lot from Canada on this subject. Its vouching system allows a citizen who has ID and appears on the electoral roll to sign an affidavit to confirm the identity of another voter who does not have identification. That provides a clear paper trail linked to registered voters so that any suspicions of irregularities can be investigated. It also ensures that many citizens without identification, or those who feel uncomfortable providing it, can still cast their vote.

In Canada, it is possible to present identification in up to 50 different formats. We have heard that even the Pickles report, on which the Government are leaning heavily in this part of the Bill, suggests that utility bills could be included as a possibility. The noble Lord, Lord True, has stated that photographic ID is the most "secure and appropriate" model of voter ID. However, the Government have consistently failed, as we have heard today from other noble Lords, to provide any evidence of personation fraud that would require this tightening of security around voters' identity. As the noble Lord, Lord Woolley, said, the case for fraud has not been made.

In Committee the noble Baroness, Lady Scott of Bybrook, said that the issue is

"about making sure that as many people as possible take up their democratic right to vote".—[*Official Report*, 17/3/22; col. 550.]

I could not agree more. However, if that is the Government's intention, I genuinely do not understand why amendments to expand the acceptable documentation are not being accepted. We debated this long in Committee. We have heard again today that the availability of identification is lower among a certain number of groups and would likely drive down participation. There is clear evidence to support this. As my noble friend Lord Grocott said, this is a new hurdle. Enabling non-photographic identification and the adoption of a vouching system, as in my amendment, would help to mitigate against the serious concerns about the impact of photographic voter identification on turnout.

5.15 pm

My noble friend Lady Lister mentioned engagement. Noble Lords will be aware that I have previously expressed concern about the lack of engagement in and scrutiny of much of this Bill. The Minister has claimed that extensive engagement has taken place to understand the needs of voters with protected characteristics, and that there has been a significant programme of work to engage civil society organisations. Unfortunately, despite considerable concern from groups representing voters with protected characteristics and wider civil society groups, nothing in the proposals has changed and the Government have adopted the most stringent form of voter identification possible.

If the Government were keen to gather views, they could have done so with pre-legislative scrutiny of the proposals and a search for consensus and common ground. I repeat my request to the Minister for post-legislative scrutiny of parts of the Bill—including this clause, which will have a huge impact on the way in which our elections are run. Does he also accept that we need a much wider range of acceptable identification documents so that, if the Government insist on bringing in voter identification at the polling booth, it will have as little impact on participation as possible?

We believe that my Amendment 6 and Amendment 7 in the name of the noble Lord, Lord Rennard, are compatible with Amendment 8 in the name of the noble Lord, Lord Willetts. I commend the amendment in the name of the noble Lord, Lord Willetts; if he tests the opinion of the House, we will support it.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, I am grateful to those who have spoken. In case I forget it, I will take up right at the start the point made by the noble Baroness, Lady Hayman, about post-legislative scrutiny; she has made it before. As I have said from the Dispatch Box and in our engagement, it is something on which the Government are reflecting.

If the proposition put by the noble Lord, Lord Woolley of Woodford, and the noble Baroness, Lady Jones, to leave out Clause 1 and Schedule 1 is accepted, your Lordships' House will be saying to the other place, in striking out the whole proposition, that noble Lords find it perfectly reasonable for photographic identification to be required in our society for travelling, picking up a parcel and being allowed to drive but not for choosing Members of another place. That is the message your Lordships would send to another place, which has sent us this Bill with its approval.

As has been said by a number of those who have spoken, this topic has been discussed exhaustively in both Houses at almost every single stage of the passage

of the Bill. This is not the first time that we have seen these amendments so I will keep my speech on the main points short; however, I will answer the detailed amendments that have been put forward.

The Government's position on this debate has not changed. As the noble Lord, Lord Woolley, acknowledged, introducing a requirement to show identification to vote in polling stations was a manifesto commitment, was discussed during the election and is an issue in which the Government believe strongly. In our submission, voter identification is part of a series of measures that will help to prevent fraud and abuse taking place at polling stations.

There are issues of climate and balance, both of which were spoken to wisely by the noble Baroness, Lady Fox, and my noble friend Lord Hodgson of Astley Abbotts. We have thought carefully about these matters and believe that this is a reasonable and proportionate measure. I want to reassure the Chamber again that everyone who is eligible to vote will continue to have the opportunity to vote.

In an impressive speech that should give food for thought to a number of us, my noble friend Lady Verma asked whether the voter card was only for people without other accepted forms of identification. It is certainly in the interests of accessibility and helping people to vote and intended for those without other accepted ID, but there is no restriction on anyone applying for the free voter card, as long as they are registered or have applied to be. Cards will be available free of charge from each elector's local authority for any elector who does not have one of the wide range of accepted forms of identification that the Government are already proposing—not unrecognisable identification, as the noble Lord, Lord Rennard, claimed, but yes, expired identification if it is recognisable.

Similar measures have been in place across the world and in this country; Northern Ireland has had photographic voter identification since 2003, when it was brought in by the Labour Government of the time. As I have said before, we submit that this is part of an essential suite of measures to ensure that our democracy continues to be effectively protected from fraud. The Government therefore cannot support an amendment to remove these propositions.

I will address specifically the various amendments that fall short of the total rejection of the proposition of photo identification. I think the noble Lord, Lord Desai, would fairly acknowledge that his speech was not entirely welcome to some in the House, but he spoke one truth that was picked up by my noble friend Lady Verma. He said he saw no reason why anyone should be put off by having to show photographic identification, and we agree with him on that.

The noble Lord's Amendment 2 would provide that the Electoral Commission should be responsible for issuing voter cards, rather than individual EROs. Amendment 3 would say that voter cards should be issued automatically to all eligible electors rather than just those who apply for them, and Amendment 4 has specific details that should be on the cards. Collectively, they would make a significant change to our voter identification policy. By including significantly more personal information and mandating that they be issued unilaterally to the entire electorate for relevant elections, the noble Lord's proposition would in effect become tantamount to a national identity card. He is very happy about that, as indeed is the noble Lord, Lord Maxton, but this is not something that the Government intend in any way in these propositions or have plans to introduce, and therefore—I regret to tell the noble Lord, Lord Desai—not something we can support.

I now turn to Amendments 5 to 7, spoken to by the noble Baroness, Lady Hayman of Ullock, and the noble Lord, Lord Stunell, regarding alternative options for voters to prove their identity at polling stations. The Government cannot support these amendments either, as they would open the way to use of documents that are less secure than those in the list we have put before your Lordships.

The first suggestion, in Amendment 6, is that an elector could prove their identity by showing any document issued to them by their local authority or returning officer that shows their name and address, or their poll card. This is not something we can support. Few, if any, such documents will show a photograph of the elector, so they cannot be used simply and easily to prove at the polling station that the bearer of the document is who they say they are. Such documents could easily be intercepted—particularly in places of multiple occupation, for example—and could give false legitimacy to a potential personator.

Allowing any documents issued by local authorities or returning officers would also open significant avenues for forgery, for a forger would simply need to copy the letterhead from correspondence, which would be straightforward to extract from an electronic version emailed to them by their local authority.

Similarly—and I know the noble Baroness feels strongly about this, and I understand her feelings about it—permitting attestation at polling stations is not something this Government can support. Again, all attestation would leave open an avenue for electoral fraud, and potentially expose legitimate electors to a situation which I know from our previous debates everyone in this House wishes to prevent, where an elector could be intimidated or coerced into breaking the law to falsely vouch for a person.

Lord Grocott (Lab): The Minister mentions attestation, but this Bill specifically introduces at a later stage the allowing of attestation for overseas voters to get on the electoral roll, so I cannot see why he is quite so concerned about this.

Lord True (Con): My Lords, I am explaining to the House why we are concerned in this particular context. I would have thought the noble Lord, having listened to the speech by my noble friend Lady Verma, might feel there is something in what she said.

I wish to reassure your Lordships that our intention remains to realise our ambition that the last possible point at which electors can apply for a voter card will be 5pm the day ahead of a poll. We consider that this too should reduce the need for attestation. Up to 5pm the day before a poll, the card will be available.

I now turn to Amendment 8 laid by my noble friend Lord Willetts—others have supported it. It suggests an even wider number of new documents that could

[LORD TRUE]
be used as a form of identification at the polling station. This too is a topic debated at length in both Houses, and the other place settled on the propositions we have before us.

As I have already discussed, the majority of these suggestions do not show a photograph of the elector and so cannot provide the appropriate level of proof that the bearer is who they say they are. Looking further down the list in Amendment 8 at some of the suggestions which do display photographs, I wish to reassure noble Lords that the list of identification was developed with both security and accessibility in mind—this point was addressed by my noble friend Lord Hodgson of Astley Abbotts in his thoughtful speech. Unfortunately, some of the forms of identity listed in my noble friend's amendment are not sufficiently secure for this purpose.

We cannot permit any workplace ID or student ID card, as we cannot be sure of how rigorous the process is to issue these documents. The 18+ student Oyster photocard and the National Rail card have also been suggested before—unfortunately, currently, the process for applying for these documents is insufficiently secure for the purposes of voting. The final suggestion on the list is the Young Scot National Entitlement Card. This card is accredited by PASS, the National Proof of Age Standards Scheme, and so will already be accepted as proof of identity under the current proposed legislation.

Should further forms of photo identification become available and—I stress this—be sufficiently secure, I reassure the House that the Bill already makes provision, in paragraph 18(4)(1Q) of Schedule 1, for the list to be amended so that additional identification can be added or removed as necessary without the need for further primary legislation.

In summary, taken together, these amendments would weaken the security of our elections and the propositions that we have put before your Lordships. Therefore, they are not something we can support. I urge the noble Lord to withdraw his amendment.

Lord Grocott (Lab): I apologise for intervening again, as we are trying to get on with this, but I did ask a specific question. What, if any, estimate have the Government made of the effect of these proposals on turnout in elections? If they have not made any estimate of that, why not?

5.30 pm

Lord True (Con): My Lords, the Government's objective—as indeed is the objective of anybody who practices the art of politics—is to achieve the highest number going to the polling station. The noble Lord knows well that turnout is not affected by any specific institution or object; turnout varies according to the electors' very broad perceptions of the state of politics. If the noble Lord, Lord Grocott, were standing as a candidate in the constituency in which I was living, I would flock—if an individual can flock—to the poll to vote for him; I might not for others. Turnout is contingent, but the Government's desire is to see as many people as possible voting. That is why the photo ID card will be free and why the Electoral Commission will operate a major national publicity campaign from next year to ensure that people are fully aware of it.

Lord Woolley of Woodford (CB): It has been an interesting debate. I want us to move on, but I want to pick up a couple of points raised, not least those raised by my noble friends Lady Verma and Lord Desai regarding the point that there is not a race issue around voter ID. I think we should put our political colours aside for the moment—that is really important—and look at the facts. When we did these pilot projects, there was one in particular in Derby in which Africans, Asians and Caribbeans—more colloquially, black and brown people—came to vote and did not have the right identification. Many—and this is the point—disproportionately black and brown people, did not come back to exercise their franchise.

I do not know where people get their information from but if we base this on the facts we see that we are hit harder—and that is before we even get to the polls. If you calculate the number—it was between 0.5% and 0.7%—of those who came to the polls, were turned away and never came back, and translate it to the general population, you will see that we would be looking at hundreds of thousands, if not more than 1 million people, being turned away before exercising their franchise. Are we happy to accept that? Ask yourself that one question.

The other point I want to make is this. People talk about identification cards, but let me ask the House these straight questions. How many noble Lords—raise your hands—have been stopped and searched by the police? How many noble Lords have been stopped and strip-searched? I am sorry if noble Lords find this funny. It really is not funny—ask Child Q if it is funny. I say to my noble friend Lady Verma that for a lot of young Africans and Asians the worry is that, in the hands of the authorities, identification cards will be used to target us, because that is our lived experience. So we worry: we worry that it will be abused; that we will be harassed and humiliated. I know this is a digression, but the subject came up and I wanted to knock it on its head.

I am also from Leicester and I also know the young Africans and Muslims there. They are worried about what we do here. They want us to use our energy and our wisdom to ensure that they know about this institution, that they understand it, and that they can effectively register to vote—which I hope we will vote on shortly—and for people like me to express their lived experience and protect them. That is why I am worried about photo ID. I want to make it work. I want to bring people in, not lock people out.

I thank noble Lords for giving me that time. I beg leave to withdraw the amendment.

Amendment 1 withdrawn.

Schedule 1: Voter identification

Amendment 2

Moved by ***Lord Desai***

2: Schedule 1, page 69, leave out line 8 and insert "The Electoral Commission must provide an electoral identity document to"

Lord Desai (Non-Afl): I want to move Amendment 2 because I feel that I have a simpler solution to what the Government propose. I beg to move.

The Deputy Speaker decided on a show of voices that Amendment 2 was disagreed.

Amendments 3 to 7 not moved

Amendment 8

Moved by ***Lord Willetts***

8: Schedule 1, page 83, line 25, at end insert—

"(1HA) In this rule a "specified document" also means any of the following documents (in whatever form issued to the holder)—

(a) a driving licence;

(b) a birth certificate;

(c) a marriage or civil partnership certificate;

(d) an adoption certificate;

(e) the record of a decision on bail made in respect of the voter in accordance with section 5(1) of the Bail Act 1976;

(f) a bank or building society cheque book;

(g) a mortgage statement dated within 3 months of the date of the poll;

(h) a bank or building society statement dated within 3 months of the date of the poll;

(i) a credit card statement dated within 3 months of the date of the poll;

(j) a council tax demand letter or statement dated within 12 months of the date of the poll;

(k) a P45 or P60 form dated within 12 months of the date of the poll;

(l) a standard acknowledgement letter (SAL) issued by the Home Office for asylum seekers;

(m) a trade union membership card;

(n) a library card;

(o) a pre-payment meter card;

(p) a National Insurance card;

(q) a workplace ID card;

(r) a student ID card;

(s) an 18+ student Oyster photocard;

(t) a National Rail Railcard;

(u) a Young Scot National Entitlement Card."

Lord Willetts (Con): My Lords, I think it is important to test the opinion of the House. The Minister spoke very eloquently but this is still an enormous and expensive measure of red tape to solve a problem that no one insists is a serious issue in the British electoral system. I therefore seek the opinion of the House.

5.37 pm

Division on Amendment 8

Contents 199; Not-Contents 170.

Amendment 8 agreed.

Division No. 1

CONTENTS

Adams of Craigielea, B.
Addington, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Anderson of Ipswich, L.
Armstrong of Hill Top, B.
Baker of Dorking, L.
Bakewell of Hardington Mandeville, B.
Barker, B.
Bassam of Brighton, L.
Benjamin, B.
Bennett of Manor Castle, B.
Best, L.
Blackstone, B.
Blake of Leeds, B.
Blower, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Bradley, L.
Brennan, L.
Brinton, B.
Brooke of Alverthorpe, L.
Brown of Eaton-under-Heywood, L.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burt of Solihull, B.
Campbell of Pittenweem, L.
Campbell of Surbiton, B.
Campbell-Savours, L.
Carlile of Berriew, L.
Cavendish of Little Venice, B.
Chakrabarti, B.
Chandos, V.
Clancarty, E.
Clark of Windermere, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Corston, B.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Dholakia, L.
Donaghy, B.
Drake, B.
D'Souza, B.
Dubs, L.
Eatwell, L.
Erroll, E.
Evans of Watford, L.
Falconer of Thoroton, L.
Faulkner of Worcester, L.
Featherstone, B.
Finlay of Llandaff, B.
Foulkes of Cumnock, L.
Fox of Buckley, B.
Fox, L.
Garden of Frognal, B.
German, L.
Glasman, L.
Goddard of Stockport, L.
Golding, B.
Grantchester, L.
Grey-Thompson, B.
Griffiths of Burry Port, L.
Grocott, L.
Hacking, L.
Hannay of Chiswick, L.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Hollins, B.
Hope of Craighead, L.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussein-Ece, B.
James of Blackheath, L.
Janvrin, L.
Jay of Paddington, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Kennedy of Cradley, B.
Kennedy of Southwark, L.
Kennedy of The Shaws, B.
Kerr of Kinlochard, L.
Kerslake, L.
Khan of Burnley, L.
Kingsmill, B.
Kinnoull, E.
Kramer, B.
Layard, L.
Lee of Trafford, L.
Liddle, L.
Lipsey, L.
Lister of Burtersett, B.
Londesborough, L.
Loomba, L.
Low of Dalston, L.
Ludford, B.
Macdonald of River Glaven, L.
Mackenzie of Framwellgate, L.
Mann, L.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNicol of West Kilbride, L.
Meacher, B.
Merron, B.
Miller of Chilthorne Domer, B.
Morris of Aberavon, L.
Morris of Yardley, B.
Murphy of Torfaen, L.
Newby, L.
Nye, B.
Oates, L.
O'Loan, B.
Paddick, L.
Palmer of Childs Hill, L.
Parekh, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Pitkeathley, B.
Ponsonby of Shulbrede, L.
Prashar, B.
Primarolo, B.
Purvis of Tweed, L.
Quin, B.
Ramsay of Cartvale, B.
Ravensdale, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Reid of Cardowan, L.
Rennard, L.
Ritchie of Downpatrick, B.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Russell of Liverpool, L.
Sawyer, L.
Scott of Needham Market, B.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.

Sikka, L.
Smith of Basildon, B.
Smith of Finsbury, L.
Snape, L.
Stansgate, V.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Warwick, L.
Teverson, L.
Thomas of Cwmgiedd, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Triesman, L.
Truscott, L.
Tunnicliffe, L.
Tyler of Enfield, B.
Uddin, B.
Vaux of Harrowden, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watkins of Tavistock, B.
Watson of Invergowrie, L.
Watts, L.
Wellington, D.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willetts, L.
Woolf, L.
Woolley of Woodford, L.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Altrincham, L.
Anelay of St Johns, B.
Arbuthnot of Edrom, L.
Ashton of Hyde, L.
Astor of Hever, L.
Attlee, E.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.
Berridge, B.
Bew, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bourne of Aberystwyth, L.
Brady, B.
Bridgeman, V.
Browne of Belmont, L.
Brownlow of Shurlock Row, L.
Caine, L.
Caithness, E.
Callanan, L.
Carrington of Fulham, L.
Chisholm of Owlpen, B.
Cormack, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Davies of Gower, L.
De Mauley, L.
Desai, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Eaton, B.
Eccles of Moulton, B.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Farmer, L.
Faulks, L.
Fleet, B.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Framlingham, L.
Frost, L.
Gardner of Parkes, B.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Godson, L.
Gold, L.
Goldie, B.
Goodlad, L.
Goschen, V.
Greenhalgh, L.
Greenway, L.
Hamilton of Epsom, L.
Harding of Winscombe, B.
Harlech, L.
Harrington of Watford, L.
Haselhurst, L.
Hayward, L.
Helic, B.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
Jenkin of Kennington, B.
Jopling, L.
Judge, L.
Kakkar, L.
Kamall, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lingfield, L.
Lucas, L.
Mancroft, L.
Manzoor, B.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Moore of Etchingham , L.
Morgan of Cotes, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Osamor, B.
Parkinson of Whitley Bay, L.
Patel, L.
Penn, B.
Pidding, B.
Porter of Spalding, L.
Price, L.
Randall of Uxbridge, L.
Ranger, L.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Sanderson of Welton, B.
Sandhurst, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.
Shinkwin, L.
Shrewsbury, E.
Smith of Hindhead, L.
Spencer of Alresford, L.
Stedman-Scott, B.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathclyde, L.
Sugg, B.
Suri, L.
Taylor of Holbeach, L.
Trefgarne, L.
Trenchard, V.
True, L.
Tugendhat, L.
Udny-Lister, L.
Vere of Norbiton, B.
Verma, B.
Wasserman, L.
Wei, L.
Wharton of Yarm, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Young of Cookham, L.
Younger of Leckie, V.

5.52 pm

Amendment 9 not moved.

Clause 3: Restriction of period for which person can apply for postal vote

Amendment 9A

Moved by ***Baroness Quin***

9A: Clause 3, leave out Clause 3

Baroness Quin (Lab): My Lords, I shall speak to Amendment 9A and also Amendments 9B and 70, which are consequential amendments in this group. These amendments relate to my ongoing concerns about the new postal vote restrictions in Clause 3 and Schedule 3.

I wrote to the Minister about this subject following our earlier, very brief discussion. In particular, I asked him what evidence there was to back up his remarks that an indefinite postal vote, in the way we have at present,

"presents a significant security concern".—[*Official Report*, 21/3/22; col. 739]

For reasons that are completely understandable, I did not receive a reply before the deadline for tabling amendments. It is a pity, in a way, because I might not have felt it necessary to table these amendments if I had been able to receive a reply, but I totally understand that the Minster was unavoidably absent over recent days, and I realise too that it would have been better to send my email to the department rather than using a parliamentary route. None the less, I am very glad that

the Minister is back with us today. As I say, there was a brief discussion on 21 March about the new restrictions on postal voting. Unfortunately, I could not be present on that occasion, but I was very grateful to my noble friend Lord Collins of Highbury for referring to some of my concerns.

The background to this is that I come from a part of the country where postal voting rates are among the highest in the UK, and have been consistently so ever since the Labour Government's experiments with all-postal ballots between 2001 and 2005. For example, in the 2010 election, eight out of the top 10 constituencies for postal voting were in Tyne and Wear. Newcastle Central was at the head of the list, with a rate of over 40%. I very well remember, in my old constituency of Gateshead East and Washington West, when the all-postal ballots took place, I was so struck by the number of people who had not voted by post before and really appreciated it because they felt it suited their lifestyle much more.

Voting in person, on a Thursday—a system that came into force when most people lived and worked very locally and there was far less commuting and travel—has become very difficult for a lot of people, and remains difficult. Many of us who have knocked on doors on election day to try to get people out to vote at the last minute have experienced this. Sometimes people have come home from work and are reluctant for all kinds of reasons. Whether it is the weather or something much more important perhaps, such as leaving a child at home, they are very reluctant to venture out again. We have seen this phenomenon grow over the years so that it has a negative effect on turnout. When the all-postal ballots took place in my area, in local elections we experienced a hike from 20% to 50%. In the area that I lived and knew, there were no instances of fraud whatsoever; there was no evidence of fraud.

At the time, the Conservative Party was very much opposed to these postal ballots, fearing that the Labour vote in particular would go up. However, when one looks at the evidence, particularly over a number of years, this is not really the case. Voting went up dramatically, but it did so proportionately.

As a result of these experiments, postal voting in my part of the world has remained very high. I mentioned that, in the 2010 general election, eight out of the 10 highest constituencies for postal voting were in the north-east. In 2017, that was still true—Newcastle North was, I think, head of the list with 44.3%. In the 2019 election, the rate fell slightly but, none the less, in the north-east it was still high with, I think, Houghton and Washington East having the highest rate.

In raising these concerns today, I am concerned in case this Conservative Government are in some way antagonistic to postal voting. I ask the Minister: is it the Government's aim to facilitate postal voting or hamper it? It seems to me that it would be particularly crazy to make it more difficult for postal voting to take place at a time of a pandemic, when postal voting is particularly valued by people who, for various reasons, might be nervous about going to polling booths. The Pickles report, which has a lot of good things in it and has been quoted by a number of Members during the course of our debate, was, I think, in favour of some restrictions on postal voting, but let us remember that it was produced in 2016, pre-pandemic and before the experience of the last couple of years. Listening to the earlier debates today, and listening to so many people, quite rightly, worrying about a decline in voting, I think it seems crazy to bring in a measure that does not seem to be backed up by evidence and could reduce the number of people taking part in an election and, in particular, voting by post.

I know that, over the years, there has been much stress on the danger of fraud and, although there have been instances of fraud, which I completely deplore, they would not have been stopped by these provisions in the Bill. The fraud took place in different circumstances. Also, keeping on talking about fraud, in areas where there has not been any, does talk up a non-existent problem. I very much agreed with the comments made earlier by my noble friend Lady Lister on that subject. Certainly, the more it is said that there is a problem of fraud, the more in general that the electorate is likely to perceive that there is a problem of fraud. Yet, in constituencies where postal votes have had the highest rate of participation, there has not been fraud. As I say, in any case, these particular measures would not have prevented fraud that has happened elsewhere.

My honourable friend Fleur Anderson in the House of Commons made this and similar points in another rather short debate on the subject. I was disappointed that, in her reply, the Minister in the Commons said that Labour was simply focusing on costs and administrative burdens and that these were being overstated. This was not true. My honourable friend was mostly concerned with the lack of evidence in backing up these new restrictions. The measures were also criticised by Scottish members in the House of Commons—not surprisingly since Scotland and Wales allow indefinite postal voting under the current arrangements but will have to impose the new limits for UK parliamentary elections only. This leads to a confusing and unjustified situation.

6 pm

I recognise that the Government have conceded in a number of areas in the Bill, but I put on the record my opposition to these postal voting provisions, which I believe are unnecessary and unhelpful. Could I at the very least ask the Minister—assuming that these measures become law—to ensure that if postal voting is seen to further reduce in areas like mine, where it has been so successful and not caused problems of fraud, that the Government will be prepared to look again and review the impact of these measures to fulfil the goal I understand we all have, which is of increasing turnout?

I conclude by saying once again that I wish a cross-party view of this had been sought and agreed on the basis of evidence. The Bill does bear the stamp of partisanship, and cross-party agreement on issues such as these is much better than a one-sided approach.

Lord Rennard (LD): My Lords, there is a problem with permanent postal votes, and it is a problem for which I am partly responsible. It is the issue of matching the signatures on the applications to vote by post with the certificate that goes with the ballot papers when they are sent off. That arose from an amendment for

[Lord Rennard]
which I was responsible quite some years ago, when my concern was to reduce the prevalence of postal vote fraud. I thought it was important to have matching signatures on the application to vote by post and the certificate on the ballot paper. But I have some reservations about what will happen if we end permanent postal votes. It may mean you get a fresh signature on the application that can be compared with the certificate that goes with the ballot paper, and the problem at the minute for which I am partly responsible is that, very often, the signature is deemed not to match the signature on the application to vote by post. Sometimes this is because, as people get older, their handwriting changes, and large numbers of postal votes are rejected. There is a problem and a case for people re-registering.

My fear is that if we stop the system of automatic postal votes, trying to get people to renew their postal vote applications will favour the richest parties with the biggest databases, which are more able to contact people by post and ask them to re-register. Mitigating against that will be the new system for applying to vote by post online, and I very much welcome that. But I wonder if the Minister might be able to tell us how you can maintain a system of verifying signatures on an application to vote by post and a certificate that accompanies the ballot paper—and do so online.

I also wonder, for the millions of people who choose to vote by post, when their three-year limit comes to an end, how they will be told that they have to apply again to vote by post. It seems that one letter in the post would not be enough. We need an extensive government communication campaign to tell people that if they wish to apply to vote by post, they need to do so and to reapply by the end of their three-year limit.

Baroness Hayman of Ullock (Lab): I will be very brief, because we need to make progress. I just say that, clearly, we are aware that there have been issues with postal vote fraud, and it is important the Government do everything they can to tackle this. However, I understand the concerns so clearly laid out by my noble friend Lady Quin, who makes some good points about potential unintended consequences of these changes. I would be very interested to hear the Minister's response and his reassurance on these matters.

Lord True (Con): My Lords, I thank the noble Baroness, Lady Quin, for her kind remarks, and I apologise that she did not get a response. I assure her that I was horrified when I went into my office this morning and found her letter there, but I did not have a forwarding arrangement to my sick bed, I am afraid. I understand that the purpose of the clause that she wants to remove is to seek to strengthen the current arrangements for applying for a postal vote. It is not intended to in any way attack the principle of the postal vote.

The noble Baroness asked about evidence. The Electoral Commission winter tracker for 2021 found that 21% of people who were asked thought that postal voting was unsafe compared to 68% who thought it was safe. There has been evidence of postal voting fraud reported in Tower Hamlets, Slough, Birmingham and Peterborough among other places, but that does not invalidate the case for postal voting itself. What the Government are proposing is to facilitate online application, as the noble Lord, Lord Rennard, said we are doing. Our intention, as with other elements in this Bill, is to improve safeguards against potential abuse.

As the noble Baroness acknowledged, the set of measures implements recommendations in the report by my noble friend Lord Pickles—he has appeared behind me—into electoral fraud that address weaknesses in the current absent voting arrangements. Also, a 2019 report by the Public Administration and Constitutional Affairs Committee gave support to the proposed voting reforms. The proposal is to require an elector to reapply at least every three years, and that will enable the electoral registration officer to regularly assess the application and confirm that they are still an eligible elector. Also, it gives an opportunity, as I said at an earlier stage of the Bill, for someone caught in a cycle of coercion, or who is coerced into having a postal vote to enable their vote to be influenced on an ongoing basis, to break out of that situation. It makes it harder to maintain ongoing coercion.

Keeping details more up to date will reduce wasted costs of postal votes being sent to out-of-date addresses where, again, there may be risk of abuse. Under the Bill, there will also be transitional provisions for existing long-term postal voters, and we intend to phase in the measure for them so that they will have advanced notice to enable them to prepare for the administrative change. EROs will be required to send a reminder to existing postal voters in advance of the date they cease to have a postal vote and provide information to them on how to reapply for it, including online. We believe this is an important measure that could strengthen the integrity of postal voting and not undermine it in any way.

I will of course reflect on the points the noble Lord, Lord Rennard, made in the debate. I was surprised to hear him accepting responsibility; I thought he accepted responsibility only for defeating Conservative candidates at elections. But I will take that admission as well.

Postal voting remains an important part of our electoral system. We do not believe that moving from five to three years, for reasons including those referred to by the noble Lord, Lord Rennard, would invalidate the position, and I hope the reassurance I have given, and the supporting evidence, plus the reports and recommendations I have cited, will enable the noble Baroness to withdraw her amendment.

Baroness Quin (Lab): My Lords, I thank the Minister for that reply. I am still somewhat concerned about the possible effects of these measures, but I am encouraged by the Minister's words that the Government in no way want to discourage postal voting and they see it as an important part of our electoral processes. I just hope that the Government will look at the evidence as the situation progresses. In the light of what has been said, and in the interests of making progress, I wish to withdraw the amendment.

Amendment 9A withdrawn.

Schedule 3: Restriction of period for which person can apply for postal vote

Amendment 9B not moved.

Clause 7: Requirement of secrecy

Amendment 10

Moved by ***Lord True***

10: Clause 7, page 10, line 33, leave out "a local government election in Scotland or Wales" and insert "an election in Scotland or Wales under the local government Act"

Member's explanatory statement

This amendment fixes a minor drafting issue in relation to references to local government elections.

Lord True (Con): My Lords, I rise to speak to Amendments 10 to 18, 20 to 25, 47 and 50 tabled in my name. Apart from Amendments 20 to 25, these are all technical amendments to ensure consistency with the way in which local government elections are currently referred to in the Representation of the People Act 1983. The relevant provisions under Part 2 of the 1983 Act refer to

"an election under the local government Act"

rather than using the term "local government election", and these proposed amendments therefore reflect the more appropriate terminology to use. They will also ensure that earlier amendments applying these matters to reserved elections only meet that stated aim.

Finally, due to earlier amendments to ensure that the modernised undue influence offence applies only to reserved and excepted elections, amendments in Schedule 5 which currently cross-refer to Section 115 of the 1983 Act should instead refer to the new Section 114A. Technical Amendments 20 to 25 will correct this to ensure that the amendments made by the schedule function as intended. I hope that noble Lords will be able to support those amendments. I beg to move.

Amendment 10 agreed.

Amendment 11

Moved by ***Lord True***

11: Clause 7, page 10, line 38, leave out "a local government election in England" and insert "an election in England under the local government Act"

Member's explanatory statement

See the amendment in Lord True's name at page 10, line 33.

Amendment 11 agreed.

Clause 8: Undue influence

Amendments 12 to 18

Moved by ***Lord True***

12: Clause 8, page 11, line 10, leave out "is guilty of undue influence if the person" and insert "("P") is guilty of undue influence if P"

Member's explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True's name at page 10, line 33.

13: Clause 8, page 11, line 12, leave out "an elector or proxy for an elector" and insert "a person"

Member's explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True's name at page 10, line 33.

14: Clause 8, page 11, line 19, leave out "an elector or proxy for an elector" and insert "a person"

Member's explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True's name at page 10, line 33.

15: Clause 8, page 11, line 21, leave out "an elector or proxy for an elector" and insert "a person"

Member's explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True's name at page 10, line 33.

16: Clause 8, page 12, line 3, leave out "a local government election in Scotland or Wales" and insert "an election in Scotland or Wales under the local government Act"

Member's explanatory statement

See the amendment in Lord True's name at page 10, line 33.

17: Clause 8, page 12, line 6, leave out "a local government election in Scotland or Wales" and insert "an election in Scotland or Wales under the local government Act"

Member's explanatory statement

See the amendment in Lord True's name at page 10, line 33.

18: Clause 8, page 12, line 8, leave out "a local government election in Scotland or Wales" and insert "an election in Scotland or Wales under the local government Act"

Member's explanatory statement

See the amendment in Lord True's name at page 10, line 33.

Amendments 12 to 18 agreed.

Amendment 19

Moved by ***Lord Hayward***

19: After Clause 8, insert the following new Clause—

"Security of the vote

(1) The Electoral Commission must issue guidance on—

(a) steps that presiding officers or clerks should take to ensure the secrecy of the ballot in polling stations, including on barring anyone from accompanying the elector into the polling booth, unless on grounds of infirmity, and

(b) compliance with the provisions in section 8.

(2) Local authorities and returning officers must take such steps as are necessary to ensure that the guidance under subsection (1) is followed."

Lord Hayward (Con): My Lords, I first welcome my noble friend the Minister back to his place. He has dealt, as manfully as he possibly could in the circumstances of his ill health, with queries that many of us have had, although I just wish that when he was referring to the noble Lord, Lord Rennard, he had not referred to his greatest victories, since that was a dagger fairly close to my heart—but that is another matter.

In Committee, I moved an amendment in relation to secrecy of the ballot, and I identified the serious problems we have with what is called "family voting". This is not just in relation to Tower Hamlets but elsewhere too. In the response to that amendment, my noble friend Lady Scott was very helpful in saying:

"The current legislation requires that voters should not be accompanied by another person at a polling booth except in specific circumstances, such as being a child of a voter, a formal companion or a member of staff."

[LORD HAYWARD]

It is fair to say that there was unanimity in the Chamber in relation to that as an understanding of the law. My noble friend then went on to say:

"However, given the important concerns that have been raised on the secrecy of voting, Minister Badenoch will be writing to the Electoral Commission and the Metropolitan Police to confirm our common understanding"—

that confirms the unanimity within this House—

"that the only people who should provide assistance at a polling booth are polling station staff and companions who are doing so only for the purpose of supporting an elector with health and/or accessibility issues".—[*Official Report*, 21/3/22; cols. 750-51.]

My noble friend the Minister has been exemplary in her writing a letter, and it is fair to say that we have had very quick replies from both the Electoral Commission and the Metropolitan Police. One might, therefore, wonder why I am raising this question and this amendment at this stage, but I want briefly to go back over the history of the problems in Tower Hamlets, although it also relates to other parts of the country as well.

While looking at this issue, I turned up a report prepared by the Electoral Commission in 2013, and it said then:

"Without taking steps now to begin rebuilding confidence and trust between the key participants in the election process, we are concerned that the May … elections will again be damaged by allegations of electoral fraud."

We then had the farce of 2014 in terms of what went to court with Lutfur Rahman. Despite what the Electoral Commission said in that report, Richard Mawrey criticised the commission in paragraph 274 of his judgment:

"All one may say, with the greatest of respect for the Commission, that the enquiries into the structures of"—

Tower Hamlets First—

"cannot have been excessively rigorous."

We then had the court case and then, in 2018, Democracy Volunteers—to which I referred in the last debate—produced a report citing quite staggering numbers for family voting continuing to take place. Therefore, action is clearly not being taken.

6.15 pm

I have sympathy with the Metropolitan Police here, because the guidance that everybody relies on across the country, not just in terms of the Met, is provided by the Electoral Commission. That is the organisation to which anyone—such as the police forces—would naturally turn. What is the position of the Electoral Commission, and is it absolutely clear in its guidance? The answer to that is no; it has not been clear over a number of years. The net result is that the Metropolitan Police, when it receives complaints in relation to family voting, says, quite staggeringly, that the only people who can complain are those affected—in other words, the wives being accompanied to the polling booth. Is it really credible that complaints will be filed in those circumstance? What should actually be said—clearly, effectively and in writing from the Electoral Commission—is that this is against the law.

I read with interest the response to the Minister both from the Electoral Commission and the Metropolitan Police. The Electoral Commission said in the first paragraph of its letter that it is

"the Commission's established and consistent position on this important subject".

"Consistent" would imply over a number of years. However, the Metropolitan Police has had difficulties, as have polling officers, applying the guidance that it has received from the Electoral Commission. The letter goes on to say that:

"The right to vote in secret is set out in UK electoral law. Anyone attempting to steal someone else's vote, or to influence inappropriately how another person votes, is committing an offence. For this reason, and as stated in your letter"—

namely, the letter from the Minister—

"voters should not be accompanied in the polling booth except in specific defined circumstances."

Noble Lords might think that that is absolutely clear, but the letter then goes on to say:

"We give Returning Officers and their staff clear guidance that voters should be supported to vote in secret and free from influence."

It says "supported"—not that someone should be stopped from accompanying another person. So even in the letter which the Electoral Commission has written to the Minister, it is not precise about it. This leaves the Metropolitan Police—and other police forces—in a difficult position. The net result is that the Metropolitan Police, in its letter to Minister, said:

"We have provided additional support to"—

Tower Hamlets—

"Electoral Services to develop improved processes to record incidents of 'family voting' to ensure a consistent approach."

It says "to record", not to stop. Therefore, the Metropolitan Police clearly believes that its job is to record the incidents. Why can we not just say that it is against the law?

Is the Electoral Commission actually being open in its comments about its consistent understanding? To me, the answer to that is quite clearly, "No". I say that because I have a letter from the Electoral Commission, dated 9 December 2021, to Councillor Peter Golds in Tower Hamlets, which says, in paragraph 2 and beyond, that,

"whilst every situation will have different details and evidence, someone accompanying another person into a polling booth … would bring into consideration suspicion whether there may have been an offence … These are matters within the remit of the Police and the CPS."

In effect, the Electoral Commission is passing the buck yet again to other people.

But the problem is highlighted by a note relating to a meeting that took place between Councillor Golds and the Metropolitan Police, dated 21 January 2022—in other words, it was several weeks after that letter was written by Mr Posner, head of the Electoral Commission—which says that

"we have checked with Electoral Commission, and have been informed that just because the voter process was not followed, in terms of secrecy"—

under sections of the RP Act—

"it might not necessarily relate directly to an offence. But as I promised in the meeting Trevor"—

that is, Trevor Normoyle—

"will write to you around secrecy and"

Metropolitan Police findings.

A note a few weeks later from the police to Councillor Golds says—inevitably, with the issues and the obfuscation we have seen:

"I apologise it has taken so long to get a definitive answer … around this",

but

"having conversations with Electoral Commission",

the local authority

"and our own Department of Legal Services … to establish exactly what secrecy means".

In other words, it has taken a long time for the Electoral Commission to establish what secrecy is. This House was absolutely clear; the law has been clear since 1872. But the police, when trying to get clarification from the Electoral Commission, have to write to a councillor in Tower Hamlets and say, "I'm sorry it's taken so long to establish what 'secrecy' means".

It is for that reason that I have tabled this amendment. I wanted to put on record that, unfortunately, the reply from the Electoral Commission is not clear, because it conflicts with what the Electoral Commission says when asked by other people about family voting. Family voting is a malaise that affects not just Tower Hamlets; that is where the debate is concentrated, but we know that it affects many parts of the country. It should be stopped immediately; it should not need this legislation to pass. It is for that reason that I have raised this debate yet again—because the Electoral Commission will not provide consistent advice as to its approach to family voting. I beg to move.

Lord Stunell (LD): My Lords, I have a great deal of sympathy with what the noble Lord, Lord Hayward, has put in front of your Lordships just now. I would have hoped to hear a much more vigorous response from both the Electoral Commission and the Metropolitan Police if the facts are exactly as he brought them to this House. I hope very much that the Minister in replying will be able to give assurances on the one hand about past history but, more importantly, that the department will write in appropriate terms to the Electoral Commission and the Metropolitan Police setting out clearly the best legal advice of the department's lawyers on the interpretation to be put on current legislation. If the Minister is not able to offer us that course of action, I suggest that the noble Lord, Lord Hayward, may want to push his amendment a little further.

Lord Collins of Highbury (Lab): My Lords, I, too, have sympathy with the noble Lord, Lord Hayward. Certainly, this is a matter of concern. I will stress a point he has made: the law is clear, and there is no ambiguity about that. So, if there is an issue, I think it is a matter that the Minister should raise with the Electoral Commission.

Over the many years that I have been campaigning, I have been in no doubt about the authority of the police who patrol around polling stations. It is absolutely clear. One of the things that worries me about the amendment is that it is not necessarily going to clarify something which I think is clear in law. I think it is the responsibility of the Minister to make this clear to the Electoral Commission. The police should have that responsibility; they do not need the advice of the Electoral Commission to apply the law, which, as the noble Lord said, has been there for hundreds of years.

So I hope that the Minister, when he responds, will be very clear that the law needs to be applied and that there is no doubt about it. If there is ambiguity from the Electoral Commission, I hope that the Minister will point it out to it.

Lord True (Con): My Lords, I thank my noble friend for bringing this subject forward again. I know he strikes a chord with all of us on all sides of the House. It is an important issue. There is an important principle which underpins these concerns, and I agree with the noble Lord opposite that the law is clear. Indeed, in the material sent out for the Tower Hamlets elections in May 2022, the guidance to electors states:

"Under no circumstances are family members and/or friends permitted to assist each other when casting their vote in the polling booth".

That is clearly the position.

A person's vote is theirs and theirs alone. I have said before in this House that it is completely unacceptable in the 21st century that women—and it is normally women—experience pressures from family members in the way that we have seen. The Government fully share the feelings of Members who have spoken about the importance of ensuring that this is firmly stamped out from our elections. Secrecy of the ballot is fundamental, and I state unequivocally that the current law requires that voters should not be accompanied by another person at a polling booth except in specific circumstances, such as being a formal companion or a member of staff.

The Electoral Commission issues guidance to returning officers and their staff to support them in upholding the integrity of the process. The Electoral Commission guidance specifically advises polling station staff that they should make sure that voters go to polling booths individually, so that their right to a secret vote is protected. The Electoral Commission will update its existing guidance as necessary, in light of new Clause 8 in the Bill, which extends secrecy protections to postal and proxy voting.

As my noble friend asked when we last discussed this, given the important concerns that have been raised on voting secrecy, Minister Badenoch wrote to the Electoral Commission and the Metropolitan Police, as my noble friend acknowledged, to confirm our common understanding of the position in law that the only people who should provide assistance at a polling booth are polling station staff and companions who are doing so only for the purposes of supporting an elector with health and/or accessibility issues which need such support. That is the position.

My noble friend spoke about the concerns he still has on the ongoing integrity of elections in Tower Hamlets. However, I hope that having seen the swift commitment of my honourable friend Minister Badenoch to take this issue up, he will be assured that there is and will be a concerted effort to ensure that the integrity of those elections can be upheld and that the law can be upheld everywhere. I know that my noble friend was not satisfied with elements of the Electoral Commission's response, but I hope very much that the commission will examine what has been said in your Lordships' House today and reflect on the points put forward. In that light, I hope that my noble friend will feel able to withdraw his amendment.

6.30 pm

Lord Hayward (Con): I thank my noble friend for his response, which I find reassuring, but I find more reassuring the clear statements from all sides of the House and the emphatic manner in which they were made. Some sections of the Electoral Commission's guidance relating to the process of voting are inadequate and have given rise to confusion for the police in terms of the actions they take. If I could make one request of the Minister, I hope he will have conversations with a number of people over the next week or so and that, as a result, the Electoral Commission will rewrite certain sections of its guidance. They need to be rewritten to provide reassurance to polling station staff, the Metropolitan Police and other police forces. Given the speedy way in which the Minister in the Commons responded previously—I am sure she will do the same on this occasion—I beg leave to withdraw the amendment.

Amendment 19 withdrawn.

Schedule 5: Undue influence: further provision

Amendments 20 to 25
Moved by ***Lord True***

20: Schedule 5, page 113, line 14, leave out "115" and insert "114A"

Member's explanatory statement

This amendment updates a reference to the provision in the Representation of the People Act 1983 relating to undue influence in parliamentary elections, in consequence of amendments made to Clause 8 during Committee stage.

21: Schedule 5, page 113, line 31, leave out "115" and insert "114A"

Member's explanatory statement

See the explanatory note to the amendment in Lord True's name at page 113, line 14.

22: Schedule 5, page 113, line 38, leave out "115" and insert "114A"

Member's explanatory statement

See the explanatory note to the amendment in Lord True's name at page 113, line 14.

23: Schedule 5, page 115, line 26, leave out "115" and insert "114A"

Member's explanatory statement

See the explanatory note to the amendment in Lord True's name at page 113, line 14.

24: Schedule 5, page 116, line 3, leave out "115" and insert "114A"

Member's explanatory statement

See the explanatory note to the amendment in Lord True's name at page 113, line 14.

25: Schedule 5, page 116, line 24, leave out "115" and insert "114A"

Member's explanatory statement

See the explanatory note to the amendment in Lord True's name at page 113, line 14.

Amendments 20 to 25 agreed.

Clause 9: Assistance with voting for persons with disabilities

Amendment 26
Moved by ***Lord Holmes of Richmond***

26: Clause 9, page 12, line 21, after "vote" insert "independently"

Member's explanatory statement

This amendment and the amendment in Lord Holmes' name at page 12, line 22 reference the need for equipment provided for a polling station under rule 29(3A) of Schedule 1 to the Representation of the People Act 1983 to enable or facilitate independent and secret voting by voters who are blind or partially sighted or have another disability.

Lord Holmes of Richmond (Con): My Lords, I will also speak to Amendments 27 to 30 and 34 to 37, which are all in my name. I thank my noble friend the Minister for the courtesy he showed in meeting me on a number of occasions, and his officials for the helpful discussions we have had since Committee. In particular, I thank the noble Lord, Lord Blunkett, for co-signing my amendments and for his wisdom and support, which are well known and appreciated across the House.

In Committee, I set out three pillars that blind and partially sighted people—indeed, all people—should be able to expect when voting: to be able to vote inclusively, independently and in secret. I carry these three pillars through to Report; they are the key pillars anyone should be able to rely on when exercising the most essential and fundamental right in our democracy.

The suite of nine amendments that I set forward would transform Clause 9 and achieve these three pillars, not least for blind and partially sighted voters. The clause will be simply changed by the insertion of "independently" after "to vote", and the insertion of

"(including in relation to voting secretly)"

after the words "rule 37". If agreed, this would set out in statute a high standard that any equipment provided would have to meet for voting independently and in secret.

I have not changed some of the Government's drafting, which refers to "such equipment" that "is reasonable". "Reasonable" would apply were it in the Bill or not, by operation of equalities legislation in this country, so it is all the better for being up front in this clause. I have also not changed the wording

"enabling, or making it easier".

My interpretation of this wording is that it is a two-limb test for the equipment to be provided. I ask my noble friend the Minister to confirm whether this is the Government's view. I believe that is how "enabling" comes into play for people such as myself, who would not be able to vote at all without such equipment. For those people who potentially can vote, but for whom it is unreasonably difficult for a whole host of reasons, "making it easier" comes into play. I see these as two separate and important elements of the clause, which are not set out as a choice to either enable or make it easier. I would welcome my noble friend's view on that element of the clause.

I also talked in Committee about the real need to avoid a postcode lottery, which is absolutely critical. Whether you vote in Kidderminster or Kew, Cambridge or Sheffield, a blind or visually impaired person—or indeed any disabled or non-disabled person—should be assured that there is provision that meets that standard. Prescription could be either of equipment or, as set out in my amendment to new paragraph (3B), around a standard, which I believe is far more than the minimum standard.

Alongside this, moving forward from my Amendment 20 in Committee, I have set out a number of provisions for the Electoral Commission on these needs: to issue statutory guidance; to consult relevant organisations that will have expertise to bring to bear for the guidance; for a duty to report on what has happened at elections on accessibility and provision; and,

for the first time, a duty to put in place performance measures around accessibility for returning officers. Added to this is the need for a "have regard" duty on returning officers for this guidance. Again, I believe that "have regard" is a high statutory duty to achieve.

Amendments 34 to 37 are equally important. They would do exactly what I have just set out in the context of Northern Ireland local elections.

Taken as a whole, these nine amendments would transform Clause 9 and Schedule 6 in terms of inclusive, independent and in secret provision for blind and partially sighted voters. Crucially, if adopted, they would not only make voting inclusive, independent and in secret but mean that people would no longer find voting difficult, upsetting, humiliating or demeaning. Even more so, they should mean that people who perhaps have never voted, for reasons of lack of inclusion, or inability to vote independently or in secret, will be encouraged to come to the poll and exercise their democratic right. I believe these amendments will achieve that. I hope my noble friend the Minister will support them in full. I very much look forward to the debate and I beg to move.

Lord Thomas of Gresford (LD): My Lords, I express my full support and that of the Liberal Democrats for the noble Lord, Lord Holmes of Richmond, for producing this amendment. I congratulate him in particular on the success of his negotiations with the noble Lord, Lord True. I also congratulate the noble Lord, Lord True. This is a very sensible way to deal with a problem that I had not appreciated until last year, when I was partly sighted. The amendment stresses that a person suffering from blindness or partial sight, or another disability, can vote independently and in secret, and will not have to face the humiliation to which the noble Lord, Lord Holmes, referred of having either to announce his vote publicly in a polling booth or to have someone else vote for him.

It was very wise for he and the Minister to agree that the Electoral Commission should give guidance to returning officers and that it would have to consult the bodies concerned—the RNIB and others—before specifying the sort of mechanisms which would enable this to happen. One of the good things about this is that it is not prescriptive and so it allows the mechanisms to improve over time, as new inventions come forward. In Committee, I talked about the pilot scheme going on in, I think, Norfolk, where not only was a frame put over the ballot paper but information was given to the voter by a recording as to what was on the ballot paper. That was an interesting pilot scheme, but maybe more things will develop in the future and the wisdom of these provisions will be recognised. Having agreed the report that must be returned by returning officers, that of course ensures that these provisions are carried out. I very much support this amendment.

Baroness Lister of Burtersett (Lab): My Lords, I too very much support and welcome these amendments. I am very pleased that there have been discussions which have led to an agreement. However, I have been approached by the RNIB, which welcomes the amendments but has some concerns. I want to raise a couple of them now.

One concern was partially addressed by the noble Lord, Lord Holmes of Richmond, when he talked about the postcode lottery. He argued that there is a minimum standard contained in the amendments, but the RNIB's view is that there still is not a minimum standard of provision specified in the Bill. It would like to see that being more explicit. I would be grateful if, when responding, the Minister could explain how he sees the question of a minimum standard and whether the Government might be minded to tighten it up a bit.

One of the other points the RNIB makes—we discussed this in Committee—is that it is very keen that trials of potential accessible voting solutions continue. Therefore, I would be very grateful if the Minister could commit to driving innovation through government-run trials in the future.

Lord Kerslake (CB): My Lords, I shall make three brief points. First, I congratulate the noble Lord, Lord Holmes, on his valiant efforts to move this forward in a constructive way. This has been exemplary, in my view. Secondly, I wholeheartedly support his amendments, which I think will move this on. In Committee, I was seriously concerned about what was being proposed by the Government; according to the RNIB, we had moved things backwards from where we are at the moment and that was a serious concern. I am sure there is further work to do, but nevertheless this set of amendments will move things forward, and that is greatly to the noble Lord's credit. Thirdly, I entreat the Minister to give his support to what I think has been a really excellent piece of work.

Baroness Jones of Moulsecoomb (GP): My Lords, I support the nine amendments of the noble Lord, Lord Holmes of Richmond, and congratulate him on pushing this issue. His very modest yet elegant amendments fit into this Bill very well.

I have two more points to make. Why were such accommodations not in the Bill already? The Government are constantly consulting on this or that; surely this is an area that they should have thought about including. They have at least given way now—I hope after my remarks they will not withdraw the offer. Finally, the Royal National Institute of Blind People sent a briefing about this, and it is clear that it feels the Government could go a lot further. It gave two statistics that I thought were quite interesting: every day, 250 people start to lose their sight; and age-related macular degeneration is the leading cause of blindness in adults. Clearly, this is a problem that is going to increase. Therefore, the Government have to look forward and should perhaps bring something even better to update the Bill.

6.45 pm

Lord Pickles (Con): My Lords, I stand briefly to speak on this and to apologise to my noble friend for missing the entire Committee due to contracting Covid. I have been away at a public inquiry today, but it was great to arrive at the point to hear my noble friend Lord Holmes making these very sensible suggestions. I raised this issue at Second Reading and I am immensely

[LORD PICKLES]
grateful to my noble friend the Minister for accepting these amendments and making these changes, which will bring enormous dignity to the voting process. Again, I congratulate my noble friend, Lord Holmes.

Baroness Hayman of Ullock (Lab): My Lords, we very much welcome and support the amendments put forward by the noble Lord, Lord Holmes, and thank him for so clearly laying out their importance in his introduction. I also congratulate him and my noble friend Lord Blunkett on their continued work and persistence on this matter.

We welcome that these amendments will mean that, for the first time, the Electoral Commission would be tasked by law to create specific guidance to address the needs of blind and partially sighted and other disabled voters at the ballot box. This is long overdue. We strongly urge the Minister to accept these amendments and hope that he will look on them favourably.

However, as other noble Lords have mentioned, the RNIB has raised concerns with some of us, so I would be grateful if the Minister could provide clarification and reassurance on some issues that have not been raised so far. The first question it asks is this: how do the Government anticipate

"such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote"

independently being interpreted? How do they see the interpretation of that phrase? The noble Lord, Lord Kerslake, mentioned that the RNIB is concerned that we must not go backwards. Its concern on this is that "making it easier" to vote is still weaker than the right to vote "without any assistance", as in the current wording.

It would also be helpful if the Minister could look at how this would be managed going forward, including availability and the cost of the provision of equipment for returning officers and how that would be supported at local government level. It would be helpful if the Minister could confirm the body that he anticipates will fund individual items of equipment provided in polling stations. I am not sure whether the Government currently provide the funding for the tactile template—I am sure other noble Lords know. Again, it would be helpful to know if that is currently the case. Obviously, we need to have certainty in these areas, because the last thing we want to see is a legal challenge if the expected equipment is not provided.

In summary, we welcome these amendments and urge the Minister to accept them. We thank all noble Lords for an important debate and, again, thank the noble Lord, Lord Holmes, for pushing this and bringing it to this stage.

Lord True (Con): My Lords, I thank all noble Lords who have spoken for their general welcome and support for the amendments tabled by my noble friend Lord Holmes. I can tell the House that the Government are very pleased to be able to accept these amendments. I pay tribute to my noble friend and to the noble Lord, Lord Blunkett, for their hard endeavours in helping us to improve accessibility measures in the Bill. It has been quite a pleasant operation for me to return to my old office, which I used to share with my noble friend Lord Holmes, and see a couple of my pictures still hanging on the wall—I had forgotten about those. I thank those who have spoken and am grateful for the kind words said by many, including the noble Lord, Lord Thomas of Gresford. There was one slightly discordant note from the Green group, but a great effort has been put into working together to find a solution that works for all parties.

We have been clear from the outset that the Government's intention with these changes is to improve the accessibility of elections. My noble friend Lord Holmes and the noble Lord, Lord Blunkett, have understood our policy intentions and introduced welcome changes that complement and improve them. These amendments will introduce specific reference to supporting disabled voters to vote independently and secretly through the provision of assistive equipment by returning officers. While the existing drafting of the duty to support disabled voters would undoubtedly have facilitated the provision of suitable equipment for this purpose, this amendment will underline the importance of equipment to enable or make it easier for voters to vote independently and secretly, where that is practicable.

My noble friend specifically asked me—as, I gather, did the RNIB, which I took great pleasure in meeting in the course of these discussions—to clarify "enable" and "make it easier" in practice. His understanding is precisely right in terms of what the people who drafted this are seeking to achieve. The Government see it as fundamental that we recognise the variations in what people need in order to be able to vote, so that they may access the most appropriate support for each of them. The use of both the terms—"enable" and "make it easier"—reflects the fact that the duty relates to the provision of equipment for those who find it impossible to vote under rule 37 and for those who can do so but find it difficult due to their disability, as per the definition of "relevant person", which covers both. For those who would otherwise find it impossible to vote independently, appropriate equipment might enable them to do so, but for those who are able but find it difficult to vote due to their disabilities, we also want them to be supported by provision of equipment that would mitigate the difficulties, making it easier. As such, having "make it easier" in the clause does not result in an either/or situation or a dilution. If the amendment said only "enable", there would be no duty to assist those who find it difficult; if the amendment said only "make it easier", there would be no duty to assist those who simply find it impossible. The amendment is designed to ensure the widest possible assistance support, greater innovation and accessibility.

As my noble friend has said—this was something on which he was understandably insistent, and I hope it has pleased all those involved—his amendments will put on a strong statutory footing the role that the Electoral Commission will play in providing guidance about meeting this duty, which returning officers will have to have regard to. While these are things that we are confident both the commission and returning officers would have done as a matter of good practice, we welcome that these will be put on a strong and permanent statutory basis. That is why the Government have acceded to these proposals.

As I said, I recently met the RNIB and heard its concerns—which were echoed by the noble Baroness, Lady Lister—including around the risk that guidance might not be as strong as statute and might represent the end of a conversation on accessibility that may not have disabled voters at its centre. I can say only that that conversation will continue; that is why the amendments will in fact require the Electoral Commission to consult with relevant organisations, such as the RNIB and other disability charities, in the production of the guidance and to report on the steps that returning officers have taken to assist disabled voters. This will promote accountability in the policy.

I will respond to the concerns that, without a minimum standard, there will be uncertainty about how individual returning officers decide what they deem to be reasonable. First, in requiring provision for what is reasonable, the clause imposes an objective standard rather than a subjective one. Secondly, the role and purpose of the Electoral Commission guidance will be to set out a clear framework, and therefore to promote consistency. Returning officers will have to have regard to this but the guidance will, of course, be more flexible than legislation—the point made by the noble Lord, Lord Thomas of Gresford—with a much more responsive capability for adding new equipment that has been developed and identified over time, without having to bring forward primary or secondary legislation each time.

The amendments make provision for a suite of duties that I hope will reassure those with concerns. I am confident that the changes represent a good move away from the limited, prescriptive approach towards more flexibility and innovation. We will look to the Electoral Commission to do its duty in consulting with organisations representing disabled voters, such as the RNIB, in producing its guidance.

I cannot specifically answer the noble Baroness's point on funding, which, in a sense, is related to what will come out of the ongoing discussions, but I will communicate to her what I am able to on that.

I believe that this has been good work by your Lordships' House, working in a consensual manner for a common purpose. I hope this will lead us towards a more accessible future for our elections. Again, I thank my noble friend Lord Holmes for tabling these amendments, and the noble Lord, Lord Blunkett. The Government support them and urge the House to do so as well.

Baroness Lister of Burtersett (Lab): Before the Minister sits down, can he say something about what the RNIB has asked for in respect of driving forward trials for innovation? I do not think he mentioned that in his speech. The RNIB is looking for an assurance from the Minister that that will stay on the table.

Lord True (Con): My Lords, I infer from the debate that the RNIB has been spreading quite a lot of correspondence around your Lordships' Chamber on these issues. I have not seen that specific letter myself, but we are acting in good faith here. The RNIB is a trusted and respected partner. I have told the House that there is a duty on the Electoral Commission to consult with it, and I said in my speech that we should move towards a future of more innovation. This was something that we were challenged on, quite rightly, by my noble friend Lord Holmes of Richmond in his first speech on this matter. That remains the Government's hope and expectation. This is a conversation that is going to be carried forward, not by me at this Dispatch Box or by your Lordships but under the duties set out in the amendments, hopefully to produce a better and more accessible future for all voters. I repeat that I urge the House to accept these amendments.

Lord Holmes of Richmond (Con): My Lords, I thank all noble Lords who participated in this evening's debate, and particularly my noble friend the Minister for the way in which he has responded to the nine amendments set down in my name.

I believe that legislation is important. Why would we be here if it were not? These amendments put forward a transformation for inclusion, independence and secret voting for blind and partially sighted and all disabled and non-disabled people. But as with all legislation, though it is important to pass it, this is but one step on a journey. If we pass the Bill post the Easter Recess, it will be incumbent upon the Government, the Electoral Commission, the association of EROs and civil society to come together to work to make this not only compliant or of a minimum standard but a positive experience for everybody at the polling booths.

Amendment 26 agreed.

Amendments 27 to 30

Moved by ***Lord Holmes of Richmond***

27: Clause 9, page 12, line 22, after "37" insert "(including in relation to voting secretly)"

Member's explanatory statement

See the explanatory statement relating to the amendment in Lord Holmes' name at page 12, line 21.

28: Clause 9, page 12, line 24, leave out "paragraph (3A)(b)" and insert "this paragraph"

Member's explanatory statement

This amendment is consequential on the amendment in Lord Holmes' name at page 12, line 28.

29: Clause 9, page 12, line 28, at end insert—

"(c) after paragraph (7) insert—

"(8) The Electoral Commission must give guidance to returning officers in relation to the duty imposed by paragraph (3A)(b).

(9) Before giving guidance under paragraph (8), the Commission must consult such persons, including bodies representing the interests of relevant persons, as they consider appropriate.

(10) In performing the duty imposed by paragraph (3A)(b), a returning officer must have regard to guidance given under paragraph (8).""

Member's explanatory statement

This amendment requires the Electoral Commission to give guidance about the duty of returning officers to provide equipment to enable or facilitate voting by people with a disability, and to consult appropriate persons before giving that guidance. It also requires returning officers to have regard to such guidance.

30: Clause 9, page 12, line 37, at end insert—

"(5) In section 5 of PPERA (reports on elections etc), after subsection (2A) insert—

"(2AA) Subsection (2AB) applies where a report under this section relates to—

(a) a parliamentary general election,

(b) a parliamentary by-election,

(c) an ordinary election of police and crime commissioners,

(d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner), or

(e) a Northern Ireland Assembly general election.

(2AB) The report must include a description of the steps taken by returning officers to assist relevant persons (within the meaning of rule 29 of Schedule 1 to the Representation of the People Act 1983) to vote at the election.""

Member's explanatory statement

This amendment requires a report under section 5 of the Political Parties, Elections and Referendums Act 2000, in relation to a parliamentary election, an election of a police and crime commissioner or a Northern Ireland Assembly general election, to describe the steps taken by returning officers to assist blind, partially sighted and other disabled persons to vote.

Amendments 27 to 30 agreed.

7 pm

Amendment 31

Moved by ***Lord Hayward***

31: Before Clause 10, insert the following new Clause—

"Candidate nomination paper: commonly used names

(1) Schedule 1 to RPA 1983 (Parliamentary elections rules) is amended as follows.

(2) In rule 6 (nomination of candidates), for paragraph (2A) substitute—

"(2A) If a candidate—

(a) commonly uses a surname that is different from any other surname the candidate has,

(b) commonly uses a forename that is different from any other forename the candidate has, or

(c) otherwise commonly uses one or more forenames or a surname in a different way from the way in which the candidate's names are stated in accordance with paragraph (2)(a) (for example, where the commonly used names are in a different order from the names as so stated, include only some of those names, or include additional names),

the nomination paper may state the commonly used name or names in addition to the names as stated in accordance with paragraph (2)(a)."

(3) In rule 14 (publication of statement of persons nominated), in paragraph (2A)—

(a) for "in addition to another name" substitute "in accordance with rule 6(2A)";

(b) for "any other name" substitute "the other surname or forename".

(4) In the form of nomination paper in the Appendix of forms, for note 2A substitute—

"2A_ Where a candidate commonly uses a name or names—

(a) that are different from the candidate's full names as stated on the nomination paper, or

(b) in a different way from the candidate's full names as stated on the nomination paper,

the commonly used name or names may also appear on the nomination paper; but if they do so, the commonly used name or names (instead of any other name) will appear on the ballot paper."

Member's explanatory statement

This amendment clarifies the circumstances in which candidates in parliamentary elections may use names by which they are commonly known. It also makes related changes to the notes that appear on the nomination paper.

Lord Hayward (Con): My Lords, before I make any comments in relation to this group of amendments, I want to pay credit to my noble friend Lord Holmes. I chose not to speak in the previous debate but, throughout my adult life, I have suffered from losing my eyesight—not on a total basis but on a substantially partial basis—on impromptu occasions. Although it has never happened to me, I can imagine going to a polling station and suddenly being confronted by the fact that I cannot see the ballot paper properly. Many Members of this House know that I used to referee rugby matches. Now, I vouch that I never lost my eyesight in the middle of a game, despite what many of the players and spectators may have thought.

More seriously, I will move on to Amendments 31 to 33 and 38 in my name—they involve many words for what I thought would be a simple amendment. Having spoken in Committee on this matter, I intend to speak now only briefly.

In Committee, I made the point that there is an anomaly in our legislation. Had it operated at the time, it would have debarred both Jim Callaghan and Harold Wilson standing as James Callaghan and Harold Wilson because, in both cases, those were their second names and what they were commonly known as. The Welsh Senedd has already made this amendment to its legislation; my Amendment 31 is intended to bring us in line with the Senedd. It makes sense that, where people regularly use their second name as their main forename, they should be able to do so on a ballot paper so that, when people go to vote for them in a polling station, they recognise their name when confronted by it.

I thank the department officials and the Minister for their help in drafting what look like enormously substantial amendments but achieve a relatively small but sensible change to our electoral law. On that basis, I beg to move.

Lord Stunell (LD): My Lords, I simply want to declare an interest in that, if this amendment is passed, I should be a beneficiary of it. When I first stood, as the noble Lord referred to, it was possible to use your commonly used name. On that occasion, I appeared as Andrew Stunell but, subsequently, I have had many a tussle with electoral returning officers. Fortunately, it is not an issue in this place but, I have to say, it is a common-sense amendment. I very much hope that the noble Lord has had some quiet discussions with the Minister and we are about to get a positive surprise.

Lord Khan of Burnley (Lab): My Lords, I will briefly address the points made by the noble Lord, Lord Hayward. There is an anomaly. The Welsh Senedd has made this clear and made important changes so I am sure that we can get this simple amendment accepted, in the spirit of the previous group. The Minister—I am glad to see him back in his place; I wish him the very best of health—accepted the previous amendments, so I am sure that it will be straightforward for him to accept these ones. I look forward to his response.

Baroness Scott of Bybrook (Con): My Lords, with respect to Amendments 31 to 33 and 38, under the current law, a person who is nominated as a candidate

must give their full name. They may also provide a commonly used forename or surname, which must be different to any of the names already given, that they would like to have included on the ballot paper. My noble friend Lord Hayward has highlighted that this does not, for example, facilitate the use of a middle name where someone is commonly known by such a name.

My noble friend's amendments would widen the scope of the current provisions concerning the use of commonly used names by candidates. They would allow a person to include on their nomination paper any name that they commonly use as a forename or surname. For example, under this amendment, a candidate would be able to choose to use their middle name if that is a commonly known name for them. A candidate may also use a commonly used forename and surname on the ballot paper.

When my noble friend raised this issue in Committee, the Minister, my noble friend Lord True, indicated that the suggestions had some merit. After further consideration, I am pleased to say that the Government consider that these are sensible changes and we are able to support my noble friend's amendments.

Lord Hayward (Con): My Lords, I note the welcome for that from all sides of the House. I am getting slightly embarrassed—this is the second time this afternoon that I have had support from all sides of the House on amendments I have put forward. I thank the Minister for her support and favourable response.

Amendment 31 agreed.

Schedule 6: Local elections in Northern Ireland and elections to the Northern Ireland Assembly

Amendments 32 and 33

Moved by ***Lord Hayward***

32: Schedule 6, page 117, line 28, leave out "8" and insert "6A"

Member's explanatory statement

This amendment is consequential on the amendment in Lord Hayward's name inserting a new paragraph 6A in Schedule 6 to the Bill.

33: Schedule 6, page 117, line 28, at end insert—

"6A_ In rule 5 (nomination of candidates), for paragraph (2A) substitute—

"(2A) If a candidate—

(a) commonly uses a surname that is different from any other surname the candidate has,

(b) commonly uses a forename that is different from any other forename the candidate has, or

(c) otherwise commonly uses one or more forenames or a surname in a different way from the way in which the candidate's names are stated in accordance with paragraph (2)(a) (for example, where the commonly used names are in a different order from the names as so stated, include only some of those names, or include additional names),

the nomination paper may state the commonly used name or names in addition to the names as stated in accordance with paragraph (2)(a)."

6B_ In rule 12 (publication of statement of persons nominated), in paragraph (2A)—

(a) for "in addition to another name" substitute "in accordance with rule 5(2A)";

(b) for "any other name" substitute "the other surname or forename"."

Member's explanatory statement

This amendment makes provision for the nomination paper of a candidate at a local election in Northern Ireland corresponding to the provision made by the new clause in Lord Hayward's name to be inserted before clause 10.

Amendments 32 and 33 agreed.

Amendments 34 to 37

Moved by ***Lord Holmes of Richmond***

34: Schedule 6, page 119, line 17, after "vote" insert "independently"

Member's explanatory statement

This amendment makes provision in relation to local elections in Northern Ireland corresponding to that made by the amendment in the name of Lord Holmes at page 12, line 21.

35: Schedule 6, page 119, line 17, after "34" insert "(including in relation to voting secretly)"

Member's explanatory statement

This amendment makes provision in relation to local elections in Northern Ireland corresponding to that made by the amendment in the name of Lord Holmes at page 12, line 22.

36: Schedule 6, page 119, line 19, leave out "paragraph (3A)(b)" and insert "this paragraph"

Member's explanatory statement

This amendment is consequential on the amendment in Lord Holmes' name at page 119, line 23.

37: Schedule 6, page 119, line 23, at end insert—

"(3C) The Electoral Commission must give guidance to returning officers in relation to the duty imposed by paragraph (3A)(b).

(3D) Before giving guidance under paragraph (3C), the Commission must consult such persons, including bodies representing the interests of relevant persons, as they consider appropriate.

(3E) In performing the duty imposed by paragraph (3A)(b), a returning officer must have regard to guidance given under paragraph (3C).""

Member's explanatory statement

This amendment makes provision in relation to local elections in Northern Ireland corresponding to that made by the amendment in the name of Lord Holmes at page 12, line 28.

Amendments 34 to 37 agreed.

Amendment 38

Moved by ***Lord Hayward***

38: Schedule 6, page 123, line 18, at end insert—

"18A_ In form 1 in the Appendix of Forms (form of nomination paper), for note 3 substitute—

"3_ Where a candidate commonly uses a name or names—

(a) that are different from the candidate's full names as stated on the nomination paper, or

(b) in a different way from the candidate's full names as stated on the nomination paper,

the commonly used name or names may also appear on the nomination paper; but if they do so, the commonly used name or names (instead of any other name) will appear on the ballot paper.""

Member's explanatory statement

This amendment makes provision for the nomination paper of a candidate at a local election in Northern Ireland corresponding to the provision made by the new clause in Lord Hayward's name to be inserted before clause 10.

Amendment 38 agreed.

Clause 12: Extension of franchise for parliamentary elections: British citizens overseas

Amendment 39

Moved by ***Lord Collins of Highbury***

39: Clause 12, leave out Clause 12

Lord Collins of Highbury (Lab): My Lords, I will introduce this amendment, tabled by my noble friend Lady Hayman of Ullock. I hope that we can avoid what we incurred in Committee, which was a detailed and long debate about the merits of proportional representation versus first past the post. I do not think that what we are dealing with here is about removing proportional representation. The supplementary vote system that has been introduced, particularly in London, is not about proportional representation. I hope that we can therefore avoid a detailed debate about the merits of the respective positions. Nor is this amendment about undermining the principle of first past the post. In introducing this amendment, our concern about the Government's late action is that they failed to consult those affected, particularly in London, properly. The failure to consult undermines the introduction of this element into the Bill.

I know that, in Committee, there was a strong focus on spoiled votes in London. They can be properly addressed through, for example, the design of the ballot paper and the information that is provided. However, as I say, I am not concerned about the principle here so much; I accept that the Minister has made compelling arguments for why we should maintain first past the post. I do not object to them—my position is not necessarily that of other opposition parties here—but I do think that the Government have made a big mistake in undermining the supplementary vote system. In the past, my noble friends have referred to it as a way of ensuring, when we introduced the mayoral system, that somebody who is elected has a broad acceptance given the unique powers they have been given, particularly in London.

I hope that we can have a relatively short debate about this, and that we get commitments from the Government that they recognise that the introduction of this measure undermines the principle that you should first consult those who are most affected. I hope that the House will support this amendment; I should say that it is our intention to test the opinion of the House on this important principle.

Lord Shipley (LD): My Lords, my name is attached to this amendment, together with those of the noble Baronesses, Lady Hayman and Lady Bennett, and the noble Lord, Lord Kerslake, and I fully support it. I note the comments of the noble Lord, Lord Collins, many of which I agree with, and there are some outstanding issues of principle which we debated earlier in your Lordships' House but need to be restated.

Let us remember that Clause 12 was a late change; it did not appear until Committee in the other place. It changes the voting system without consultation, as the noble Lord, Lord Collins, said. I recall that when the referendum on the establishment of the Mayor of London was held, the voting system was part of that consultation, and it is dangerous when a Bill introduces at a late stage a change to the voting system which has been approved in a referendum of the people in that place. I urge the Minister to use great caution in doing that.

This is not just about London; it is about the elected mayors of combined authorities—of which there are an increasing number—the elected mayors of local authorities in England, and police and crime commissioners. Because it changes a system of support from the supplementary vote system, which requires more than 50% support at the ballot box, to first past the post, which does not require 50% support, there is a fundamental issue of principle. Why do the Government think it proper for an elected mayor to have such widespread powers over resources, but to be elected by possibly as low as under a third of those voting? When one considers the structure of our parliamentary democracy, with the number of MPs and the desire of political parties to win general elections with the majority of the seats—or if you think of the election of a council leader, who has to have the majority support of all councillors at the council's annual meeting—it seems strange that, in England, mayors who do not have majority support at the ballot box are to be elected, yet they have substantial control over resources and policies in their area. In London there is at least an assembly, but in the other mayoral combined authorities there are no assemblies. The scrutiny function is not well undertaken within combined authorities in England. The Government may or may not push this through. When the noble Lord, Lord Collins, moves this to a vote, I hope the House will ask the Government to think again, because major resources should not be allocated to mayors on the basis of a minority vote in the ballot box, and almost certainly on a low turnout.

The noble Lord, Lord Collins, pointed out that the Government have made much of the fact that 4.3% of ballot papers were spoilt in the last London mayoral election in 2021. That was up from 1.9% in 2016, and the noble Lord, Lord Collins, identified the reason for the increase: the ballot paper had 20 candidates and it ran to two columns, and it was confusing. Had it been designed differently, the level of spoilt ballot papers would not have been as high as 4.3%. I hope the Government will think again.

The control of public money needs to be at the front of our minds. We could find that someone with a very low proportion of votes cast on first past the post ends up with substantial power and control over the spending of resources that exceeds his public support, and we might begin to wonder why.

7.15 pm

Lord Kerslake (CB): My Lords, I have added my name to this amendment and give it my full support. We did much of the heavy lifting on this issue in Committee, so I will keep my comments to four points.

First, contrary to the original assertion, this is not in the 2019 manifesto, and it cannot be regarded as a manifesto commitment. That is in contrast to the issue of voter ID, which was in the manifesto and my opinion was that it would be inappropriate to knock it out completely, even though I personally might have liked to. This is different, and I think the Lords is fully entitled to remove it from the Bill.

Secondly, I refer to the point made by others that this has had no meaningful consultation. In Committee we heard from the noble Baroness, Lady Hayman, exactly how the mayors themselves feel about this; they are pretty angry about what is going on here. I have lost count of the number of people who did not know that this was happening. This is not the way to make major constitutional change. Let us be clear about it: it affects every voter in this country. There was no consultation on this, in contrast to the painstaking consultation that went on when the supplementary vote was established for the London mayor. It is important that we do not take these cavalier decisions without proper consultation. The key point is that this should not be part of the Bill.

Others have already touched on my third point. Whatever your view is on proportional representation for elections—this is not about that issue, as I made clear in Committee—there is a good case for supplementary votes in mayoral elections and those for police and crime commissioners. I say this because it is much more likely to give the successful candidate what I would call a majority mandate. They will, on the whole and in almost every circumstance, have more than 50% of first or second votes. That is crucial for roles that carry enormous power and responsibility for large amounts of resources. It is quite different from the debate you have about local or central elections; it makes sense for mayoral elections, and we should hold to the current system, which was introduced for good reason.

My fourth point is that the issue of difficulties with the supplementary vote system are very limited, and the case has not been made. As has already been said, in so far as there are issues with the last mayoral elections, the predominant issues were about the number of candidates and the design of the form. You do not change your entire electoral system on the strength of a badly designed form. To put it bluntly, this change is not with the flow of this Bill; it was introduced late into the Bill, it has not had proper consultation and we should remove it. If the Government want to pursue this, they should bring it forward in subsequent legislation.

Baroness Bennett of Manor Castle (GP): My Lords, I have attached my name to the amendment that Clause 12 not stand part of the Bill. I will speak briefly to it. It is a great pleasure to follow the previous three speakers, who have already covered most of the ground.

The noble Lord, Lord Kerslake, made a short assertion about this not being part of the Conservative manifesto in 2019. It is worth reading his wonderful tour de force through the Conservative manifesto from our Committee debate because it sets it out in chapter and verse. To match that, I will read out one sentence from the PACAC report:

> "Regardless of the benefits or disadvantages of the changes made by the Bill to the electoral system for those offices, the manner in which the proposed legislative change was brought about is unsatisfactory. Making changes such as this after the Bill has been introduced and debated at Second Reading is disrespectful to the House."

That was the independent conclusion about the process in the other place. It was not a manifesto commitment. Independent oversight suggests that the way in which it was done was not appropriate.

My noble friend Lady Jones of Moulsecoomb spoke for us in Committee on this point. It is also worth saying that the Government set great store by the 2011 referendum in suggesting that people somehow or other voted for first past the post. That was 11 years ago. I speak to a lot of voters who are used to voting for whom they see as the second worst candidate to stop the worst candidate getting in under first past the post. There were only two choices on the ballot paper in the 2011 referendum—neither was proportional representation. "#AVisnotPR" sums it up nicely. We really do not have any idea of the people's view as to what our voting system should be. We should have a people's constitutional convention. If the public were polled and asked, "Do you think our politics are broken?", I think you would find a massive consensus. My answer to how we find a way forward is to go to the people and work out what they want. It is clear that what the Government have put before us in Clause 12 has no democratic legitimacy. Your Lordships' House should remove it.

Lord Stunell (LD): My Lords, the case is there. We rehearsed it extensively in Committee. At the time, we heard some very interesting arguments put forward by the Minister. I hope that he has had chance to revise his views and that we shall hear shortly that he will accept the amendment. I do not want to prolong this, so I shall leave it there.

Baroness Hayman of Ullock (Lab): He has had a Covid revelation.

Lord True (Con): No. As the House knows, nothing distresses me more in life than disappointing my erstwhile colleagues on the Liberal Democrat Benches, but I am afraid that I must. This is a simple disagreement. The Government's view is that the first past the post system is simple, clear and effective. Reference has been made to our manifesto. It said:

> "We will continue to support the first past the post system of voting … both locally and nationally."

Clause 12 supports the first past the post system for local elections—for elections of police and crime commissioners in England and Wales, and for the Mayor of London, combined authority and local authority mayors. It moves these to the simple majority voting system. In 1998, the referendum question in London was simply:

> "Are you in favour of the Government's proposals for a Greater London Authority, made up of an elected mayor and a separately elected assembly?"

There was no great ringing endorsement of proportional representation.

We had a thorough and invigorating debate in Committee on this matter. I did not agree with all of it and I suspect some of your Lordships did not agree with me. We want to move on. We have a difference of opinion. It is clear that using the first past the post voting system for these elections will displease some Members of your Lordships' House but we are committed to supporting it. I regret to remind people that, in 2011, the public expressed a clear preference when two-thirds voted in favour of retaining first past the post. I am afraid that I will again disappoint the Green group, but that was a fact. There was support for PR in only

[LORD TRUE]
10 of 440 voting areas or, to put it the other way, 430 of 440 voting areas supported first past the post. As such, I do not believe there is any merit in holding—

Lord Rennard (LD): It is so often said that PR was defeated in 2011. The simple fact is that PR was not on the ballot paper. We must not repeat that falsehood about our electoral systems. That was, of course, a vote about Members of Parliament and not about mayoral systems. In relation to the London mayoral system in particular, there was a consultation which showed that most people were against first past the post. The results of that consultation were made known before the referendum vote.

Lord True (Con): I have not read as many volumes on proportional voting systems as the noble Lord. I simply repeat that 430 out of 440 voting areas supported first past the post in 2011.

It is clear from points brought forward in our debate that alternative voting methods can be confusing and not easily understood. In September 2021, the Government responded to the Electoral Commission's report on the London mayoral elections. The figures are that 114,201 first ballots were rejected and, of second preferences, 265,353 were invalidated. We have heard that this was all because the form was difficult, badly designed and so on and so forth. This is not a system which it is easy for the electorate to understand. We have heard that only 4.3% of votes were rejected—that is one in 23.

First past the post reduces complexity for voters and for electoral administrators. It makes it easier for the public to express a clear preference, providing strong local accountability. It is also cheaper. For example, the complex system in London requires e-counting—a devastatingly boring count that, last time, cost £9 million.

In our contention, these voting systems are a recipe for confusion and for legislative and administrative complexity. We intend to pursue our manifesto commitment to support first past the post both locally and nationally. I acknowledge that there is disagreement on the matter. I do not believe we need to debate it further now. I respectfully urge that the amendments be withdrawn and that this clause to bring simplicity and clarity to these elections should stand part of the Bill.

Lord Collins of Highbury (Lab): My Lords, what really struck me from the Minister's responses was that, if the Government felt so strongly about this, why was it not in the Bill originally? If the London elections in particular caused so much of a problem, why was it not a priority? The fundamental issue is not about the principle of PR or the supplementary vote—which is not PR. It does not undermine the position of first past the post. Our concern is that this has been introduced at a late stage without any proper consultation with those most affected. This undermines the Government's position, especially as they inserted it into the Bill at such a late stage. I beg to test the opinion of the House.

The Deputy Speaker (Lord Russell of Liverpool) (CB): My Lords, I should point out that, if Amendment 39 is passed, I cannot call Amendment 41 by reason of pre-emption.

7.28 pm

Division on Amendment 39

Contents 153; Not-Contents 160.

Amendment 39 disagreed.

Division No. 2

CONTENTS

Adams of Craigielea, B.
Addington, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Bakewell of Hardington Mandeville, B.
Balfe, L.
Barker, B.
Bassam of Brighton, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley of Knighton, L.
Blackstone, B.
Blake of Leeds, B.
Blower, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Brinton, B.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burt of Solihull, B.
Campbell of Pittenweem, L.
Campbell of Surbiton, B.
Campbell-Savours, L.
Chandos, V.
Clancarty, E.
Clark of Windermere, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Corston, B.
Davies of Brixton, L.
Dholakia, L.
Donaghy, B.
Drake, B.
D'Souza, B.
Dubs, L.
Eatwell, L.
Falconer of Thoroton, L.
Featherstone, B.
Finlay of Llandaff, B.
Foulkes of Cumnock, L.
Fox, L.
Garden of Frognal, B.
German, L.
Goddard of Stockport, L.
Golding, B.
Grantchester, L.
Grender, B.
Hacking, L.
Harris of Haringey, L.
Harris of Richmond, B.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Hollins, B.
Humphreys, B.
Hunt of Kings Heath, L.
Janvrin, L.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Kennedy of Southwark, L.
Kerslake, L.
Khan of Burnley, L.
Kingsmill, B.
Kramer, B.
Layard, L.
Lee of Trafford, L.
Liddle, L.
Lister of Burtersett, B.
Ludford, B.
Macdonald of River Glaven, L.
Mackenzie of Framwellgate, L.
Mann, L.
Marks of Henley-on-Thames, L.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNicol of West Kilbride, L.
Meacher, B.
Merron, B.
Miller of Chilthorne Domer, B.
Morris of Yardley, B.
Murphy of Torfaen, L.
Newby, L.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Parekh, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Pitkeathley, B.
Ponsonby of Shulbrede, L.
Prashar, B.
Primarolo, B.
Purvis of Tweed, L.
Quin, B.
Ramsay of Cartvale, B.
Ravensdale, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Reid of Cardowan, L.
Rennard, L.
Ritchie of Downpatrick, B.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Sawyer, L.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Smith of Basildon, B.

Smith of Finsbury, L.
Snape, L.
Stansgate, V.
Stoneham of Droxford, L.
Storey, L.
Stunell, L.
Suttie, B.
Teverson, L.
Thomas of Cwmgiedd, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Tunnicliffe, L.
Tyler of Enfield, B.
Walmsley, B.
Warwick of Undercliffe, B.
Watson of Invergowrie, L.
Wellington, D.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Wilcox of Newport, B.
Woolley of Woodford, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Ahmad of Wimbledon, L.
Altrincham, L.
Anderson of Ipswich, L.
Anelay of St Johns, B.
Ashton of Hyde, L.
Astor of Hever, L.
Attlee, E.
Barran, B.
Bellingham, L.
Benyon, L.
Berridge, B.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brady, B.
Brownlow of Shurlock Row, L.
Caine, L.
Caithness, E.
Callanan, L.
Carlile of Berriew, L.
Carrington of Fulham, L.
Chisholm of Owlpen, B.
Colwyn, L.
Cormack, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Davies of Gower, L.
De Mauley, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fall, B.
Farmer, L.
Faulks, L.
Fleet, B.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fox of Buckley, B.
Framlingham, L.
Frost, L.
Garnier, L.
Glendonbrook, L.
Godson, L.
Gold, L.
Goldie, B.
Goodlad, L.
Goschen, V.
Greenhalgh, L.
Greenway, L.
Hamilton of Epsom, L.
Harding of Winscombe, B.
Harlech, L.
Haselhurst, L.
Hayward, L.
Helic, B.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
Johnson of Marylebone, L.
Jopling, L.
Judge, L.
Kamall, L.
King of Bridgwater, L.
Lancaster of Kimbolton, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lingfield, L.
Londesborough, L.
Mancroft, L.
Manzoor, B.
Masham of Ilton, B.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Morgan of Cotes, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Porter of Spalding, L.
Price, L.
Randall of Uxbridge, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Sanderson of Welton, B.
Sandhurst, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Stedman-Scott, B.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathclyde, L.
Sugg, B.
Suri, L.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Trefgarne, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vere of Norbiton, B.
Verma, B.
Wasserman, L.
Wei, L.
Wharton of Yarm, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Young of Cookham, L.
Younger of Leckie, V.

7.42 pm

Consideration on Report adjourned until not before 8.30 pm.

Highway Code (Rule 149)

Motion to Regret

7.42 pm

Moved by ***Baroness McIntosh of Pickering***

That this House regrets the Alterations to the Highway Code (Rule 149) because (1) of the piecemeal introduction to Parliament of proposed changes to the Code, and (2) it does not extend to handheld devices used by people on (a) bicycles, (b) e-bikes, and (c) e-scooters.

Relevant document: 30th Report from the Secondary Legislation Scrutiny Committee

Baroness McIntosh of Pickering (Con): My Lords, I am delighted to have secured the opportunity to express my regret at the proposed revision to Highway Code rule 149 on using mobile phones while driving. I say at the outset that I do not oppose the content of the rule change, but I do not think that it goes far enough and I have a number of questions on which I would like to press my noble friend the Minister—I am delighted to see her in her place—for a response.

For example, the Secondary Legislation Scrutiny Committee, in its 30th report, noted in its conclusion that

"the House has made clear the strength of its concerns about the Department for Transport's piecemeal approach to changing the Highway Code".

I ask my noble friend in particular: when we considered a Motion to Regret in the name of the noble Baroness, Lady Jones of Moulsecoomb, some two months ago, why could not these changes have been included as part of that consultation and consideration before both Houses? It seems extraordinary that, less than two weeks after one set of rule changes came into effect, we are presented with, effectively, another. I would like to understand the department's thinking in that regard.

[Baroness McIntosh of Pickering]

The Secondary Legislation Scrutiny Committee expressed its concern

"that the hard copy version of the Highway Code is so out of date."

That was discussed in the previous debate. Can my noble friend say where we are with a hard copy and how up to date the current Highway Code is on the website?

7.45 pm

Perhaps most importantly for the purposes of the debate this evening, I would like to understand why rule 149 as revised is not extended to e-scooters, e-bikes and bicycles. There must have been a very good reason why that was not the case. To make my point: as I was walking in from my London flat to the House today, I was midway across a pedestrian crossing and was approached by a cyclist on his mobile phone—one hand bicycling and one hand on the mobile phone—on the wrong side of the road, and it was not clear whether he was going to stop. Cyclists and those on e-scooters and e-bikes are using handheld phones inappropriately and I would like to understand why the department has not addressed this issue. That has to be a cause of concern. The ABI has expressed very robustly why there is a need for regulation, and I would like to understand why the department did not take this opportunity to include e-scooters more generally in this regard.

As the House may not be aware, I remind it that, in both the last parliamentary Session and the current Session, I have had a Bill seeking to understand why causing death or serious injury by cycling, e-bikes or e-scooters is not placed on the same legal basis as other aspects of the Highway Code, or prosecuted in this regard. I will press this in a Bill in the next parliamentary Session as well if I am fortunate enough to secure a place in the ballot.

Turning to the Explanatory Memorandum to the revision of the Highway Code rule 149, I would like to understand in particular paragraph 6.2, which states:

"The Code does not itself create legal rights and obligations; a failure to observe its provisions does not in itself make a person liable to criminal proceedings. But such a failure can be relied on as evidence in civil or criminal proceedings".

It then refers to Section 38(7) of the RTA. So we are creating, in effect, a criminal offence, and my noble friend did indeed say that—either in the debate on the Motion to Regret from the noble Baroness, Lady Jones of Moulsecoomb, or in the debate in the name of my noble friend Lady Neville-Rolfe in Grand Committee.

Paragraph 7.9 states that

"the Department plans to include stronger and clearer advice on gov.uk about the use of mobile phones while driving to address some misunderstandings that were evident from consultation responses for example, people wondered whether this change would affect their use of phones as sat navs secured in cradles, which it won't."

I would really like to understand whether this paragraph of the Explanatory Memorandum was consulted on. It would be good to have a little more clarity because, subsequently, paragraph 11.1 states:

"No guidance is required for the mobile phone Rule change"—

but we have just been told in the earlier paragraph that it is.

Why is this so important? I totally accept that most cyclists are responsible, but there are some very irresponsible and reckless cyclists. Many of them do not stick to the roads and they mount the pavements, which they strictly should not do. It is of even more concern when we see what is happening with e-scooters. I understand that in the Kantar consultation that the Department for Transport did, 72% of those using e-scooters responded that they did so "for fun". Frankly, in some of the situations that many of us have been put into, we feel absolutely terrorised by those who are riding e-scooters irresponsibly.

The Met Police has published some helpful information on the web:

"E-scooters are classed as motor vehicles under the Road Traffic Act 1988. Which means the rules that apply to motor vehicles, also apply to e-scooters including the need to have a licence, insurance and tax. It's not currently possible to get insurance for privately owned e-scooters, which means it's illegal to use them on the road or in public spaces. If you're using a private e-scooter you risk the vehicle being seized under S.165 Road Traffic Act 1988 for no insurance."

It goes on to state the level of penalties. One can be issued with

"a £300 fine and six penalty points on your licence for having no insurance"

and

"up to £100 fine and three to six penalty points for riding without the correct licence."

It goes on to state other offences as well.

I would be interested to press my noble friend on how the Government intend to respond to the ABI press release and the letter that it has sent to the department, showing that in the latest figures, for the year ending June 2021, there were 882 accidents involving e-scooters resulting in 931 casualties—the equivalent of 17 people every week—of which 732 were e-scooter users. It asked, modestly, that the data from the current government trials be shared with the relevant stakeholders and that the experience of other countries that have deregulated the use of e-scooters be considered. It asks respectfully that there should be a degree of regulation, but it draws the line at liabilities falling on to motor insurers and premium-paying motorists without a corresponding insurance requirement for e-scooters. My noble friend will be more familiar with that letter than I am, and I would like to understand how the Government intend to respond.

I pay tribute to Matt Briggs, who lost his wife in February 2016. She was mown down while crossing the road, completely innocently, by a cyclist who caused injury by means of wanton or furious driving, which is the case the prosecution brought. It was an illegally-used bicycle—it had no brakes. As of yet, this issue of equating road offences caused by cyclists, e-bikes and e-scooters with those caused by other motor vehicles has not been addressed.

To conclude, I ask my noble friend the Minister to address these questions. Why the piecemeal approach, with changes to the Highway Code being brought literally within two weeks of each other? Why will rule 149, as amended, apply only to cars and other motor vehicles, and neither to e-scooters, which are recognised

as vehicles under the law, nor to e-bikes and regular bicycles, when we know that cyclists are using hand-held mobile phones illegally?

How do the Government intend to address the concerns of the Metropolitan Police that e-scooters are motorised vehicles being driven by people under 16, who have not passed a driving test and are not insured? How will the Government respond to the ABI about insuring e-scooters, e-bikes and bikes generally, and properly ensure the regulation of their use? Finally, when will the Government amend the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 to create criminal offences relating to dangerous, careless and inconsiderate cycling for users of pedal bikes, electronically assisted bikes and e-scooters, as for other motor vehicles? I beg to move.

Lord Mackenzie of Framwellgate (Non-Afl): My Lords, I am delighted to support the regret Motion in the name of the noble Baroness, Lady McIntosh. I was weaned on the Highway Code, and when I was taught to drive by Durham Constabulary many years ago the Highway Code was an integral part of the training.

Your Lordships will know that the Highway Code is not law. A breach of the code is not a crime per se. However, it is important to understand that a breach of the Highway Code can be used as evidence to support a prosecution for the commission of an offence such as careless driving or dangerous driving.

Obviously, the code needs to be revised from time to time, and the public are entitled to think that a new code will reflect the realty of life on our public roads. Furthermore, I recently spoke on an Oral Question on e-scooters, when I described their introduction on public roads as

"a catastrophe waiting to happen".—[*Official Report*, 8/2/22; col. 1390.]

There have been a number of deaths already during the pilot use of e-scooters, and there appears to be little or no guidance or regulation available on their use. Privately-owned scooters cannot be used on public roads, but this appears to be more honoured in the breach than the observance.

This is an area of road safety that is crying out for regulation and guidance. In my view, it is the greatest threat to public safety in a generation. There have been two changes to the Highway Code recently, within weeks of each other, presumably requiring additional print runs, and yet there is no reference to e-scooters in the new code, as the noble Baroness, Lady McIntosh, said.

The Highway Code should be taught in schools—I hope it is. In any event, it should cover contemporary changes in the use of the road before they are implemented. The current, updated code fails massively in this regard, and I ask the House to support the Motion in the name of the noble Baroness, Lady McIntosh.

Lord Young of Cookham (Con): My Lords, I begin by commending my noble friend Lady McIntosh for bringing this important matter before the House this evening, and for the diligent research she has done in forming her speech. I agree 100% with what she said at the beginning about cyclists who ride dangerously. I have no time for them. They bring into disrepute the vast majority of cyclists who behave responsibly, and they give us all a bad name.

My noble friend raised the important issue of why the measure before the House does not apply to cyclists. I hope that when my noble friend Minister replies, she can confirm that cyclists who ride while using their mobile phone can be prosecuted, perhaps under some other legislation than that before us. Of course, cyclists are slightly different in that, whereas a motorist can have points on his or her licence for the offence, that does apply to cyclists, who do not need a driving licence. Can the Minister reassure both my noble friend Lady McIntosh and me that cyclists who risk their own lives as well as being a danger to pedestrians by talking on their phone can be prosecuted under legislation?

My final point, to pick up on a point made by previous speakers, is about e-scooters. It seems to me that the best way to handle e-scooters that are illegal is simply to confiscate them. They are portable and quite easy to put in the back of a police van. By definition, that would prevent a reoffence by that person with that scooter. I wonder if my noble friend has any statistics on whether there are more e-scooters in London now than, let us say, three or four months ago. My impression is that the exponential growth has perhaps stopped, but that may just be my own perception. Could my noble friend say what guidance is given by the Metropolitan Police to officers on the beat for when they see an e-scooter that is not a legitimately rented one? What are their instructions? How are they meant to deal with what is manifestly an offence? Having said that, I welcome the provisions before the House this evening.

Lord Snape (Lab): My Lords, I too congratulate the noble Baroness, Lady McIntosh, on introducing this Motion. I have previously made my views about e-scooters plain, and I shall not bore the House by doing so again.

I know it is the Minister's job to defend the wretched things, but I can see no purpose in them. The last time we had a debate about them, she said—again, I understand why—that they are seen as another method of transport and as an alternative to the overuse of the private car; I do not think she used those words, but I shall use them now. Perhaps I can look forward to going down to the other end of the building and, when I pass Speaker's Court, instead of a line of ministerial limousines seeing a rack of e-scooters, and I will watch the noble Baroness—I am not sure what will happen to her red box—sail out of Carriage Gates on an e-scooter. I do not think it is likely to happen, and I am not sure that it should, given her ministerial responsibilities.

So far as the Motion itself is concerned, I differ slightly from the noble Lord who has just sat down. The noble Lord was known as the Bicycling Baronet in his younger days.

Lord Young of Cookham (Con): The Pedalling Peer.

8 pm

Lord Snape (Lab): The Bicycling Peer, as he now is. He was right to remark that there are a minority of cyclists who, to say the least, do not do the cycling fraternity much credit. But he also talked about how

[Lord Snape]
there must be some way of prosecuting them for using a mobile telephone. I refer him to the tragic case mentioned by the noble Baroness, Lady McIntosh, in which the prosecution for "furious riding"—or whatever the phrase was—was dredged from the Victorian era and referred to hansom cabs. The fact is that there are no specific offences so far as the furious or dangerous riding of bicycles is concerned. I believe, and I think the noble Baroness, Lady McIntosh, would agree, that there should be. Those specific offences should also cover the use of mobile telephones.

I will close with an anecdote about the minority of cyclists who misbehave. If you stand at the corner of Parliament Square and Bridge Street, as I did waiting to cross the road only last week, you can see that, despite the facilities provided for cyclists, there are some—again, a minority, I emphasise—for whom the sight of a red light is a challenge and the sight of a pedestrian is an obstruction around which it is all-too-easy to weave. I did try to remonstrate with one such cyclist as recently as a week ago. I shudder to repeat what he said, but I have not been called such a name since I left the British Army more than 50 years ago.

So I have to say that legislation in this area is long overdue and I hope the Minister will give a sympathetic response to the noble Baroness, Lady McIntosh, this evening.

Lord Holmes of Richmond (Con): My Lords, I rise to support my noble friend Lady McIntosh and commend the way she introduced her regret Motion. There are over 1 million privately owned e-scooters. Does my noble friend the Minister really believe that all of these e-scooters are being ridden on private land? Is it not time that the Government got serious about e-scooters and what is actually happening out there? Similarly, even in the trial areas, does the Minister really believe that e-scooters replace journeys that would otherwise have been taken by car? It is a completely different way of getting around.

Since the pandemic, the number of e-scooters and cyclists has dramatically increased, shooting through crossings and red lights. Does my noble friend the Minister not think that it would be a good idea to increase the level of vigilance and pulling people over? I know my noble friend Lord Young of Cookham is a bicycling aficionado. Perhaps he could be used in an advertising campaign to promote proper, responsible cycling on our roads.

In conclusion, can I ask my noble friend why this opportunity with the Highway Code has not been taken to address the issues around e-scooters raised by my noble friend Lady McIntosh of Pickering? It sems an ideal opportunity and, having not addressed it in this current draft, I assume we will be looking at future action that will have to be taken. To build on what the noble Lord, Lord Mackenzie of Framwellgate, said, e-scooters are not a catastrophe waiting to happen; it is happening right now.

Lord McColl of Dulwich (Con): My Lords, I too thank my noble friend Lady McIntosh for bringing this matter to our attention. I would like to broaden the issue slightly by drawing attention to an extremely dangerous situation whereby cyclists travel up—illegally—a one-way road the wrong way. Although it is legal to do this on some roads, which are indicated, motorists cannot see such an indication and do not know that it is legal for cyclists to do this. I wonder whether the Minister could clarify the issue and have a big drive on stopping this very dangerous habit of riding up roads the wrong way.

Baroness Jones of Moulsecoomb (GP): My Lords, I also congratulate the noble Baroness, Lady McIntosh of Pickering, for spotting these errors, one might say, in the government legislation. I agree with a lot of what she says, but obviously not always. Personally, I do not have any bad feeling about e-scooters and e-bikes as, so far, touch wood, I have not actually been run over or come close to being run over by them—but I have been run over twice by cars. If we look at those killed or seriously injured, it is cars that are the biggest threat. During lockdown, those killed or seriously injured fell massively, and cyclist casualty rates decreased by a third. So it is cars on our roads that are really the biggest problem.

I do not join in this criticism of cyclists; it is a tiny minority who do not obey the law, and I shout at them just as much as anybody else would here. I was coming into work, to your Lordships' House, the other day, and a cyclist on the junction of Parliament Square went through a red light, cut across the pavement and went straight through the gates into the Commons. Without running, I followed him and caught him locking up his bike. I pointed out what he had done was very dangerous, asked who he was and could I speak to his boss—that sort of thing. Of course, he would not give me any information and I did not feel up to grabbing his pass. There are people who break the law absolutely everywhere if they think they can get away with it and, clearly, this person, who works in this prestigious establishment, thought he could get away with it as well.

If we are going to be serious about stopping people breaking laws such as using hand-held mobile phones, we need more traffic police. The traffic police in London do the most incredible job, but their numbers have been systematically cut over the years. They need more funding and they need more officers, basically.

Perhaps I may just say—this is completely off the point—please do not use the word "accidents". That presupposes, and prejudges, that whatever happened was a genuine accident. "Oh, sorry, I didn't mean to do that." Actually, no, because these crashes, these collisions, these "incidents", as the Met Police call them, actually happen mostly because people are using their phones, they are not concentrating, they are picking something up from the floor, they are drunk or they have drugs in their system. So, please, these are not accidents. Those in the road safety community get really upset about it, because they do not think what has happened to their loved ones was an accident most of the time.

Lord Rosser (Lab): I too thank the noble Baroness, Lady McIntosh of Pickering, for securing this debate. The Government have recently broadened the scope of the Highway Code's rule 149, which now makes it an offence to use a hand-held mobile device for almost

any purpose while driving, and not just to make and receive calls and texts. The offence caries a fine of up to £1,000 and six penalty points on the driver's licence. So, if they commit the offence twice, the number of penalty points could lead to a disqualification.

The regret Motion raises concerns about the scope of changes to the Highway Code, and the "piecemeal" way in which it has been amended. More specifically, the Motion highlights the fact that the latest changes to the Highway Code, to which I have referred, do not extend to hand-held devices used by people on bicycles, e-bikes and e-scooters.

It would seem to me that the happy relationship between some cyclists and e-scooter users and motorists —and who does or does not get more favourable or preferential treatment—clearly remains in fine fettle. It must add an exciting additional dimension to the Minister's ministerial role. The changes to rule 149 were implemented through the Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022 that came into force on 25 March 2022. Since 2003, it has been an offence to use a hand-held mobile phone while driving if the device is being used for "interactive communication" —that is, receiving a call or sending a text.

In 2019 the High Court upheld the quashing of a conviction of a man who had taken a video on his phone of a road traffic accident while driving. The court accepted the argument that using a stand-alone feature on the phone—recording a video, taking a photo or searching for music stored on the phone—was not an interactive communication within the definition of the regulations. In response to the judgment, in 2020 the Government launched a consultation on expanding the offence of using a mobile phone while driving. Following the consultation, the Government said that

"all use of a hand-held mobile phone while driving is reckless and dangerous, and not just when being used for the purposes of a call or other interactive communication."

The Government also said that more than 80% of respondents "agreed with the proposal" to broaden the offence to cover the use of stand-alone features on a phone.

The original consultation document, though, did not make any reference to extending the offence to include other road users, such as cyclists or users of e-scooters. The Government's response to the consultation stated that some respondents had raised the issue of extending the proposals to those road users, but the Government made no commitment to do so. Why did the Government make no such commitment? Does the lack of such a commitment mean that changes will not be applied to cyclists, e-bikes and e-scooters at any stage in the foreseeable future, or is there a possibility that they will be? That would add strength to the point in the regret Motion about making changes in a piecemeal way.

As I understand it, the Highway Code—I think it is rule 66—already states that cyclists should

"keep both hands on the handlebars except when signalling or changing gear".

To what extent do the Government think this rule already prevents cyclists exercising the functions that rule 149 outlaws?

The regulations create a new exemption for contactless payments in certain circumstances. This is presumably to allow for drivers to use toll booths and drive-through restaurants—it is an interesting exemption. In recent months road traffic accidents have been reported at both, hopefully not—I say this not too flippantly—because someone took the words "drive-through" too literally. Do the Government believe that learner drivers should be taught how to safely use and negotiate toll booths and drive-through restaurants in light of the fact that road traffic incidents have recently been reported at both?

The Government say in the Explanatory Memorandum that changes to the Highway Code reflect the changes in the statutory instrument. They say:

"The government will also expand the advice contained on gov.uk to address some common misconceptions about the law on mobile phone use while driving which became evident through the consultation process."

However:

"For those responsible for enforcement (police and courts), the government will rely on them to alter their guidance as necessary to reflect the changes to the law."

Reference has been made to the Secondary Legislation Scrutiny Committee, which noted that more information had been given in the Explanatory Memorandum this time about plans to publicise the changes. The committee also stated that this House had

"made clear the strength of its concerns about the Department for Transport's piecemeal approach to changing the Highway Code"

and that the committee remained

"concerned that the hard copy version of the Highway Code is so out of date."

A question has already been raised on that issue, and no doubt the Minister will respond to it. I too ask what the Government's response is to the comments made by the SLSC.

In the context of changes and whether they are piecemeal, how many more changes to the Highway Code are already in the pipeline, reflecting statutory provisions either already determined or currently going through the legislative process? Perhaps the answer is none, but it would be helpful to hear from the Government what it is. How many changes have there been to the Highway Code over the last five years? Is it the Government's policy to make changes to the code immediately those changes have been decided, or does the department seek if possible to make changes to the code, say, only once a year?

8.15 pm

Finally, what exactly are the Government's intentions about publicising the changes we are discussing? Against which criteria would the Government judge whether such a publicity or advice campaign had been successful or otherwise achieved its objective? My feeling—which may of course be wrong—is that the Government have done far too little to publicise sufficiently recent changes in the Highway Code and the reasons for them and their purpose. I am sure that this is one of the issues which has prompted the regret Motion that we are discussing this evening.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, I thank my noble friend Lady McIntosh for enabling the opportunity to discuss this important

[Baroness Vere of Norbiton]
issue and broader issues around road safety and micromobility, including e-scooters—to which I will probably come back in a letter, as I suspect that it is slightly beyond the scope of what we are discussing this evening. A lot of very important issues were raised, and I want to ensure that I cover them in detail.

Road safety is a key priority for the Government. We are constantly reviewing laws and deliberating over policies that can make our roads safer, and also feel safer, for all road users. The recent changes to rule 149 of the Highway Code fall firmly in the former category of constantly reviewing our laws. The changes to the Highway Code arise from a change in the law when the Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022 came into force on 25 March this year. The regulations broaden the offence of using a hand-held mobile phone while driving, so that it now captures drivers who use their phones for stand-alone or offline functions, as well as the interactive communication functions that had previously formed the parameters of the offence. Once the law had changed, it followed that users of public highways should know about it. Therefore, rule 149 of the Highway Code was duly amended to reflect the change.

This change will make it much easier for the police to enforce the offence. No longer will the police have to prove what the driver was doing on their phone; they will simply have to be satisfied that a driver was indeed using their phone while driving to impose the appropriate sanction. This should act as a substantial deterrent to those who might be tempted to pick up their phone and risk not only their own life but the lives of other road users. As my noble friend Lady McIntosh has confirmed, nothing in the Motion we are debating today implies a criticism of or opposition to the changes in those regulations as reflected in rule 149, but rather a concern about the timing of the update to the Highway Code to reflect that change in law, and how this law deals with users of other modes when they use hand-held mobile phones.

I turn first to the nature and timing of the changes to the Highway Code. The Highway Code needs to keep pace with change and should be updated as necessary for two reasons: first, to reflect changes in the law—as is the case in the update to rule 149—as and when they happen, but clearly not before because the law must have already changed; and, secondly, to reflect changes in how our roads are used. An example of this was the recent change to the hierarchy of use to ensure that vulnerable road users are protected from those who have the capacity to cause more harm. It is not always possible to align these alterations exactly, due to the statutory process that we are required to follow to update the Highway Code as set out in the Road Traffic Act 1988. As noble Lords will know, changes to the Highway Code are laid before your Lordships' House, and indeed are laid in Parliament for 40 days, before they actually come into law. There is always a process which must be gone through.

Furthermore, sometimes a consultation may precede a change in law or a change to the Highway Code, and consultation feedback needs to be thoroughly analysed. This can further lead to uncertainties as changes are resolved through the correct and proper process post consultation and on publication of the consultation response. Sometimes the public may be under the impression, through media coverage, that something is already in place when actually it is just the noise about the consultation that has alerted road users to what might be happening.

Given how technologies are changing and revolutionising the way people think about how they travel and the sorts of devices they use—including new micromobility devices—we anticipate that there will be further changes to the Highway Code that are not yet in the formal pipeline but are certainly being considered by the department. One such example would be how we will change the code to reflect automated vehicles. We have already consulted on this, and we are considering at the moment exactly how that change will be reflected in the code. It is sometimes not a quick process, because we absolutely have to get it right.

Where it is possible and would not hold up progress unnecessarily, we would endeavour to align changes. But, of course, we had changes in January to the hierarchy of road users, and then changes two months later—it was not two weeks, because we had to lay the changes and then they had to be approved by Parliament—which could come into force only if the law had been changed. However, the law had not been changed by your Lordships' House or the other place; we were dependent upon that law change. Had the law not been changed, obviously we could not have changed the Highway Code. So, we will continue to change the Highway Code as and when we see fit.

I say again that we will try to combine changes if it is appropriate and there is no risk that it would hold up a change because, for whatever reason, another change does not proceed as appropriate. But I feel that a succession of changes demonstrates how seriously we take road safety in the department and the breadth of work that we are undertaking to ensure that all road users are as safe as they can be, particularly given the changes resulting from a change in usage around the e-scooter trials and cycling, but also to reflect that we are more cognisant nowadays of the vulnerabilities of certain road users.

Adopting this so-called piecemeal approach also has a secondary benefit. As the Minister responsible for this, I feel that sometimes it is quite difficult to communicate these changes. We spend a lot of time and quite a lot of money thinking about how we will communicate changes which pertain to a specific area. If we are making changes to a specific area—such as mobile phones, or motorways and high-speed roads, as we did last year—it is much better and easier to tell the travelling public how we have changed the code and what it means for them. I feel that there is a secondary benefit to focusing on one type of change at a time, because it gives us this ability to hone that message, rather than having a more general message—which, I am afraid, the media would probably not be interested in—of "Check the Highway Code: it has changed". So, I think that this approach has a lot of benefits.

Of course, we always think about how we communicate, and communication is never a one-off: when we change the Highway Code, it does not mean that we stop

communicating a few weeks later because we think that everybody knows about it. That never happens. We always think about where our most vulnerable people need to be advised on elements of road safety. We will do this ad infinitum, and always do.

My noble friend Lady McIntosh expresses regret that the Government have not taken the opportunity afforded by the recent law change to extend the dedicated offence of using hand-held mobile phones to cyclists and e-bike riders. Cyclists and e-bike riders tend to be covered by other laws. The laws that we have changed most recently are under the Road Traffic Act, which tends to cover vehicles. However, like all road users, cyclists and e-bike riders are required to comply with many road traffic laws in the interests both of their own safety and that of other road users, and we reflect that in the Highway Code. So, it is not a specific offence to cycle and use a mobile phone or headphones, but cyclists and e-bike riders can be prosecuted by the police for careless and dangerous cycling, with maximum fines of £1,000 and £2,500 respectively.

So, cyclists must concentrate on what they are doing. I am always appalled when noble Lords stand up in your Lordships' House and tell me about things that have happened to them on the road, and I am always rather embarrassed that I have not been able to stop it—but I do not stop trying. It is really important that we do not demonise all cyclists. There are some bad apples out there, and we need to make sure that they are held to account. Indeed, my noble friend Lady McIntosh raised the tragic incident which happened to Mrs Briggs. I know that this is an area of concern to her, and we too want to ensure that we crack down on reckless cyclists. We launched a review exploring the case for a specific dangerous cycling offence, and we are looking at what we will do next and will publish our response shortly. Just to put the record straight on e-scooters, it is the case that an e-scooter user falls under the regulations, and it is an offence to use a hand-held mobile phone on an e-scooter. They can be fined, and they could also get six penalty points.

I said that I will write on broader issues around e-scooters, because a lot has been raised. I will also write regarding my noble friend Lord McColl's point about one-way streets.

On the point about guidance, there were two different types of guidance. We felt there was some confusion with the general guidance to the public, with people saying, "Can I still use my mobile phone if it's in a cradle?" That was the confusion we wanted to try to mitigate, but we expect police forces and other enforcement agencies to update their own guidance. They do not need us to do it for them, quite frankly; they are very capable.

I reiterate that we do not feel that our approach to the Highway Code has been incorrect. In the circumstances we were presented with, it was important to choose specific topics and put them into the Highway Code when they were ready, or when either the law had changed or the consultation had reached its natural conclusion. We will continue to do so, but of course we will combine changes if it makes sense to do so. The next big change probably will be automated vehicles. I can also update noble Lords: a new hard copy of the Highway Code is available for purchase for £4.99 at all good shops and online retailers. It was published on Monday 4 April. I imagine there will be a subsequent amendment later this year, particularly if we get automated vehicles through, but again we cannot take anything for granted so we would not want to wait until then to make any further changes.

For the time being, I thank all noble Lords who took part in the debate and my noble friend Lady McIntosh. I will certainly write.

Baroness McIntosh of Pickering (Con): I am grateful to my noble friend for her responses and to everybody who has spoken. We have had a passionate cyclist and a number, myself included, who feel more vulnerable to cyclists, e-scooters and other road users.

I was taken by the comments of the noble Baroness, Lady Jones of Moulsecoomb, about how cycling injuries had gone down. One of the reasons for that—and I do not know whether it was through the Highway Code—was that, because of Covid, thankfully cyclists were not allowed to cycle in clumps on country roads. I think that has prevented a lot of accidents.

I look forward to seeing how automated vehicles will respond to reckless and furious cyclists, e-bicyclists and e-scooters, but we live to fight another day.

I am very grateful for all the contributions. I am sure my noble friend is aware that we take great interest in every change to the Highway Code. I thank the Government for this one. I regret once again that it does not extend to vehicles other than motorised vehicles, but I do not intend to press this Motion to a vote. I beg leave to withdraw the Motion.

Motion withdrawn.

8.28 pm

Sitting suspended.

Elections Bill

Report (1st Day) (Continued)

8.31 pm

Amendment 40

Moved by ***Lord Woolley of Woodford***

40: After Clause 12, insert the following new Clause—

"Automatic voter registration

(1) Registration officers must take all reasonable steps to ensure that all persons eligible to register to vote in elections in the United Kingdom are so registered.

(2) The Secretary of State must by regulations require public bodies to provide information to registration officers to enable them to fulfil their duty under subsection (1).

(3) Regulations under subsection (2) must apply to the following public bodies—

(a) HM Revenue and Customs;

(b) the Department for Work and Pensions;

(c) the Driver and Vehicle Licensing Agency;

(d) the National Health Service, NHS Wales and NHS Scotland;

(e) schools and further and higher education institutions;

(f) local authorities;

(g) HM Passport Office;

(h) police forces;

(i) the TV Licensing Authority;

(j) Job Centre Plus;

(k) the Department for Levelling Up, Housing and Local Communities;

(l) the Department for Transport;

(m) the Department for Health and Social Care;

(n) the Home Office; and

(o) the Ministry of Justice.

(4) Regulations under subsection (2) may also apply to other public bodies.

(5) Registration officers must—

(a) use the information provided by the public bodies listed in regulations under subsection (2) to register otherwise unregistered persons on the appropriate electoral register or registers, or

(b) if the information provided does not contain all information necessary to register a person who may be eligible, contact that person for the purpose of obtaining the required information to establish whether they are eligible to register and, if so, register them on the appropriate electoral register or registers.

(6) If a registration officer has registered a person under subsection (5), the officer must notify that person within 30 days and give that person an opportunity to correct any incorrect information.

(7) Where a person is registered under subsection (5), that person must be omitted from the edited register unless that person notifies the registration officer to the contrary.

(8) Nothing in this section affects entitlement to register to vote anonymously.

(9) The Secretary of State may issue guidance to registration officers on fulfilling their duties under this section."

Member's explanatory statement

This new Clause would require registration officers to enter eligible voters on the register, and provide for them to receive the necessary information from a number of public bodies.

Lord Woolley of Woodford (CB): My Lords, having hurried in here, I am now out of breath. We seem to have caused a bit of a stir with the first round of amendments, but what I liked was that our fiery debate was very respectful. We all have our own opinions, which are very strong from time to time, but I really liked how respectful it was. During the last round of debates, I spent a lot of my time trying to save people from either falling off the register or not voting, if that makes sense. With the amendment I now put to the House, I want to do the opposite.

I want to do something that is so incredible that we will be remembered in history for what we do tonight, if noble Lords agree to my amendment. Rather than lose 2 million voters, which we fought about on the previous amendment, tonight we can send a signal to ensure that 9 million people who are not on the voting register are put on and have a voice. It will be unprecedented and we will make history. We can do it. I hope that noble Lords will seize this opportunity and go and tell friends and family. I have been told to finish, so I beg to move.

Lord Rennard (LD): My Lords, a couple of minutes after I thought I might have to rise to move the amendment in the name of the noble Lord, Lord Woolley, and others, I rise to support it. With between 6 million and 9 million people missing from electoral registers or incorrectly registered, something is clearly wrong.

Surveys by the Electoral Commission show that 60% of people think, incorrectly, that the registration process happens automatically and that they do not need to do anything. Registering is not just about the right to vote; it is about making yourself available for jury service and being able to obtain credit. The Government maintain that there should be an opt-in principle to the right to vote, but there is no opt-in principle for healthcare, education or support from the emergency services, nor do the Government expect you to opt in to paying tax, so you should not have to opt in to the right to vote.

Automatic voter registration would cut the cost of existing registration processes and reduce red tape and bureaucracy, all things which the Government would normally say that they want to support. Introducing it would free up resources to focus on those who are still unregistered, which is also something the Government say that they want to do, but are they worried that the wrong people may then be able to vote? That is not a very democratic principle, but it is one trumpeted by Republicans in the United States.

Baroness Bennett of Manor Castle (GP): My Lords, I had the pleasure of introducing this amendment in Committee and I am pleased that the noble Lord, Lord Woolley, who has been the proponent of this throughout, was able to be here on Report and provide such a powerful introduction. I raised one practical point previously: how hard it is for people to check if they are on the roll. The Minister said she was going to write to me about that, and I look forward to her letter.

The noble Baroness, Lady Whitaker, is not in her place now, but in Committee she stressed the way in which automatic voter registration would be helpful to poor and marginalised communities, particularly Gypsy, Roma and Traveller communities. We should keep that in mind, and also the words in Committee of the noble Lord, Lord Scriven, who noted that the impact assessment is to ensure that those who are entitled to vote should always be able to use that right—that is the Government's stated aim for the Bill.

After those brief words, I will repeat three words said by the noble Lord, Lord Woolley, in his introduction: "seize this opportunity". I think he was speaking then to voters, but that it is a great message to leave with your Lordships' House: seize this opportunity for democracy.

Viscount Stansgate (Lab): My Lords, I rise to say three things. First, I am pleased to see the Minister back in his place and I hope he has recovered. Secondly, I am pleased that the noble Lord, Lord Woolley, has made another journey from Cambridge to be with us tonight. Thirdly, I agree with him that we should make history and I urge the House to vote for this amendment.

Lord Eatwell (Lab): My Lords, I was struck by the argument from the noble Lord, Lord Rennard, that one does not have to opt in for taxation. I think he is arguing for "no taxation without representation", a slogan which if recognised in the past might have eased some pain which a British Government suffered.

At the end of the debate in Committee, I put it to the Minister that someone should turn up at a voting booth with a British passport and a driving licence and would then be denied the right to vote. She replied, "Of course, that person's not on the register." That seemed to illustrate the total folly of the current restrictive register, and the wisdom of the amendment tabled by the noble Lord, Lord Woolley, which I urge everyone in the House to support and so maximise the number of people who are engaged in the civic process of voting in this country.

Lord Stunell (LD): I want to support what the noble Lord, Lord Woolley, has said, and perhaps try to pre-empt the Minister in her reply. In Committee, two reasons were given. One was a mitigation that HMRC in fact informs those who receive new national insurance numbers of their right to vote, which started in September last year. That is excellent and if HMRC can inform them, I am sure they could send the form to go with it. The noble Baroness also said:

"Automatic registration would threaten the accuracy of the register and … enable voting and political donations by those who are ineligible".—[*Official Report*, 23/3/22; col. 1058.]

There is a measure of disconnect between the Government's approach to this issue and their approach to overseas voters. Will the Minister consider whether it would not be sensible to go one more step with HMRC and to link their policies for overseas voters with the domestic voting system?

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Lord, Lord Woolley, for tabling this amendment, to which I have added my name, and for his introduction. I also thank noble Lords for their brief comments.

I want to refer back to Committee. The Minister, the noble Baroness, Lady Scott of Bybrook, said that the amendments proposed on automatic voter registration

"contradict the principle that underpins individual electoral registration: that individuals should have ownership of, and responsibility for, their own registration … Automatic registration would threaten the accuracy of the register and, in doing so, enable voting and political donations by those who are ineligible."—[*Official Report*, 23/3/22; col. 1058.]

However, does she agree with me that there are underlying problems with the status quo, such as millions of eligible citizens being incorrectly registered or missing from the registers entirely, major strains on the system during a last-minute registration rush ahead of election days, and resource problems for electoral officials? A founding principle of democracy is political equality. We therefore need to ensure a level playing field on election day. AVR could boost voter registration rates among under-registered groups to create this more level playing field.

It is already current law that every citizen is registered. People often get letters saying that they will be fined £60 if they do not register. Voter registration is not an opt-in process. AVR is a solution that would help administratively to best realise what appears to be the current goal of full, compulsory registration. AVR is also the norm, not the exception, in countries around the world. Many countries that have historically not had AVR because of the absence of a population register are now increasingly introducing either direct enrolment for specific groups or assisted voter enrolment through other public agencies. Where they have been designed well, these innovations have proven to be able to deliver cost savings and boost voter registration for specific groups.

As the noble Lord, Lord Woolley, said, we can give millions of people not on the electoral register a voice. If he chooses to divide the House on this amendment, we will support him.

Baroness Scott of Bybrook (Con): My Lords, I thank the noble Lord, Lord Woolley of Woodford. He, my noble friend Lord True and I have debated this issue a number of times in this House. The intention behind this amendment—to increase the number of people registered to vote—is one that the Government wholeheartedly support. However, the practical difficulties brought about by automatic voter registration are such that the Government cannot support the amendment.

Given the number and range of public bodies listed, as well as the vast amounts of data they hold, the amendment would overwhelm electoral registration officers with data. Data protection legislation rightly prevents the unnecessary sharing of personal data. This amendment would see unparalleled volumes of personal data shared—even that of the majority of people who are already correctly registered. Likewise, it would see people registered without their knowledge or consent.

There would also likely be a large number of security and privacy concerns, such as when it comes to handling the data of minors, those who are escaping domestic violence, those who wish to remain anonymous electors or those who do not want to be on the register—and there are a number of people who do not. I do not know whether it has happened when you have knocked on doors, but people have certainly said to me, "We are not on the register and do not want to be".

The amendment also takes no account of the coverage, currency or accuracy of the data held by the various public bodies. As they would be listed in primary legislation, these public bodies would be required to share their data, even if it is of no use for electoral registration. Using inaccurate or out-of-date information to register people to vote automatically would seriously undermine the accuracy of the electoral register. That is the crux of the issue: accuracy is just as important as completeness. Having more individuals on a register is not inherently a good thing if those individuals are registered at incorrect or multiple addresses.

When it comes to implementation, a whole host of other issues arise. How would an ERO deal with contradictory evidence from different data sources? If an individual was removed from the register because the ERO determined they were no longer eligible, how would this be picked up by an automated system so that they were not automatically added again? What these questions point to is the fact that there is no true system of automatic voter registration; any trusted system of registration requires the active input of both electors and EROs to determine eligibility. The Government also contend that such active input is important to aid electors' understanding of the process and their awareness of upcoming electoral events.

[Baroness Scott of Bybrook]

Lastly, the Government cannot accept the amendment in the name of the noble Lord, Lord Woolley, because it is deficient. It leaves untouched all the existing legislation for electoral registration. It would require significant further work, and possibly a whole new Bill, to unpick which elements of current law would need to be amended or repealed to accommodate this amendment. For these reasons, and more I have no time to go into—

Lord Grocott (Lab): I am grateful that the noble Baroness has explained a whole series of practical reasons that she says will make it difficult. I would like to know what the government position in principle on this is. If the practical differences can be overcome, in principle are the Government in favour of all those who have the right to be on the register actually being registered?

Baroness Scott of Bybrook (Con): Of course we want maximum registration, but not through a flawed system. There are many other ways the Government will continue to work on getting more people on to the electoral register, if they want to be on it.

I urge the noble Lord, Lord Woolley, to withdraw his amendment. Tackling under-registration is an important and complex issue, but this is not the way to address it.

Lord Woolley of Woodford (CB): I thank the Minister very much for that answer. The irony of this discussion is that we have spent hours and hours on the Bill, and we are proposing an expenditure of about £200 million on the basis of one fraud: one out of 47 million. What I am suggesting is that we find a way, first in principle, to get 9 million people to have a voice. I know it is difficult; it will not be a walk in the park, but what price is democracy? What price is telling every individual out there eligible to vote that we will use all our powers, all our political will and all our decency to make sure that they can have a voice in these Chambers? The answer should not be, "It's too difficult". The question should be "How do we do it?" I am afraid that I want to put the will of this House to a vote.

8.48 pm

Division on Amendment 40

Contents 116; Not-Contents 147.

Amendment 40 disagreed.

Division No. 3

CONTENTS

Adams of Craigielea, B.
Addington, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Barker, B.
Bassam of Brighton, L.
Bennett of Manor Castle, B.
Blackstone, B.
Blake of Leeds, B.
Blunkett, L.
Boateng, L.
Brinton, B.
Browne of Ladyton, L.
Bull, B.
Burt of Solihull, B.
Campbell of Pittenweem, L.
Campbell-Savours, L.
Chandos, V.
Clark of Windermere, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Corston, B.
Davies of Brixton, L.
Dholakia, L.
Dubs, L.
Eatwell, L.
Foulkes of Cumnock, L.
Fox of Buckley, B.
Fox, L.
Garden of Frognal, B.
German, L.
Golding, B.
Grantchester, L.
Grender, B.
Grocott, L.
Harris of Haringey, L.
Harris of Richmond, B.
Hayman of Ullock, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Kennedy of Southwark, L.
Khan of Burnley, L.
Kingsmill, B.
Kramer, B.
Lee of Trafford, L.
Lister of Burtersett, B.
Ludford, B.
Mann, L.
Marks of Henley-on-Thames, L.
Maxton, L.
McAvoy, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNicol of West Kilbride, L.
Merron, B.
Miller of Chilthorne Domer, B.
Morris of Yardley, B.
Murphy of Torfaen, L.
Newby, L.
Oates, L.
Osamor, B.
Paddick, L.
Parminter, B.
Pinnock, B.
Pitkeathley, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Purvis of Tweed, L.
Quin, B.
Ramsay of Cartvale, B.
Rebuck, B.
Redesdale, L.
Rennard, L.
Ritchie of Downpatrick, B.
Robertson of Port Ellen, L.
Rosser, L.
Russell of Liverpool, L.
Sawyer, L.
Scriven, L.
Sharkey, L.
Sheehan, B.
Shipley, L.
Sikka, L.
Smith of Basildon, B.
Smith of Finsbury, L.
Snape, L.
Stansgate, V.
Stoneham of Droxford, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Warwick, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Tunnicliffe, L.
Tyler of Enfield, B.
Walmsley, B.
Watson of Invergowrie, L.
Wheeler, B.
Whitaker, B.
Wilcox of Newport, B.
Woolley of Woodford, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Ahmad of Wimbledon, L.
Altmann, B.
Altrincham, L.
Anderson of Ipswich, L.
Anelay of St Johns, B.
Ashton of Hyde, L.
Attlee, E.
Barran, B.
Bellingham, L.
Benyon, L.
Berridge, B.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Brady, B.
Brownlow of Shurlock Row, L.
Caine, L.
Caithness, E.
Callanan, L.
Carlile of Berriew, L.
Carrington of Fulham, L.
Chisholm of Owlpen, B.
Colwyn, L.
Cormack, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Davies of Gower, L.
De Mauley, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fall, B.
Farmer, L.
Faulks, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Frost, L.
Garnier, L.
Glendonbrook, L.
Godson, L.

Gold, L.
Goldie, B.
Goodlad, L.
Goschen, V.
Greenhalgh, L.
Hamilton of Epsom, L.
Harding of Winscombe, B.
Harlech, L.
Harrington of Watford, L.
Haselhurst, L.
Hayward, L.
Helic, B.
Henley, L.
Herbert of South Downs, L.
Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
Inglewood, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Kilclooney, L.
King of Bridgwater, L.
Lancaster of Kimbolton, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lingfield, L.
Mancroft, L.
Manzoor, B.
Masham of Ilton, B.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
Morrow, L.
Moylan, L.
Naseby, L.
Neville-Jones, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Offord of Garvel, L.
O'Loan, B.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Porter of Spalding, L.
Price, L.
Randall of Uxbridge, L.
Ravensdale, L.
Rawlings, B.
Reay, L.
Redfern, B.
Risby, L.
Robathan, L.
Sanderson of Welton, B.
Sandhurst, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Stedman-Scott, B.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathclyde, L.
Sugg, B.
Taylor of Holbeach, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vere of Norbiton, B.
Verma, B.
Wei, L.
Wharton of Yarm, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Young of Cookham, L.
Younger of Leckie, V.

9.01 pm

Amendment 41 not moved.

Amendment 42

Moved by ***Lord Dubs***

42: After Clause 14, insert the following new Clause—

"Members of the House of Lords: voting at elections to the House of Commons

(1) Notwithstanding any other provision of law, a member of the House of Lords is not disqualified by virtue of that position from voting at elections to the House of Commons.

(2) This section comes into force 24 months after the day on which this Act is passed.

(3) This section extends to England, Wales, Scotland and Northern Ireland."

Lord Dubs (Lab): My Lords, I will not claim that this is the most important amendment we have discussed. We debated it quite thoroughly in Committee, so I do not want to take up the time of the House more than very briefly indeed. As I recall, when we discussed this in Committee, there were two arguments against the amendment. One argument was that we can exercise an influence on politics and therefore we should not have the right to vote in elections, and the second argument was that because Members of the House of Lords are not here for a finite period of time, it is not right if we vote, and that allows the Bishops to be the exception. I remind your Lordships that of some 140-plus countries that are members of the IPU, we are the only one that does not allow Members of the second Chamber to vote in general elections.

Of course we have an influence when we are here, but it seems to me that the argument for voting is to give us a chance to influence the Government. Quite a few of us spend our time canvassing in elections. We work pretty hard; in the last election, I canvassed, working in seven or eight constituencies all the way from Yorkshire to south London. Then I find, on the day of the election, I cannot vote. It is frustrating, but it also seems to me to be wrong in principle. The right to vote is fundamental in a democracy. Arguments against our being able to vote are, frankly, based much more on long-standing traditions than on substantive arguments and logic.

The last thing I would say is this. During the passage of this Bill, I have asked everybody I know outside whether they know we are not allowed to vote. There is not a person I have met outside this House who is aware we are not allowed to vote. It really is a bit odd. I am grateful to the noble Lord, Lord Naseby, for having signed the amendment as well. I urge the Government to accept it. The world will not come to an end and Boris Johnson will not resign—just do it. I beg to move.

Lord Naseby (Con): My Lords, I support my noble friend on the Opposition Benches. I did indeed have my own Bill: the Extension of Franchise (House of Lords) Bill. It had its First Reading on 5 July 2017, its Second Reading on 19 July 2019 and then it ran out of time. I am not going to repeat the speech I made then, but I have done a bit of research, otherwise it is all assertion.

I was born 85 years ago and, in that year, in this very Chamber, Lord Ponsonby of Shulbrede moved an amendment that is almost identical to the one we are debating today. He referred to the fact that in days gone by

"Peers were regarded as powerful potentates and had a number of special privileges accord to them."

He said that if noble Lords were to do any research, they would find out that, in 1642, *The Privileges of the Baronage of England* declared no end of privileges. Indeed, you could have your own chaplain and, if you were married, there were special provisions for your wives and children. Since those days, there have been a few changes. Lord Ponsonby went on to point out:

"Practically all the privileges I can think of have been dropped. It now remains for the restrictions and disabilities to be dropped too. We must recognise that we live in a democratic age"—

this was in 1936—

"and just as we desire no advantages for ourselves personally or for our positions we, at the same time, do not wish that there should be any restrictions or disabilities placed upon us. I want to

[LORD NASEBY]
make it perfectly clear, my Lords, that I do not want to raise the question of the reform of the House of Lords."—[*Official Report*, 12/2/1936; col. 537.]
Nor does my noble friend opposite and nor do I. It is pretty clear that almost as long ago as a century, those disabilities and interests that were once there no longer applied.

It is also true that the vast majority of us work hard for those in our constituencies when there is a general election. We live in a constituency, we look after the local people in those constituencies, and all of us are involved in all sorts of clubs and followings in our constituencies, so nobody can say that we do not take part in elections. We take part in local elections and any other elections, but for some extraordinary reason, because of this ball and chain that is left over from the 17th century, we cannot take part in general elections. Here we are now, with us in this House, prisoners and lunatics all in one bag. I do not think that is acceptable.

I conclude with these thoughts. First, we do not vote on the Budget. We do not have the power to vote on taxation. To me, that is crucial. Secondly, there have been precedents. In 1909, Irish Peers were given the right to vote. Today, the Lords spiritual have the right to vote in general elections. They sit on their Bench in your Lordships' House and they vote. What is the difference?

People say that one Lord voting will make no difference, but have a look at the register, as I have done. I remind your Lordships that in 1997 Winchester was won by the Liberal Democrats, and by how many votes?

Lord Rennard (LD): Two votes.

Lord Naseby (Con): Two votes. The noble Lord is quite right. I do not know whether any noble Lords from the Welsh Benches are here, but in 1974 Carmarthen was won by Labour by three votes. My dear friend Harmar Nicholls—a man who had more tight elections than anybody else—again won by three votes. If you are lucky enough to have three Lords in a constituency, that could make a huge difference. The Liberal Democrats probably would not have won Winchester if two Lords had lived there.

I repeat that this has nothing at all to do with reform of the House of Lords. It is just about individual liberty and responsibility. We all support our local communities, as I mentioned. In return, I wish to go with my wife to vote at the polling station. I do not want to stand outside while she goes in; I want to vote alongside her. I believe it is my democratic right, which I was given to implement and which I exercised from the age of 18 until 1997. It is vital, and I hope very much that other noble Lords will take us over this final fence. After all, if the Irish Peers were made an exception, why do we not join the Irish community as well?

Lord Hacking (Lab): My Lords, I have been disfranchised twice. I was disfranchised in 1972, when I first entered the House and was disfranchised with lunatics and criminals. The second time I was disfranchised was in December last year, when I had the opportunity to come back to the House following a hereditary Peers' by-election. Now I am no longer in the company of criminals and those in prison—I am not quite sure about lunatics—because, as I recall, when the noble and learned Lord, Lord Clarke, was Lord Chancellor, a provision from the European Court of Human Rights restored, or at least gave, the right to vote to those in prison. I think I have therefore lost the criminality side of my company, but I am not sure whether I have also lost the lunatics.

This is, as my noble friend Lord Dubs said, not the most important amendment being considered in the House, but it is an anomaly that is unjustified. In Committee, the noble Earl, Lord Howe, argued for the Government that we should not have two bites of the cherry—this is my language, rather than his—because we are directly involved in legislation; if we had the vote, we would have a different way of expressing our views. Then the noble Lord, Lord Cormack, argued that, since the House of Commons rises after a Dissolution—not after a Prorogation—the Lords are treated differently from Members of the House of Commons. The truth is that we are treated in very much the same way following a Dissolution, because once Parliament has been dissolved, we are not entitled to come back to the House until we have received a Writ of Summons and get sworn in. We are therefore not in a different position from the House of Commons. This is an anomaly and should be changed, but it is not one of the most important amendments being considered by the Minister, who is sitting back on his Bench with his arms folded, looking at me with a patient look.

Viscount Stansgate (Lab): My Lords, I find myself in a difficult position over my noble friend's amendment. At an earlier stage in Committee, I said in the course of some remarks that I thought it was a good principle to follow that, if you have the right to vote, you should also have the right to be a candidate. In relation to my noble friend's amendment, by definition, were this amendment to be passed and we were given the right to vote, we would still not, of course, have the right to be a candidate, by virtue of the fact that we have two Houses in Parliament and, at the moment, one is elected and one is not.

The right to vote is a very important thing and I, like other noble Lords, perhaps, noticed, psychologically, the very big difference in coming here and, at the same time, knowing that if a general election were called tomorrow, I would not be able to go and cast my vote in a polling station, which I have done all my life. Nevertheless, it may be that in the future, the solution is that this House may—who knows?—become an elected Chamber, in which case I would be very happy to have the right to vote, and I would be happy to be a candidate for this House. Time will tell whether either arises.

9.15 pm

Lord Rennard (LD): My Lords, the noble Viscount, Lord Stansgate, of course has a very interesting family history on this subject. I might perhaps suggest that his view is not quite correct. I think that if he was granted the right to vote, he would still have the right to resign from this House and stand as a candidate. Indeed, my noble friend Lord Thurso was once a Member of this House, then left this House, stood for election to Parliament and was elected as an MP. Then he lost his seat as an MP and came back to this House after a by-election of hereditary Peers. So the issue is not quite so simple.

We are talking about 800 people being added to an electoral register of 47 million, so I say to the Government that they should not have too much to fear from those 800 people being added, especially as quite a few of the 800 might vote for their party. I also say to the noble Lord, Lord Dubs, that there are only a number of issues which we can really send back to the elected MPs. I personally think that issues such as the 6 million to 9 million people not on the register or incorrectly registered are much more important than 800 Peers and we may subject ourselves to some ridicule in the other place if we are seen to be prioritising our votes as Peers in a general election. If it happens and the Government accede, I will not be unhappy—I would quite like to have a say in electing somebody who will have a vote on budgetary matters and on who might become the Prime Minister—but it is not an issue that I would personally want to press to a vote on this occasion, because I think there are more important priorities, particularly for this House at this stage of the Bill.

Lord Khan of Burnley (Lab): My Lords, I shall speak very briefly to Amendment 42. First, I have huge admiration for my noble friend Lord Dubs and the noble Lord, Lord Naseby, and I recognise the history of campaigning on these issues. A lot of interesting points have been made this evening, but given the hour, I just want to say that I am grateful to my noble friend Lord Stansgate for providing his context and family experience. I agree with what the noble Lord, Lord Rennard, says. This is a very interesting debate and I look forward to the Minister's response.

Baroness Scott of Bybrook (Con): My Lords, the Government's position on this matter remains one of principle: namely, that it is not right for any one citizen to have the privilege of being represented twice. Enfranchising noble Lords to vote in UK parliamentary elections would give us two ways of being represented in Parliament: through our permanent membership here and ability to vote on legislation as we are today, and through our elected MP.

As we discussed in Committee, this is not the case for those currently sitting in the House of Commons. Once an election is called and Parliament is dissolved, an MP ceases to be an elected official and must seek re-election before returning to their place in the House of Commons. It is therefore right that they are able to vote in parliamentary elections, as not allowing them to do so would mean denying them a say in the democratic process.

We, however, do not cease to be Peers at the time of an election, and to allow us to vote would give us twice the representation of other citizens. In our roles in this Chamber, we are privileged to have an active role in the scrutiny of legislation and active participation in the democratic process of this country. To extend this participation further would undermine the principle that all citizens are equally represented in politics. I urge that this amendment be withdrawn.

Lord Dubs (Lab): My Lords, to take just the last phrase or two of the Minister's comments, all citizens should be treated equally. All I am asking is that we are treated equally and have the right to vote. In nearly every democracy except this one, Members of the second Chamber have the right to vote. The world will not come to an end. It is a very simple democratic proposition. I beg to move.

9.20 pm

Division on Amendment 42

Contents 24; Not-Contents 139.

Amendment 42 disagreed.

Division No. 4

CONTENTS

Alton of Liverpool, L.
Blunkett, L.
Browne of Ladyton, L.
Campbell of Pittenweem, L.
Dodds of Duncairn, L.
D'Souza, B.
Dubs, L.
Golding, B.
Hacking, L.
Kingsmill, B.
Lee of Trafford, L.
Ludford, B.
Mann, L.
Morris of Yardley, B.
Naseby, L.
O'Loan, B.
Osamor, B.
Pendry, L.
Quin, B.
Rebuck, B.
Sikka, L.
Smith of Finsbury, L.
Touhig, L.
Young of Norwood Green, L.

NOT CONTENTS

Ahmad of Wimbledon, L.
Altrincham, L.
Anderson of Ipswich, L.
Anelay of St Johns, B.
Ashton of Hyde, L.
Attlee, E.
Barran, B.
Bellingham, L.
Benyon, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Brady, B.
Brownlow of Shurlock Row, L.
Butler of Brockwell, L.
Caine, L.
Caithness, E.
Callanan, L.
Carrington of Fulham, L.
Chisholm of Owlpen, B.
Colwyn, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Davies of Gower, L.
De Mauley, L.
Dobbs, L.
Duncan of Springbank, L.
Dundee, E.
Eaton, B.
Eccles of Moulton, B.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fall, B.
Farmer, L.
Faulks, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fox of Buckley, B.
Frost, L.
Garnier, L.
Glendonbrook, L.
Godson, L.
Gold, L.
Goldie, B.
Goodlad, L.
Goschen, V.
Greenhalgh, L.
Hamilton of Epsom, L.
Harding of Winscombe, B.
Harlech, L.
Harrington of Watford, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
Inglewood, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
King of Bridgwater, L.
Lancaster of Kimbolton, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lingfield, L.
Mancroft, L.
Manzoor, B.
Masham of Ilton, B.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.

McInnes of Kilwinning, L.
McIntosh of Pickering, B.
Morrow, L.
Moylan, L.
Neville-Jones, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Porter of Spalding, L.
Price, L.
Ravensdale, L.
Rawlings, B.
Reay, L.
Redfern, B.
Risby, L.
Robathan, L.
Sanderson of Welton, B.
Sandhurst, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Stedman-Scott, B.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathclyde, L.
Sugg, B.
Taylor of Holbeach, L.
Teverson, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vere of Norbiton, B.
Verma, B.
Wei, L.
Wellington, D.
Wharton of Yarm, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Young of Cookham, L.
Younger of Leckie, V.

9.32 pm

Amendment 43

Moved by ***Lord Hodgson of Astley Abbotts***

43: After Clause 14, insert the following new Clause—

"Commonwealth citizens: reciprocal franchise

Within 12 months of the passing of this Act, the Secretary of State must consult governments of Commonwealth countries and report to Parliament on a proposal to restrict the right of Commonwealth citizens to vote in UK general elections to citizens of Commonwealth countries that grant to British citizens a reciprocal right to vote in their own general elections."

Member's explanatory statement

This amendment will ensure that Commonwealth countries are consulted about a proposal to restrict the right of Commonwealth citizens to vote in UK general elections to citizens of those Commonwealth countries that grant to British citizens the right to vote in their own general elections.

Lord Hodgson of Astley Abbotts (Con): My Lords, the noble Lord, Lord Green, has Covid. He emailed me this afternoon and asked if I could do this. I think he is fairly groggy, and I am sure noble Lords would wish to join me in wishing him a speedy recovery. I recognise, as the Deputy Speaker has just told us, that this is the last group. The horse is heading for the stable—or, more likely, the people are heading for the plane—so I will not detain the House too long. I will leave the other amendments for the noble Lord, Lord Stunell, and the noble Baroness, Lady Ritchie of Downpatrick, to speak to. I will just deal with Amendment 43.

I will deal first with a couple of points the noble Lord, Lord Green, left for me. The amendment he tabled, which I put my name to in Committee, has been slimmed down, because he had a meeting, I understand, with the Minister, which I did not attend, in which it was made perfectly clear that we cannot make these sorts of changes on the fly. It will require a period of consultation with Commonwealth Governments to see what the situation is and to make sure that we do not take their friendship and their links to this country for granted.

So the proposal in the revised amendment is that there should be a period of consultation and then a report to Parliament about the results of that consultation, with a view to implementing a process that was first recommended by a Labour former Attorney-General, now the noble and learned Lord, Lord Goldsmith, in 2008. As the noble Lord, Lord Green, points out, it would encourage more Commonwealth citizens to become British citizens and generally, therefore, strengthen the status of citizenship in the UK. Of course, it would do so without creating an unlevel playing field, because it is proposed in the amendment that, where other countries offer reciprocal rights, their citizens will continue to be able to vote in our elections—a two-way street.

Those are essentially the points which the noble Lord, Lord Green, would have wished to make. I will now add a few words of my own. I support this proposal for two reasons. First, I absolutely accept that the right to vote is a right—a right which we want everyone to exercise, for the reasons we were discussing earlier—but it is also a privilege. The right to vote is not the same as the right to get a driving licence, a point I made earlier, because it is far more important. It gives each one of us a say on how our country is governed, the sort of society we want to be and the values we wish to follow and adopt. Therefore, it is a very precious right, and precious rights should not be spread around too easily.

I take issue with any proposal which extends the franchise to anyone who does not have close, persistent and recent links to the United Kingdom. That is why I could not support the noble Lord, Lord Wallace of Saltaire, in his proposal to extend the franchise to EU citizens. It is also why I do not believe my party was right to extend the franchise to British citizens who have gone to live overseas, allowing them to vote in UK general elections without a time limit. That is a bad thing with which I do not agree. Nevertheless, I recognise the issue of reciprocity and, as I say, the amendment of the noble Lord, Lord Green, reflects that.

Secondly, I support this amendment because it recognises the changing nature of this country's relationships with other Commonwealth countries. As sovereign nations, many quite rightly and understandably wish to develop a constitutional position entirely independent of the United Kingdom, while maintaining close links of friendship, through family and friends, and the other things which tie us all together. We saw the manifestation of this in recent developments in the Bahamas and on the recent royal tour of the West Indies, so the time has come for a reset. This reset can be achieved—in the terms of the noble Lord's amendment—by having a period of consultation to ensure that the friendships of the Commonwealth are not endangered or damaged, while understanding that it is likely to lead to a proposal to confine the right to vote in UK elections to those Commonwealth countries where "reciprocal" rights are available to UK citizens. In that way, we all respect the dignity and independence of each other as sovereign nations. I beg to move.

Lord Stunell (LD): My Lords, Amendment 44 is in my name and that of the noble Baroness, Lady Bennett of Manor Castle. The question of the franchise and of entitlement has surfaced in the course of these debates. It is clearly an important matter which could do with elaboration. However, rather than launching out on that at this time, I just make one point to the noble Lord, Lord Hodgson. The right to vote is certainly entirely different from the right to have a driving licence; for one thing, you do not have a right to a driving licence, as you must sit and pass a test. If you, as a foreign national, want to be a British citizen you must sit and pass another test. However, most of the 47 million on the current electoral roll have not had to sit and pass any test. It is their entitlement to be on the register, as it is the entitlement of other UK citizens not on the register.

Amendment 44 is looking at those who in fact have a right of permanent residence in this country, but do not have the right to vote because they are not British citizens. Therefore, this is about enfranchisement of those who are not British citizens. They are people with "the right of abode … settled status under the EU Settlement Scheme … indefinite leave to enter … or … indefinite leave to remain in the United Kingdom".

These people will be in receipt of local government services during the whole of their time in the United Kingdom. If they are property owners, these are people who will contribute to council tax their whole time in the United Kingdom and to taxation of all sorts, some of which—not enough—filters its way back to local government as well.

It is entirely appropriate for them to have the opportunity to play an active part in the distribution and provision of services and in the application of local government taxation. On this simple basis, those with a lifelong residence in this country, who are both receiving and contributing to the payment of local government services, should have the opportunity to participate. They should be able to contribute significantly to the way in which these resources are used and applied.

This is a straightforward, self-contained amendment which I hope is, to a large extent, self-explanatory. Unfortunately, in the light of the debate so far, I cannot believe that the Minister will be terribly sympathetic to it. It is part of a much wider discussion that we in this country need to have about the nature of citizenship and participation. We need to discuss the way in which we see the evolution of our democracy as we become, over future years, an ever more diverse nation with an ever more diverse population.

Baroness Ritchie of Downpatrick (Lab): My Lords, Amendment 44A, in my name and the name of my noble friend Lord Murphy, deals specifically with the Northern Ireland situation. The noble Baroness, Lady Suttie, raised this in Committee, eight or nine days ago.

The basic purpose of this amendment is to seek to delete paragraphs 7 to 9 of Schedule 8. This would ensure that all EU citizens lawfully resident in Northern Ireland can continue to stand as candidates and vote in district council elections there. Obviously, this does not apply to British and Irish citizens; however, it does apply to other EU citizens who have arrived to reside in Northern Ireland since January 2021 and whose country does not have a reciprocal agreement with the UK.

This is reminiscent of the "I" voter situation in Northern Ireland which was removed by the Elected Authorities (Northern Ireland) Act 1989 when universal franchise was granted in Northern Ireland. This particular set of amendments deals with this important democratic issue of the extension of the franchise to all and ensures that this important principle is adhered to.

I would gently say to the Minister that elections and the right to exercise one's franchise in Northern Ireland are emotive issues. The Government should not go down the road of creating problems with other EU nationals. In many ways, this would recreate a border again on the island of Ireland. It is highly emotive and politically charged, as it deals with EU citizens and excludes them from the right that they had to vote and to stand in council elections.

As a Minister in the Northern Ireland Office in 1998, my noble friend Lord Murphy was one of the principal negotiators in ensuring that both the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission were set up under the Good Friday agreement. Under the Northern Ireland protocol as negotiated by the UK Government with the EU, both commissions were given responsibility for—shall we say—managing Article 2 of the protocol, which deals with the rights of individuals. Article 2 states that there must be no diminution of rights, safeguards and equality of opportunity provisions, as set out in the Good Friday agreement, resulting from the UK's withdrawal from the EU.

If passed into law, this provision in the Bill will create two new types of EU citizenship for the purposes of UK election law—a qualifying EU citizen and an EU citizen with retained rights—in addition to a category of EU citizens who do not fall into either of these categories.

9.45 pm

The rights of EU citizens to vote in local council elections in Northern Ireland were underpinned by EU law up to the end of the transition period. Both commissions and the protocol committee of your Lordships' House, of which I am a member, wrote separate letters to Northern Ireland Office Minister Conor Burns, who replied in identical form to both. He did not set out the Government's full assessment of the relevant provisions of the Bill in the context of their conformity with the Government's commitments under Article 2.1 of the protocol.

I urge the Minister to do whatever he can to ensure that the UK Government, via the Northern Ireland Office or the Cabinet Office, meet the Human Rights Commission and that the Northern Ireland Executive, who have responsibility and to whom the Equality Commission is accountable, meet them on a joint basis to discuss this issue and the requirements under Article 2.1 dealing with rights. I also urge that these provisions are withdrawn to prevent any further discrimination in relation to those issues. My two asks are ministerial meetings with the Equality Commission and the Human Rights Commission; and the withdrawal of these provisions as they are simply discriminatory, anti-franchise and anti-democratic.

Baroness Bennett of Manor Castle (GP): My Lords, it is a great pleasure to follow the noble Baroness, Lady Ritchie of Downpatrick, and to agree with the case she has so clearly outlined for Amendment 44A. However, I will speak briefly to Amendment 44 in the name of the noble Lord, Lord Stunell, to which I have attached my name. He has already presented this very clearly; I just want to stress that it is talking about local government elections. It is talking about decisions about how your bins are collected and by whom; what happens with the local social care that you or your relatives might need to use; a local library that you and your children might rely on; or, where you are still lucky enough to have local democratic control, a local school. Surely if you have made yourself part of that community and you are relying on those services and contributing to that community, you should have a say over it. That is the case here.

There is also a practical case at this time. There will be a huge level of difficulty and confusion for voters, canvassers and people campaigning for local officials with the cut-off date of the end of the transition period, settled status and different situations for different EU member countries. It will all get very complicated and messy.

I have one final observation for tonight, while expressing my opposition to Amendment 43 moved by the noble Lord, Lord Hodgson of Astley Abbotts, on behalf of the noble Lord, Lord Green of Deddington. If you look at the debates as we have progressed through Report today, it is really striking that there is a clear division in this House that runs around the Government Benches, with everyone else, including the Cross-Benchers, on the other side. Every measure defended or promoted from the Government Benches, whether by Front-Benchers or Back-Benchers, seeks to see or will have the impact of fewer people voting. All the amendments moved from this side try to get more people involved and voting. That is a really interesting division to see in your Lordships' House.

Lord Murphy of Torfaen (Lab): My Lords, I rise extremely briefly to support my noble friend Lady Ritchie's amendment, to which I have added my name.

Constitutional issues are never easy in Northern Ireland—nothing is ever simple—and this lies in that category too. We live, as it happens, in very troubled times in Northern Ireland. We are but weeks away from a complicated and difficult election for the Northern Ireland Assembly. Issues which might to us seem relatively unimportant are magnified a dozen times when we cross the Irish Sea.

I add my plea to the Minister: can he persuade his colleagues in the Northern Ireland Office, or himself—whoever decides to go—to meet the Human Rights Commission and the Equality Commission? They have jointly put forward a submission. Both those bodies were set up 25 years ago at the time of the Good Friday agreement—for obvious reasons, because they were major planks in that agreement. Therefore, if they say that this is going to cause a problem, there is a very strong case for the Government to meet them.

In Scotland and in Wales, local government elections are devolved, so they take their own decisions on this. I am not quite sure why this has not been devolved in Northern Ireland, but it is not, and it lies in the purview of the United Kingdom Government. As it happens, of course—given that this relates to European Union citizens—the people of Northern Ireland voted to remain in the European Union. But that is not the main issue.

The main issue is that there is a problem with regard to the Good Friday agreement and Article 2.1 of the protocol—all difficult issues. But I think that a meeting would be absolutely final, in the sense that it would mean being able to talk to the two commissions about the issues which my noble friend has raised—at least, I hope it would be final. We will know in a second what the Minister will say, and whether he will go ahead with this proposal or could delay it a little until he has met with the two commissions. But I repeat: this is a difficult issue in difficult times. We look forward to what he has to say.

Lord Shipley (LD): My Lords, I shall make a brief comment in support of Amendment 44. In Committee I proposed an amendment to give those liable to pay council tax the right to vote in local elections. The Government said no, but I still believe that to be right in principle. I see it in part as an issue of consumer right—in other words, the principle is, "No taxation without representation".

We are now in a position, it seems, where the Government have decided to extend the franchise to long-term emigrants from the UK, so that they can vote in parliamentary elections, but they have so far denied the right to vote to those nationals of other countries who live and pay tax here. I think that is a very serious anomaly. In Committee, the noble Lord, Lord Wallace of Saltaire, referred to

"the tangle of voting rights left by imperial history",—[*Official Report*, 28/3/22; col. 1284.]

which gives the franchise to some but not others. I find it regrettable that the opportunity has not been taken by the Bill to correct the many anomalies that still exist. I hope the Minister and the Government will be prepared to reflect on that.

Lord Collins of Highbury (Lab): My Lords, I made quite a lengthy contribution in Committee and I have no intention of repeating it—although I think there are some points that are worth emphasising.

This is not a matter of principle. In fact, the Government and Opposition are agreed that people under the settled status scheme should retain the vote they had under the EU membership we had previously. It is just that new entry to the country will stop on 1 January 2022. That is the real issue. What we have been arguing about is the fact that those who put down their roots in this country and have lived here for 25 years—or even 15 years, to use the comparison with others who are going to get the vote—have made their home here, pay their tax here, and in the main pay their council tax here are not going to have the vote if they come here and achieve settled status.

Of course, one of the things about settled status, ILR and ILE is that they all require five years of continuous residence in the UK. Is that not a good basis for offering the vote? Is that not the connection

that the noble Lord, Lord Hodgson, mentioned? I am hesitant to quote him, because he says that I sometimes get it wrong, but I heard him say "close connection". We should surely afford someone who has lived here continuously, made their home here and paid their tax here the right to vote and be part of the local community they live in.

I can hear the Minister say, "They can become British citizens" but, as I said in Committee, there are people who make their home here who may not wish, for many reasons, to take out British citizenship. For some, like my husband, it is because they do not want to give up their Spanish citizenship, for example, where other countries do not afford the right to dual nationality. This country does, but there are many others that do not. These people do not want to break that relationship, particularly if they have family or parents there.

This is not a matter of principle that divides us. It is something that I fear this Government have done on many occasions, which is to say, "We're not going to give the vote to people who make their home here unless the Governments from the countries they came from give our nationals the vote". It becomes a bargaining issue. Again, I do not think that is right. It should be a matter of principle, which we have already conceded; under the agreements that we have, EU nationals with settled status will continue to have the vote. If the Government can agree to that, why can they not agree to this amendment?

Lord True (Con): My Lords, I regret that we will not be able to agree to these amendments, but I preface my remarks by sending my very best wishes to the noble Lord, Lord Green. He ploughs sometimes a lonely furrow in this Chamber, but he is somebody of the most outstanding integrity and is greatly respected in your Lordships' House. I very much hope that my good wishes are passed on to him. The engagement meeting I had with him when I had Covid was over Zoom, so I do not claim responsibility—but I offer the profoundest sympathy to him.

Amendment 43 in the name of the noble Lord, Lord Green, would require the Government to consult each Commonwealth country and produce a report on how we might confine the voting rights of Commonwealth citizens to citizens of those countries that grant British citizens the right to vote. Each country has the right to determine its own franchise, and the United Kingdom has done this. Qualifying Commonwealth citizens—that is, those persons who have leave to remain in this country or who have status such that they do not require such leave—are entitled to the parliamentary franchise. The rights of Commonwealth citizens are long-standing, and they reflect our unique historic ties to the family of Commonwealth nations and with Her Majesty the Queen.

Historically, while the Commonwealth countries were part of the British Empire, their nationals were subjects of the British Crown, and they were governed directly by the British Parliament. In 1918, the Representation of the People Act provided that only British subjects could register as electors. The term "British subject" then included any person who owed allegiance to the Crown, regardless of the Crown territory in which he or she was born. This recognised in part the contribution of servicemen of so many nations who fought in the Great War.

10 pm

Under the British Nationality Act 1981, those who had previously been British subjects became, in general terms, Commonwealth citizens. During the passage of that Act, the Government gave assurances that the new definition of "British subject" would not alter the possession of civic rights and privileges, such as the right to vote. Successive Governments and Parliaments since 1981 have concluded that the existing voting rights of Commonwealth citizens should not be disturbed. This Government echo that. In our judgment, conducting this consultation in the short period proposed would therefore be unnecessary and may seek to undermine our relationship with the Commonwealth at this delicate time. As such, we cannot support this amendment.

Amendment 44 would extend the local franchise in England to all persons aged 18 and over with a form of indefinite leave to enter or remain, as noble Lords have expounded. Amendment 44A would retain the automatic grant of voting and candidacy rights for all European citizens in Northern Ireland. With the exception of those rights that were granted to EU citizens under EU law, the criteria by which the local franchise in England is determined mirrors the parliamentary franchise criteria. On this matter, the Bill will update the franchise to reflect our new relationship with the European Union more appropriately.

Now that the United Kingdom has left the European Union—I recognise the regret that many noble Lords still have about that—the Government take the view that the right to vote and stand in local elections should no longer be conferred automatically by virtue of European citizenship. Hence, the provisions on European voting and candidacy rights in the Bill will remove the automatic right of European citizens to vote in all UK elections that use the local election franchise and are reserved to the UK Government.

However, the Government also recognise that such rights are already in existence. On this basis, we wish to preserve them for UK citizens in EU countries and, correspondingly, for EU citizens in the United Kingdom where this can be achieved on a reciprocal basis. The Government are also committed to respecting the existing rights of those EU citizens who made their home in the UK before EU exit. Many people doubted that this Government would do that but this Bill makes provision for these twin planks of policy on European voting rights. With specific reference to the proposal to extend the local franchise to all foreign nationals—this is not just EU citizens; they might be Russian nationals, for example—with permanent leave to enter or remain, the Government are clear that they have no plans to create new franchise rights where no such rights existed before, so we will not support this amendment.

I turn specifically to Amendment 44A and the measures in it as they apply to Northern Ireland. The noble Baroness, Lady Ritchie, expressed her concerns that these measures may breach the agreement of Article 2 of the Northern Ireland protocol. I listened to her with care and great respect, as I obviously always do to the noble Lord, Lord Murphy. I take this

[LORD TRUE]
further opportunity to assure the noble Baroness that, in our judgment, it is not the case that these measures breach the article.

As the noble Baroness told your Lordships, the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland have sought clarification on EU voting and candidacy rights in relation to the NI protocol. The United Kingdom's position is clear and has been explained to both commissions: removing voting and candidacy rights from EU citizens arriving in Northern Ireland after the implementation date does not run counter to Article 2 of the Northern Ireland protocol. However, I can assure the noble Baroness that officials have, and will continue to have, regular engagement with both commissions. I will pass on to appropriate colleagues in government the comments and requests from her and the noble Lord, Lord Murphy.

The removal of voting and candidacy rights for EU citizens arriving after the end of the implementation period is a direct result of the reality of our changed relationship with the European Union. We have left the European Union but we have not left the Commonwealth. As such, the Government cannot support these amendments.

Baroness Ritchie of Downpatrick (Lab): Before the Minister sits down, will he take on board the request I made that an appropriate Minister—I see a Minister in the margins of the Chamber from the Northern Ireland Office—from either the Cabinet Office or the Northern Ireland Office meet both commissions to deal with their specific issues? The written correspondence has not resolved the issues for them. A meeting either via Zoom or face-to-face would assist in this particular process because of the delicate issues to do with Article 2.1 of the Northern Ireland protocol, which puts them and this particular issue into a different category.

Lord True (Con): My Lords, I said that officials had and will continue to have engagement. I also said that I would make sure the noble Baroness's comments and the comments of the noble Lord, Lord Murphy, were referred to colleagues. I hope the noble Baroness will understand that, as I am not a departmental Minister with direct responsibility for the Northern Ireland protocol, I cannot make a specific commitment beyond that which I gave in my speech and I repeat in response to her intervention. I assure her that her comments will be relayed to my appropriate colleagues.

Lord Hodgson of Astley Abbotts (Con): My Lords, before I thank my noble friend, I say to the noble Baroness, Lady Bennett, that to characterise the work of Members of my party on these Benches as seeking only to restrict the right of people to vote is an outrageous accusation. All we wish to do—all I wish to do—is to ensure we get the maximum participation in a framework that gives our fellow citizens confidence that the system is well organised, properly disciplined and free from corruption and misdemeanour. That is all.

That having been said, I thank my noble friend. I am disappointed, but I am not surprised either. The takeaway I have from this short debate is that there are quite a lot of loose ends. The noble Lords, Lord Stunell, Lord Shipley, Lord Collins and Lord Green, and the noble Baroness, Lady Ritchie, all have loose ends. My noble friend can say, "Well, yes, it's too difficult; let's put it in a drawer, lock it and come back to it in 10 years when we go around this track again" or he could take it away, think about it and say, "Let's have —outside this Bill—a proper debate about the nature of British citizenship and the rights and responsibilities as they pertain to 2022." I hope he can find time in his department to do that. In the meantime, I beg leave to withdraw the amendment.

Amendment 43 withdrawn.

Amendment 44 not moved.

Schedule 8: Voting and candidacy rights of EU citizens

Amendment 44A not moved.

Consideration on Report adjourned.

House adjourned at 10.09 pm.

Grand Committee

Wednesday 6 April 2022

Arrangement of Business

Announcement

4.15 pm

The Deputy Chairman of Committees (Baroness Healy of Primrose Hill) (Lab): My Lords, Members are encouraged to leave some distance between themselves and others. If there is a Division in the Chamber while we are sitting, the Committee will adjourn as soon as the Division Bells are rung and resume after a few minutes.

Ukraine: Refugees

Motion to Take Note

4.15 pm

Moved by ***Baroness Helic***

That the Grand Committee takes note of Her Majesty's Government's plans to support refugees from Ukraine.

Baroness Helic (Con): My Lords, I declare my interests as per the register. I am pleased to welcome my noble friend Lord Harrington of Watford, who brings with him valuable experience from another place and is taking on important responsibilities at a grave moment. I look forward to his maiden speech and to his work on behalf of refugees, at a time when one in 10 people worldwide is displaced by conflict, persecution or disaster.

This debate is very close to my heart: 30 years ago today, Sarajevo, the capital of the country in which I was born and brought up, was attacked by the Yugoslav and later the Bosnian Serb army. It was besieged for 1,425 days, and 11,541 civilians were killed, of whom 1,601 were children. On an average day, 329 mortar shells fell on the city, which was cut off from electricity, food and water—and from the rest of the world. Almost 100,000 people died across Bosnia-Herzegovina during three and a half years of war. Crimes against humanity and genocide were committed, and over 1 million Bosnians became refugees. I was one of them. I hoped never to see similar scenes in another European country—yet, as we speak, Mariupol is enduring its 42nd day of bombardment and a quarter of the Ukrainian population is displaced, inside Ukraine or as refugees.

No one wants to become a refugee or to leave their home; it is a journey of fear, uncertainty, peril and loss. This country welcomed me and has given me extraordinary opportunities. It is a privilege to stand here today; it is something that I love and am deeply proud of. But I would much rather I were not here, had never been a refugee and had never been forced to leave my country of birth. I would much rather I were teaching English in Bosnia after a life of peace, as I had imagined and hoped, than speaking here, after an experience of war. I know that Ukrainians fleeing today will wish nothing more than to be able to live in safety and stability in Ukraine and for the international community to find ways to stop the aggression that has been unleashed upon them.

In the light of that experience, and of mine, I urge the Government to intensify their efforts in six areas in particular. First, on visas routes for Ukrainians coming to Britain, we should continue to expand our visa schemes so that they are as broad and generous as is possible and safe. All Ukrainians in the United Kingdom should be able to use the family visa route to bring their relatives to this country. All Ukrainians in the United Kingdom should have the same leave to remain, and non-Ukrainians who were permanent residents in Ukraine, and were displaced by the conflict, should also be entitled to refugee status in the United Kingdom.

I welcome my noble friend's commitment to simplifying and speeding up visa processing. Security checks are absolutely necessary but must be as fast and as easy as possible. Research by the University of Birmingham has shown that the longer women in particular are without access to housing and resources, the more vulnerable they are to sexual and gender-based violence. Speeding up the process is a matter of basic safety.

This leads me to my second point, on trafficking and safeguarding. Some 90% of Ukrainian refugees are women and children. Like all displaced persons, they are at increased risk of trafficking, abuse and exploitation. The best way to combat this is to make sure that safe and secure official routes are open, bureaucratic hurdles are reduced and information on how to access those routes is readily available. We should also look to liaise with our European partners and strengthen our joint efforts to combat trafficking, including by urgently making sure that citizens and agencies are aware of risk signs, not at some point in the future but now. Although the vast majority of Homes for Ukraine hosts are generous and genuine, we need to be vigilant. There are always people who seek to exploit suffering for their own ends. Safeguarding checks on hosts need to be thorough. Perhaps my noble friend could look at accelerating enhanced DBS checks. Councils will need additional funding for checks upfront—they need to happen before refugees arrive.

Refugees will be vulnerable, even once here in the United Kingdom. Unaccompanied minors are a particular concern. I welcome the fact that the Department for Education has done work on this and is offering guidance to councils and schools. Safeguarding should not stop once a refugee has arrived. There should be follow-up checks over the coming months. I look to my noble friend to make sure that the safeguarding and anti-trafficking aspects of our response are not forgotten.

Thirdly, we need to make sure that there is comprehensive and ongoing support for refugees in the UK. A refugee is not only in need of physical safety. Many will be traumatised and vulnerable. We need to ensure that psychosocial support is available, both during the first six months and beyond, as refugees establish new lives here in the United Kingdom. I know from my own experience how difficult it is. I remember coming to Britain and how happy and relieved I was, but at the same time how hard it was to get used to peace. The initial euphoria of safety suddenly became

[Baroness Helic]
a burden: a feeling of guilt that I was safe, but my friends and family were not. When I think about it today, I wonder how my host family coped, and from where they found their understanding, generosity and patience. It is not an easy undertaking. I hope that my noble friend the Minister can offer a commitment on providing support for refugees in processing their ongoing trauma. Specialist mental health support must be available for children in particular, as well as for survivors and witnesses of sexual violence and other atrocities. Schools, health services and local councils are all likely to need additional resources and assistance for arrivals under both visa schemes. We should not overlook the need to support those coming via the family visa route, either.

We all hope that this war will be over swiftly, but it may not. Just as important as speeding up the process now is making sure that our response can be sustained. What will happen in six months' time, or a year's? What support will be in place for refugees then, if needed? How are we going to help them find long-term accommodation? Support services will need funding beyond this year. My noble friend's other responsibility is Afghan refugees, 8,000 of whom are reportedly still living in hotels. It is almost impossible to build a new life like that. I hope that he can tell us what is being done to provide long-term support for Afghans as well as Ukrainians arriving in the United Kingdom.

Fourthly, we should maintain our support for Ukrainian refugees in Europe. Most of them will want to remain close to Ukraine, where their husbands, sons, fathers and brothers are defending their homes and towns. We should continue to offer additional funding to UN agencies, NGOs and directly to Ukraine's neighbours, who are supporting the great majority of Ukrainian refugees. We should push for third-country nationals displaced by the conflict to receive the same protection as Ukrainians in Europe. The funding we offer must be additional, not reallocated from elsewhere.

Fifthly, we should learn from these crises and apply the lessons to refugees elsewhere. There were 84 million displaced people worldwide before the invasion of Ukraine, more than 26 million of them refugees. It is natural that we play a bigger role in helping refugees from our neighbourhood than from countries further away, but all refugees have a right to protection and around the world too few are able to access the safety which is theirs by right. There are still refugees stuck on the Poland-Belarus border, exploited by Lukashenko, for sure, but also abandoned by democracies.

In the last year, two major crises have led to new refugee schemes in this country—the two schemes for which my noble friend the Minister is responsible—for refugees from Ukraine and Afghanistan. We have also had the BNO visa for British nationals from Hong Kong. I hope that, once Ukrainian refugees are receiving the support they need, my noble friend will reflect on the lessons of these three schemes. We cannot continue to lurch from crisis response to crisis response, improvising schemes which, for all their strengths, have real flaws—the Afghans still in hostels, the Ukrainians going to unprepared hosts and the endless visa process. We need to be better prepared.

I hope we will take the lessons learned from our response to Ukraine and apply them elsewhere. Human Rights Watch and others are calling for an Afghan family reunion scheme, based on the Ukraine family scheme, to allow those who supported our work in Afghanistan to be reunited with their families. Will my noble friend consider that?

If we could put the unity and determination currently on display in the West behind a long-term commitment to resettling serious numbers of refugees in liberal democracies around the world every year, that would be a remarkable achievement and a staunch rebuke of Vladimir Putin's policies of division and his unconcern for human life.

Sixthly, we should remember that the best thing we can do for refugees in the long term is to prevent so many citizens from having to flee their countries in the first place. Donations are a stop-gap, not an answer. I struggle to think of a conflict in the last decade that we have really succeeded in ending. Fighting goes on in Syria, in Yemen, in Ethiopia, in the Central African Republic, in the Sahel. A fragile UN-brokered ceasefire is holding, just, in Libya, but the situation is still unstable. Our role in Afghanistan has ended in defeat and, of course, war has continued in Ukraine since 2014.

We have to work on solving conflicts rather than providing support around the edges. We must get better at tackling the root causes, not just responding when it is already too late. We should seek to strengthen international institutions where we can and urge our friends and partners to play their part. If those do not work, let us be honest about it. We need to improve our capacity to maintain the rules of war and to prevent war crimes such as sexual violence in conflict—crimes which are both drivers and results of displacement.

The horrific reports emerging from Ukraine are a reminder of how far we have to go and how impunity is still the norm. I hope that the opportunities for accountability in Ukraine may be greater than in most conflicts. Ukrainian prosecutors are active and I welcome the International Criminal Court investigation, the UN Human Rights Council commission of inquiry and the OSCE mission of experts. It is crucial that sexual violence in conflict gets due attention as part of these efforts. We can and should support this, offering expertise from our Preventing Sexual Violence in Conflict Initiative and our team of experts.

I was pleased to see signs at Heathrow recently offering details for those arriving from Ukraine on how to report war crimes to the police. We need to ensure that such notices are widespread, particularly when it comes to sexual violence in conflict, which is almost always underreported. Investigations and accountability take expertise and dedicated resources. Survivors must be supported to give evidence. I firmly believe that establishing a permanent independent international body to investigate sexual violence in conflict in post-conflict situations would be the most effective way to ensure that this terrible crime receives the attention and knowledge it demands, that allegations can be investigated as soon as they arise and that impunity can be broken down, not just in Ukraine but elsewhere.

I will make one final point. We do not know how long this war is going to continue, nor do we know precisely how it will end. I believe, though, that one day there will be peace and that Vladimir Putin will not have won. Ukraine will outlive Putin and will remain a democracy and a free country. Many Ukrainian refugees will want to return to the homes, friends and family members they left behind. Just as they need our support now, they will need our support then. The cities of Ukraine will need to be restored and the economy rebooted. Schools and hospitals will need to be rebuilt. As we discuss how best to help refugees today, let us also remember to look forward to peace and rebuilding. That is the timescale over which we must sustain support for Ukrainian refugees and the goal towards which our efforts should point.

4.30 pm

Lord Hannay of Chiswick (CB): My Lords, I have in general given strong support to the Government's response to Russia's unprovoked war of aggression against its neighbour, Ukraine, but when it comes to our handling of the massive outflow of refugees, often fleeing for their lives, which I would characterise so far as being somewhere between inadequate and abject, I can only express my great gratitude to the noble Baroness, Lady Helic, for securing this debate and say how moved I was by the personal experience that she brought to her introduction to the debate—she put forward several points that I will endorse strongly in my remarks. I hope that this debate may perhaps mark a turning point in what has so far been a sorry story, which I hope will improve.

In being so critical, I do not wish to load blame on the noble Lord, Lord Harrington, whose maiden speech later this afternoon we await with interest. Since his belated ministerial appointment, he seems to have struck all the right notes but, alas, there is still a big gap between rhetoric and reality. Not so long ago we were being told by the Government about the benefits of taking back control of our borders from the EU. Well, our control over immigrants from Ukraine, still and always a third country for the EU, was as real when we were in the EU as it is now, but the EU has risen most creditably to the challenge posed by the exodus from Ukraine with its temporary waiver of visas and with wholehearted and massive relief schemes. What have we done? We have issued 50-page forms to be filled in and admitted a mere trickle of refugees. Is this bureaucratic cat's cradle necessary? Is it even effective? After all, Ireland, as part of the EU, has waived any visa requirement on Ukrainians and since we are in a common travel area with Ireland this would seem to be a rather obvious loophole. Perhaps the Minister will comment on that.

Then there was the issue that has come up several times in Statements on this subject: security. For a considerable time, the Government led us to believe—perhaps they believed it themselves—that our visa requirements were protecting our national security against spies, infiltrators and so on. Then last week the Minister, in what I thought was an extremely frank and helpful clarification, said that it was nothing to do with that at all and that it was about protecting Ukrainian refugees from being preyed on by human traffickers.

That is a worthy objective, but I spoke to Professor Phillimore of the University of Birmingham earlier this week. She leads an important research project dealing with the problems associated with protecting migrants from being preyed on by people traffickers, and she told me categorically that the visa system provides no—I repeat: no—additional protection against those risks. What is needed, she said, is to cut the time the migrants wait in limbo, a point clearly made by the noble Baroness, Lady Helic, because they are extremely vulnerable then. Alas, we are keeping them in limbo for a lot longer than we should. Secondly, she said that we need to strengthen checks on people in this country who are offering them a destination, another point made by the noble Baroness, Lady Helic. Both those points are key and the visa system has nothing to do with them.

Clamping down on traffickers is an objective we share with members of the EU, which are admitting hundreds of thousands while we are admitting hundreds. The best defence against trafficking and modern slavery that we have in these circumstances is the closest possible co-operation with Europol and the law enforcement agencies of the EU member states. Can the Minister tell us whether that co-operation is a living daily reality, or just something we talk about?

It is a frequently repeated truth that the Ukraine crisis has fundamentally changed huge areas of policy across Europe. That is certainly true of the European Union: look at Germany's commitments on defence spending and arms exports, at the EU's overall response in cutting its dependence on energy supplies, and at the sanctions packages. But it seems a bit less true here, particularly when it comes to immigrants. The Home Office has yet to shed its "hostile environment" label. What will it take for it to do so?

4.36 pm

Lord Parekh (Lab): My Lords, I begin by thanking the noble Baroness, Lady Helic, for securing this extremely important debate. I want to do something slightly different from the direction she gave us and ask a simple question. We know we have had Ukrainian refugees and that they have been victims of harassment and persecution. What else do we need to know and why? In other words, we have had many refugees throughout our history—Ugandans, Afghans and others—and if you add them up you build up quite a total. Ukrainian refugees will, in due course, become an undistinguishable part of that. Is that what we want? I suggest that we want to identify Ukrainian refugees as a distinct historical group with distinct historical experiences, which need to be remembered and will always be remembered, thanks to the efforts of people like us and others. Their identity should not be lost.

My first point is that, wherever there is a war or a crisis, there are refugees. This one is no exception. The question to ask is: what kind of refugees are they? What do they bring with them? What have they suffered for which they have paid this price? Why have they evoked this degree of mindless hatred? How can we stretch out a supporting arm?

I want to do two things very quickly. The first may sound rather philosophical, but that is what I am. It is to identify the constitutive characteristics of the

[Lord Parekh]
Ukrainian refugees. What makes them distinctive from that of other refugees? Secondly, what has been the point of the British Government's response to this crisis and how satisfactory has it been?

It is striking that this is the largest refugee crisis since the Second World War. The population of Ukraine is 44 million. Some 4 million have left and 6.5 million are displaced within Ukraine, so 10.5 million people out of 44 million—a quarter of the population—have been turned into refugees. No wonder it has been called a level 3 emergency. That is the first thing to bear in mind: the number of refugees represents an incredibly large percentage of the population from which they emanate.

Secondly—this might sound trivial, but it is the basis of something more important—almost all of them are white and Christian. That should not mean anything at this stage in our history, but it is meaningful because it shapes their understanding of who they are. We seem to forget that what is happening in Ukraine is an explosion of an identity crisis. A group of people are saying, "Look, we are western; we have strong sympathies with the West and that is where we belong", while another powerful group says, "No, you don't know what you are. You are one of us; you are Russian". They say, "Yes, we are Russian—we do not deny that. But that is not our whole identity. Our identity is mixed, in so far as we are Russian and western. Our overtures to NATO have grown partly out of our fear that our western identity will not be appreciated". At a fundamental level, this is a quarrel arising from a collective identity crisis. I suspect that, if we are not careful, similar crises with similar origins will continue to appear in that part of the world, where there are long, deep-rooted, ambiguously connected sources of identity.

The third, rather interesting feature of the Ukrainian refugees is that there is an enormous sensitivity to animals which I have not seen in any past group of refugees. The *Economist* points out rather nicely that those carrying enough of a burden decided physically to carry their animals, and even those who had to leave them behind grieved for hours at the very thought of having to leave them to the mercy of mindless Russians. In fact, the pet travel specialist PBS Pet Travel says that 1.2 million pets have crossed the border along with human beings. I did not see this during the Ugandan or any other refugee crisis; if somebody did, I would like to be corrected. Even the British Government, in spite of being hard-hearted, had to make some provision for these animals. They have provided emergency licences for the pets and committed to cover their vaccination costs.

The fourth feature is the acute disparity we have noticed between the response of the British Government and that of the British people. For reasons that are very difficult to understand, some deep springs within British consciousness—which, despite being an historian, I have not been able to fathom—have been tapped, such that the overflow of sympathy, kindness and generosity has been unprecedented. The point is simply that the British people have responded with enormous enthusiasm and generosity. The Government responded—not on their own but only because the British people took the initiative—with the sponsorship scheme. However, having created it, they seem to have made a mess of it. Connecting with the sponsors and matching them with Ukrainians has not been easy at all, with the result that a large number of sponsoring hosts have felt deeply frustrated that their efforts, constantly knocking on the door of the Home Office to find out when their protégés were arriving, have not been listened to.

One simple fact will tell the story. As of 31 March, 65,000 visa applications were made. From that, 29,200 visas were actually issued. But if you look at the family sponsorship visas, you can see that 28,300 applications were made, while the number of visas actually given was 2,700. In other words, the system has been extremely bureaucratic and cumbersome. We need to introduce a much simpler and faster emergency visa system. We could lift normal visa conditions other than the biometrics and security checks, which could be done en route. Matching people to refugees could also be done quickly and refugees would not have to advertise on social media that they are available.

The simple story is that in desperate times you have desperate demands and desperate demands require desperate responses—and desperate responses may require visa requirements to be radically reconsidered, for the time being at least, so that more people can be brought in. It is also about trusting people when they say that they have visas or they do not have visas. Our climate of not trusting people has gone so far that when a man says, "My visa or my document is coming", or, "My wife is coming in a few days' time and she'll bring it", we believe that he is a liar and not to be trusted.

My last point is about a different category of people: third-country nationals in Ukraine who have been deported, harassed, persecuted and treated discriminatorily. It is important that they should be treated in exactly the same way as others, as long as they have gone through the same level of suffering.

4.47 pm

Lord Paddick (LD): My Lords, I, too, thank the noble Baroness, Lady Helic, for securing this debate and for her powerful opening. I wish the Minister well with his maiden speech. He has had a few dry runs, so expectations are high.

Can the Minister confirm that, as of Sunday, only 1.6% of the 32,000 who have applied to come to the UK from Ukraine had actually arrived? The Government have apparently assumed that refugees are not wanting to move too far away from Ukraine, but it looks increasingly likely that other factors may be the cause. The *Telegraph* reports cases of permission to travel letters being sent by the Home Office but not being received by the intended recipients. A government spokesperson said that they were aware of a "technical issue". What is that issue, how many families are affected and has it been resolved?

On Twitter this morning it was alleged that only one member of each family was being granted a visa, meaning that the family, wanting to stay together, was unable to travel to the UK. This was responded to by someone else who said that only two out of three visas for his family had been issued. Is this conspiracy or cock-up? Is this a deliberate move by the Home Office

to keep refugees out of the UK or are applications from the same family not being cross-referenced and dealt with together? It appears that, whether by accident or design, the actions of the Home Office are preventing even those granted visas from travelling to the UK. The Home Office estimated on 18 March, when the refugee schemes opened, that it would be able to process 10,000 visas in that first week, but it actually achieved less than one-tenth of that. Can the Minster confirm that he has set a target of 15,000 a week and say when he expects to achieve it?

In the *Telegraph* today, it is alleged that the Foreign Office is refusing to provide staff to help to process visa applications, saying that it is the Home Office's problem. It has also been suggested that, despite being offered bonuses to work overtime and rest days, processing is likely to be impacted by staff taking time off over the Easter holidays. Are these factors going to impact on the Minister's ambitions and are, as has been suggested, things going to get worse before they get better? Can he also confirm that he has set a target of 48 hours to process an application for a mother and child, but that it is currently taking on average a week, and that phase two, whereby organisations and businesses can offer accommodation to Ukrainian refugees, has been delayed until after Easter?

The Minister is quoted as saying:

"We did not have, and we've never had, a proper system of administering the mass flow of people from abroad."

This House passed amendments to the Nationality and Borders Bill to ensure that the Government set up and maintain the necessary systems, processes and support to local authorities to be able to cope with the sort of influx of refugees that we are currently seeing from Ukraine. If the Minister is correct, this would appear to be desperately needed. These delays are causing distress and costs that people cannot afford. Families here in the UK are desperate to offer a home to Ukrainian refugees, and Ukrainian refugees are stuck abroad with no money and nowhere to live.

According to the *Telegraph*, British families are paying thousands of pounds to keep refugees in hotels in places such as Warsaw, which they can ill afford, when they have spare rooms that the refugees could move into today. Sponsoring families are being left out of pocket and emotionally drained. Families who were linked up two weeks ago under the Homes for Ukraine scheme are still waiting for their visa applications to be processed and are not being given any information about progress.

Delays are being blamed on decades-old technology, with security checks being undertaken on a limited number of specialist terminals in secure parts of designated Home Office buildings, identity documents being processed through a second system and decisions being taken on a third, where data from the other two systems is entered manually. Can the Minister confirm that?

If these delays are inevitable, as the Minister apparently thinks they are, why do the Government not process refugees here in the UK, rather than before they travel? Why is it that almost every other European country is able to provide visa-free entry, but the UK is not? The Home Office is blaming No. 10 for insisting on a separate bespoke system for Ukrainian refugees. Others are blaming MI5 for insisting on security checks, while others say that the security services have no security concerns. Others are quoted as saying that the Home Office is insisting on putting security checks above everything else. On the one hand, we are hearing that Priti Patel was in favour of a much more open scheme to allow Ukrainian refugees to come to the UK, but her plans were vetoed by Steve Barclay, the Prime Minister's chief of staff, but on the other hand we are hearing that MI5 had strong views on the need for checks, so not doing so was never really considered by the Home Office. Can the Minister please explain where the truth lies?

Another reported excuse is that the Home Office wants to avoid "Windrush on steroids", where thousands of people would be left without the necessary documentation to claim welfare, education, jobs and healthcare. But refugees with permission to travel letters are being told that when they present themselves at the UK border they will be given an entry stamp in their passport and that they can then use the stamp in their passport to access jobs and services. I ask again: why can they not be processed on arrival?

When the refugees arrive, local authorities are asking for a clear framework for housing checks, guidance on safeguarding beyond the initial DBS check and a clear steer on what to do when placements break down and require rematching. They are having serious issues with data quality, including access, duplication and missing information. Families are arriving under the family visa route with nowhere to live and children are getting visas under the Homes for Ukraine scheme and arriving without an accompanying adult. Some councils are being told that the £10,500 is only for the first year and it is only available under the Homes for Ukraine scheme in any event, although those coming via the family route also need access to council services. Third-party support services, such as translation services, ESOL and healthcare, particularly mental health care, are receiving no additional funding. Can the Minister explain what additional support will be made available for those services?

Finally, can the Minister confirm that work on other visas, such as work, study and Afghan visas, has been stopped, as all staff are diverted to deal with the Ukrainian crisis? What will the implications be on other visa applications?

We are here to hold the Government to account. We need clear answers, if the Minister can provide them, or does he, like us, see a good deal of willingness surrounded by a great deal of confusion, inefficiency and ineffectiveness?

4.55 pm

Lord Udny-Lister (Con): My Lords, I start by congratulating the Minister on his appointment. I was going to say "commiserating", because I think that he has probably one of the toughest jobs in government at the moment, but I know that he is very hands-on—I am afraid that he will have to be in this job. I, too, thank the noble Baroness, Lady Helic, for this debate and in particular for her opening speech—I was moved by what she said. I agree with everybody else in condemning the appalling acts of the Russian state against the people of Ukraine.

[Lord Udny-Lister]

More than 6.5 million people now displaced since February, a death toll that is continuing to climb by the hour, the graphic images of the dead left on street corners and the harrowing reports that rape is being used as a weapon of war bring shame, disgust and anger to us all. Over the weekend, the Prime Minister committed to sending specialist police and military investigators to help the International Criminal Court's investigations, in the hope that those responsible for these heinous, evil acts may be held to account at The Hague. I very much welcome that recent action, as I am sure does everybody else, and the leadership that the Government have shown in providing solidarity, strength and support to the people of Ukraine. However, as we stand witness to perhaps the greatest humanitarian crisis of recent times, it is only right that we do all that we can to support those who are fleeing their homes to find safety, security and solace in the United Kingdom.

As I mentioned in my preamble, women and children who are now arriving in this country have seen things that no human should. How can an adult, let alone a child, forget the images of a burned body flung on the roadside? As we learned over the weekend, those fleeing may have been subjected to brutal acts, and the trauma and post-traumatic stress that they will be suffering are incomprehensible. With this in mind, would the Minister advise the Committee on what arrangements are being made to provide Ukrainian refugees with targeted, specialist mental health provision? I ask this in cautioning that mental health services across the country are already stretched because of the pandemic. The mental health support that the incoming Ukrainians will need cannot be left to the lottery of local provision.

Ukrainians have an incredibly strong work ethic. The Government's relaxation of the rules to allow Ukrainian refugees to work is most welcome. I place on record my admiration of the companies, both large and small, which have demonstrated the best of British values in securing paid opportunities for those looking to make this country their home, if only for a short time.

However, we know that, for every good deed, there are individuals who, unfortunately, will seek to make a mockery of the system and exploit goodness. Could the Minister therefore provide reassurance that the Government will move heaven and earth to ensure that those fleeing war zones are not forced into modern slavery? Would he encourage local authorities to see what they can do to not only provide work placements but use their local knowledge and experience as an additional mechanism to ensure the legitimacy of the work being offered?

President Zelensky recently thanked our Prime Minister for the "historic leadership" that Her Majesty's Government have shown when it comes to this nation's support for Ukraine. I look down the list of all that the Government have done thus far and it is to be commended, as is the effort that we have seen in communities up and down the country, where the generosity and kindness of individuals serve as the greatest welcome that could possibly be made.

However, we must now ensure that when it comes to the processing, arrival and support of Ukrainian refugees, the apparatus of the state at national and local level kicks into play with the same speed, determination and force that we have been able to show on issues such as sanctions. The Government have issued more than 29,000 visas to Ukrainians in less than a month and I am reassured that they are doing their utmost to speed this up. To conclude on this point, will the Minister provide an update on what action the Government have taken in recent weeks to increase visa-processing capacity here at home and in Poland, Hungary, Moldova and other major centres?

5 pm

Lord Balfe (Con): My Lords, I, too, thank the noble Baroness, Lady Helic, for introducing this debate and for her thorough and moving speech. I have watched this from afar and one of the few rays of sunshine has been the appointment of the Minister to his present role. I am only sorry that his maiden speech is at the end of the debate rather than earlier on, because I am sure that we are going to be pleased to hear whatever he says. We welcome him knowing his record and how hard he is currently working and will be working.

The point we are at at the moment takes me back to almost the beginning of my political life, which was Hungary in 1956, when I recall that our community welcomed Hungarian refugees who had come to Britain and were settled. Unlike today, those refugees had no option to go back. They were in Britain and integrated and, of course, they were far fewer in number. When I look at the situation that we are in today, I reflect that we let down former Yugoslavia. What happened there was butchery at the same level as is happening today, a butchery that we thought we would never see in Europe again. I think that we have risen to the challenge this time.

I am astonished at the Russians and their sheer stupidity. The way in which they have acted shows a massive failure of intelligence, humanity and understanding of the international community. We used to have a saying that British military intelligence was a contradiction in terms, but Russian military intelligence does not appear to exist at all. They have got themselves into something that will last certainly for the rest of my life and probably the life of many people in this Room. We are never going to be able to go back.

At a time like this, I am constantly reminded—I will say it, although it is not popular—of the sheer stupidity of leaving the European Union. When we look at the gatherings of European statesmen—we saw one with Boris Johnson when he went to the European Council—we are well outside the room. Whatever we say about NATO—I notice that we are suddenly on about the G7—this is a problem that requires a European dimension to virtually every part. Our act of self-harm is coming home to roost now.

That is because not only do we have the problems with the refugees and getting the refugees in—I am not going to repeat them—but we have to look to the future. There will be a future when we have to rebuild Ukraine and when some of those 4 million people will want to go back home. They will be doing so to a land that has been devastated. In part—I am not saying that we should not have done it—it will have been

devastated by British weaponry used by Ukrainian troops in the fighting. None the less, we will have paid a lot of money to give weapons to Ukraine to win. We have an equal obligation to look to rebuilding Ukraine and to a generous running budget for some years from this country towards doing just that. There will be a European effort that we must also contribute to. We must make it part of our job to make Ukraine worth living in again.

When—as it inevitably will—refugee fatigue starts setting in, we are going to have to resist it. It is already setting in around the Afghan refugees. We have a huge job on our hands, as does the Minister, not just in getting people here but in settling them in and then moving forward. I wish him the best of luck and godspeed from this side of the House, and the other side, because this is one area in which the whole House is totally united behind the Minister's efforts. We wish him well.

5.07 pm

The Earl of Shrewsbury (Con): My Lords, I congratulate my noble friend Lady Helic on securing this most important of debates and I welcome the opportunity to continue to bring to my noble friend the Minister's attention the case of two young Ukrainian nationals whose ongoing plight has been brought to my attention. I have been in touch with my noble friend and his senior officials on a number of occasions during the past week and have described to them the ongoing battle with this country's ridiculous and completely unnecessary bureaucratic nightmare which these two young people are experiencing. I am certain that they are not alone in their experience. However, I put on record my thanks to my noble friend's officials for their courtesy and assistance over the past few days and I congratulate my noble friend in advance of his maiden speech and welcome him to his new appointment —I know that he is extremely hard-working.

I applaud the Government for their laudable Homes for Ukraine scheme and those in this country who have offered to take into the safety of their homes Ukrainian refugees displaced by this appalling, unnecessary and horrific war. I must crave your Lordships' indulgence while I describe the situation affecting these two young people. It is important and a photographic copy, I suppose, of what is happening to many people over there.

They are a 25 year-old woman and her 15 year-old sister, Olia and Tonya Voropay. Mrs Rachel Hickson, who lives at Cockshutt in Shropshire, contacted me some three weeks ago. She and her mother have long-standing close ties with Ukraine, especially as they know these two sisters. Mrs Hickson applied to take them into her home under the Government's much-publicised Homes for Ukraine scheme. She was advised by the Home Office that both sisters could apply for visas and the scheme on the same form. They did so. However, the elder sister Olia received her permission to travel letter but the 15 year-old Tonya did not. The sisters' mother died 10 years ago and they are all but estranged from their father. To all intents and purposes, Olia, aged 25, is the guardian of her younger sibling.

When Olia questioned the completely inhuman and irrational situation, which I believe representatives of the Home Office, or their agents in Ukraine, told her about, she was told by them that her younger sibling must reapply in writing as an individual, that this process would take at least three weeks and that they could advise no timescale at all. I was further advised by the Home Office officials over here that it was probably because the younger sister is a minor—but she is accompanied by her guardian, her elder sister. What on earth is going on? Every country in Europe is accepting these displaced people, yet we appear to be placing every barrier in their way. It is a total disgrace. What is wrong with us here? We raise their hopes and then dash them. These people are vulnerable and under huge stress. They deserve our support.

Tonya is in possession of a notarised document, signed by her father, giving her permission to leave and travel. I have sent copies of this document, both in Ukrainian and translated into English, to my noble friend's private secretary, and I have included copies of both Tonya's Ukrainian passport and her application form for a visa. Meanwhile, the two young women are stuck in Ukraine, with the war raging around them, while our bureaucratic machine grinds endlessly on. They are frightened and desperately worried, yet they have a family—friends of theirs—waiting to welcome them to the safety of Shropshire and a new life. Would my noble friend please give me an undertaking that this shameful situation will be rectified and the two young women provided with their documents with permission to travel without further delay?

5.11 pm

Baroness Finlay of Llandaff (CB): My Lords, like others, I applaud the noble Baroness, Lady Helic, for securing this important debate and I welcome the Minister to his post. He has apologised publicly—it has been in the media—and admitted that the system is not good enough. Many of us fear that, in his well-intentioned work, he might get so worn down that he finds himself mentally unable to function with the burden of what he is carrying on his shoulders. I do not believe that that has happened, but I put that as a warning to those who should perhaps be supporting him, because I worry that he may not be getting enough support.

The noble Earl, Lord Shrewsbury, recounted a story that is repeated in many pieces of correspondence that I have received, including one about a mother and her daughter who have, it seems, probably been tempted into what could be modern slavery in Ireland—contact with them has been lost. A lot of other young people are deeply traumatised. I will quote from the rector of the great academic council from the Ministry of Education and Science of Ukraine, who at the beginning of March wrote to Colin Riordon, who is the vice-chancellor of Cardiff University and who supplied me with this letter, to which he replied on 2 March:

> "Almost 10,000 Ukrainian students, teachers, and about 500 foreign students are hiding in the basements of dormitories and educational buildings. There are no safe places left in Ukraine."

Since that letter was written, the situation has deteriorated greatly.

We must be aware that the people in Ukraine are sacrificing themselves to protect freedom and democracy in all of Europe and possibly across the world. When we

[Baroness Finlay of Llandaff]
offer them sanctuary, we must follow that through. The visa process is causing enormous distress to people who are already traumatised. Our official processes must not worsen the health of those already vulnerable and traumatised by what they have experienced. Our border control and authorities should undertake their responsibilities properly by acting to counter all discrimination and mitigate health risks, not worsen them. People will need healthcare services—they need them now—as they have undergone mental and physical traumas. Children have witnessed rape, violence, parents killed in front of them and overwhelming terror the like of which we cannot imagine from the safe haven of these islands where we sit.

Health workers coming from Ukraine should be allowed to continue working in our country with automatic recognition for their qualifications and help to integrate, because nearly all of them have adequate English already and the hurdles that they will be asked to go over will be enormous. Those in training should be allowed to access our training schools—I will ask the Minister about that later, because there is a problem.

We have an ethical obligation of non-abandonment of the seriously ill people and their families. Before the war started, Ukraine was estimated to have approximately 7% of the analgesics required to deal with its normal surgical and palliative care requirements. It had much less than the rest of Europe. That is now estimated to have fallen to 1% or lower than is required, simply to provide pain relief to people who need it in that country. That is an appalling statistic to have to live with.

I have previously declared that we have applied to welcome a family. On 9 March, the family we want to sponsor had managed to get to Sofia in Bulgaria, so I wrote to the ambassador there and gave all the details of the family, including their CVs—as much as I could obtain. Today, I received a reply. It referred me to some telephone numbers, which I tried; none was able to provide any help at all.

We applied on 18 March, as soon as the process opened. It took my husband eight hours to work through the forms, including communicating with them to get all the details required. The document list was inadequate. It did not state at the beginning of the process what would be needed as we worked through it. At one point, we had to upload a PDF of passports to an external agency—I do not know who the agency was, but we had to convert the JPEG files into PDF files. As the noble Lord, Lord Paddick, said, there was no linking of individual family members, so we know that three of the four applications are being processed but we have no idea what has happened to the fourth—the son—although we had an automatic email response.

There must be a way that families can be kept together, as has been highlighted. Wales wants to become a super-sponsor, with Scotland. Arrival hubs have been set up at ports of entry across Wales. They are not being openly disclosed in the public domain for obvious security reasons for those arriving. It has been estimated that Wales is expecting and able to take 1,000 people easily. Some 10,000 people in Wales signed up for the Homes for Ukraine scheme to act as potential sponsors. There have been 1,300 applicants to date for Wales; 143 have got visas. We have hotel rooms waiting to receive them, covered by the Welsh Government, that are not being used. Accommodation is available and processes have been put in place with local government. We have interacted with Cardiff Council, which I must commend for being extremely helpful and arranging to inspect property, conduct crime checks, et cetera. A helpline has been launched.

The universities are trying their best to link with other universities; Cardiff University has volunteered 50 projects to host Ukrainian academics for periods of three months or more, and the Council for At-Risk Academics is working with the university to try to provide support and arrange for twinning of UK universities with ones in Ukraine. It is currently not possible to accommodate all the students on courses because the Government have refused to waive the requirement to provide evidence of English-language competency or prior learning, but the courses would be willing to take them. There are a series of scholarships; Cardiff Metropolitan University—with which I previously had a role—has pledged £400,000 for two years to support scholarships and fellowships.

There is a concern that there may be a brain drain from Ukraine to the United Kingdom, but many of these people want to return, to rebuild their country once they can do so. We should support them. As well as providing a visa scheme and talking about three-year visas, what plans are being put in place now to let people know that we want to support them to come here, that we will do it fast and that we will support them to return when they are ready and want to do so but will not push them back?

There is a problem with medical and dental courses, and I ask the Minister to work with me to discuss with medical schools across the UK ways in which to accept and transfer medical and dental students into courses. We have an acute shortage of healthcare workers in this country, and we should help people who are a year or two years away from graduating to achieve the careers that they have worked so hard to achieve so far.

I understand from the Local Government Association that there is a concern that some people are already becoming homeless. How much Ministry of Defence accommodation is empty, how much of it has been assessed as habitable, and is it being repurposed deliberately to house Ukrainians in groups so they can stay together in their own community with people who speak their own language while other housing is being arranged for them? I understand from somebody in the MoD, who does not wish to be named, that there is such accommodation.

My last question relates to security. I understand that the Government, in the open session yesterday for which we are all most grateful but which some of us could not attend because of the health Bill, spoke about the security issues. How are they getting security information from the police files in Ukraine and from criminal records there to do the security checks that they say they need to do? Will the Government disclose to us the algorithm of the processes, as there are accounts of people getting emails to say that they have

a visa, but the required documentation is not attached to that email and, therefore, they cannot activate entry into this country?

5.21 pm

Baroness Pidding (Con): My Lords, I start by thanking the noble Baroness, Lady Helic, for bringing forward this debate and sharing her personal experience. I also join others, rather belatedly, in welcoming my noble friend the Minister to the House. I very much look forward to hearing his official maiden speech. What is a loss to the Green Benches is most definitely a real gain for us. I have known him for some years, including through campaigning for him in Watford. He was a joy to work alongside and, I know, left big shoes to fill. He has a reputation for getting things done, and he does this through the most admirable work ethic and his generous warmth. I know that he will become, and is already becoming, a popular figure on all sides of this House. My noble friend really is a most welcome addition to our Benches and will be a most effective Minister.

None of us can have escaped the feelings of revulsion, horror and outrage—and, ultimately, of rank desperation—at the scenes we have witnessed in Ukraine over past weeks. To witness the dissemination of a European nation by a cold-blooded invader invokes the very worst images from the bowels of history. The scenes in Bucha remind us of one of the massacres in Srebrenica, and the destruction of Mariupol conjures images of Europe's shattered cities after World War II. The cruel rhetoric of Vladimir Putin apes the likes of Hitler, Milošević and Ceausescu. But in this darkness is also light: the bravery of the Ukrainian people, their fortitude, spirit and courage, also reminds us of the very best of human endeavour.

I am proud of the role that the United Kingdom has played in Ukraine. From training more than 20,000 of the country's armed forces since Russia's first incursion into the country in 2014, to the Government's decision to provide Ukrainian armed forces with the deadly weaponry they need to defend their homeland, to the recent refugee resettlement scheme, we have truly stepped up as a people. However, we must keep asking ourselves what more we can do.

I must express a note of grave concern for what Russia's invasion of Ukraine means for wider eastern Europe. For three decades, Russian troops have occupied 20% of Georgia, de facto annexing the provinces of Abkhazia and South Ossetia, and forcing hundreds of thousands from their homes. More than 30 years since it was invaded, they still have not been able to return home. I urge the Government to continue providing support by whatever possible means, military or financial, to bolster Georgia's precarious position as the only true democracy in the south Caucasus.

The Russian armed forces continue to occupy an eastern province of Moldova, which they use as a glorified military garrison, while suppressing its local Romanian-speaking population. The challenge in Moldova is even more acute: every day, tens of thousands of internally displaced people from Ukraine continue to pour across its borders, en route to sanctuary in more affluent states further west. For Europe's poorest country, a nation of 2.6 million people, to have welcomed more than 400,000 refugees is an impressive feat. But the country is at breaking point. I urge the Minister to build on the excellent work that he and his colleagues have already done and continue extending UK financial support to Moldova, Slovakia, Poland and all other frontier nations taking in Ukrainian refugees.

I also pay the fullest tribute to Poland, our country's greatest European ally, for the leadership it has shown in both the resettlement of refugees and the pursuit of sanctions on Russia. The conclusion of the new trilateral security pact between the UK, Poland and Ukraine offers huge opportunities for our country to continue furthering peace and security in Europe—something every Member of this House welcomes.

In conclusion, I have a further request of the Minister, who I know to be a man of decency and impressive organisational zeal. As a result of the excellent Homes for Ukraine scheme, many refugees have already arrived in the UK. Their immediate needs are taken care of—they are warm, safe and welcome—but we must redouble our efforts to ensure that bureaucratic hurdles are eliminated, including ensuring that they are given the right to work and to contribute freely to society in the UK. I trust the Minister will say more about this in his response.

At a time of conflict, the United Kingdom has always been a sanctuary for the hungry, the poor, the broken and the battered. We will always rise to the challenge and will do so again now.

5.27 pm

Lord Cormack (Con): My Lords, I am delighted to follow my noble friend Lady Pidding and I strongly endorse what she said, particularly about the precarious position of Moldova. We must not forget that.

I join with everyone in eagerly anticipating the maiden speech of my noble friend Lord Harrington. He comes here—and I have been in this building for almost 52 years now—with more good will than I have ever known for any Minister. All he has to do is deliver the goods: a very easy task. But seriously, we look to him and will hang on his every word today.

Our prime thanks are to my noble friend Lady Helic, not only for securing the debate but for the way in which she introduced it. As she spoke, I thought—I was much involved in all the debates on Bosnia in the other place—how remarkable it is that a Bosnian refugee is now a Member of the British Parliament, a participating Member, a valued Member. But, as she made plain in her moving words, she will always have a regret that she could not realise her potential and have her career in her native land.

As she was speaking, I thought of another, whom I know my noble friend Lord Wigley—he is my noble friend—will remember, because he sat for a Welsh seat. Stefan Terlezki was the only Ukrainian ever to sit in the British Parliament. He was driven into slavery by the Russians, and managed to get out. He built a career in our free country and was elected to our Parliament to represent a seat in Cardiff, the capital city of Wales.

It is very important to remember as we see these ghastly pictures in our newspapers and on our television screens day after day, night after night, that although

[Lord Cormack]
Ukrainians are fighting with incredible bravery, and we all pray for and will them to win, this could be a long haul. My noble friend Lady Helic reminded us in her speech of Yemen, Syria and Libya, where conflicts have been going on for years and destruction has followed destruction. We have got to be in this in the long haul for Ukraine, because if Ukraine is subjugated, if it ceases to be an independent country, we will all have lost and the tyrant who reigns in Moscow will just be tempted to further acts of aggression. So our commitment must be total.

However, this debate is rightly concentrating on the position of the refugees. We have heard some fine speeches and some moving references, particularly from my noble friend Lord Shrewsbury and the noble Baroness, Lady Finlay of Llandaff, to people who are suffering not because they are not welcome here, not because there are not arms to embrace them when they come here, but because of the ineptitude of British bureaucracy. This is what my noble friend must get right. We are all on his side. The noble Lord, Lord Paddick, asked a series of questions and at the end of this debate we want to have the answer to at least some of them—and very shortly, the answer to all of them. How many visas have actually been applied for? How many have been issued? How many people have been settled in British homes? How many are waiting, like the two sisters so movingly talked about by my noble friend Lord Shrewsbury? How many sisters and brothers are waiting, whose lives hang upon this? What we would say to the Minister—and I think I can speak for everyone in the Moses Room—is please, get it right. We are all on your side. Every one of us wants the Minister to succeed. We are willing him to succeed. We want to help him to succeed, but we must not have petty bureaucracy standing in the way of humanity. That is the fundamental point.

There was a reference earlier to Hungary in 1956. That was what brought me into politics. There we saw a proud people being subjugated in the most aggressive and bestial way. I was a young man, but it brought back to me the memories of the newsreels at the end of the war and of seeing the newsreels from Belsen. I have said in the House before that my mother tried to shield me from the screen and my father, who served throughout the war, said "No: he must see this so that he can perhaps play a tiny part in ensuring that it doesn't happen again". Well, it has; it is happening again now, and it is absolutely essential that we get this one right.

Ten days ago, I handed my noble friend a letter that my son gave me. My son works for an independent consultancy, but with Universities UK. The letter was signed by eight rectors or vice-rectors of medical schools in Ukraine and it builds on the points made by the noble Baroness, Lady Finlay of Llandaff. They were asking that, where British universities were willing and able to welcome academics and others—students—please could their entry into this country be expedited. I still await a reply. My noble friend promised me that I would have a reply this week; it may even be in this debate, which would be marvellous.

These are people of high professional ability, or aspiring to it, if they are still students, whom British universities wish to help so they can continue their studies, develop their careers—and go back. The thing that comes over time and again as we listen is that they do not want refuge in this country, full stop. They want to go back and rebuild their own country. As the noble Baroness, Lady Helic, said, we must help them to do that.

I will not reopen the Brexit debate, but I very much sympathise with what my noble friend Lord Balfe said. We certainly have to work with our European friends and allies— although we are no longer fellow members, we are still friends and allies—in the rebuilding of a part of Europe that, as we have been recently reminded, is or was the breadbasket of Europe. The failure of the harvest this year will have repercussions all over Europe— indeed, all over the world.

I conclude by once again thanking my noble friend Lady Helic for introducing the debate as she did and welcoming my noble friend the Minister, with his myriad responsibilities, and, as I said, willing him to succeed.

5.37 pm

Baroness Sheehan (LD): My Lords, it is a pleasure to follow the noble Lord, Lord Cormack, and I thank the usual channels for allowing me to speak in the gap. I add my thanks to the noble Baroness, Lady Helic, for bringing this important debate to Grand Committee and I look forward to the maiden speech of the Minister, the noble Lord, Lord Harrington. In advance, I pay tribute to the work that he has done on settling refugees during his time in the other place. It gives me confidence that, in time, he will be able to make the Homes for Ukraine scheme less of a challenge, because the process is currently not user-friendly—certainly not at the Ukrainian end. As we have heard from numerous noble Lords today, the need is urgent. Is the application form for the Homes for Ukraine scheme now available in Ukrainian and Russian?

The Deputy Chairman of Committees (Baroness Healy of Primrose Hill) (Lab): My Lords, there is a Division in the House, so we will adjourn for a few minutes.

5.38 pm

Sitting suspended for a Division in the House.

5.45 pm

Baroness Sheehan (LD): Can the Minister say whether the application form for the Homes for Ukraine scheme is now available in Ukrainian and Russian, or are families still expected to use Google Translate or add additional layers of complexity and confusion by asking a sponsor to fill in the form? The Minister will know from conversations last week that the guidance page on the government website is in English, Ukrainian and Russian, but the application form itself is available only in English still. Why is that? If we can manage the guidance page in three languages, why cannot we manage the application form itself?

From the figures that the Minister gave to the House last week, I hope that he will agree that it is quite shocking that, even after refugees have jumped through various hoops, the Home Office has approved only one in 10 applications. People are stuck in limbo when they

should not be. I know of more than 20 people who have jumped through the hoops and now have reference numbers, sponsors and job offers, but are waiting for an official letter of permission to travel, without which they cannot enter the UK. Last Thursday, the Minister was unable to say how many letters of permission to travel had been issued. Maybe he could update the Grand Committee this afternoon.

I now know of one letter of permission to travel from the group of people whom I mentioned earlier, which was issued to a four year-old girl. However, the mother did not receive a letter. For goodness' sake, is it really beyond the means of the Home Office to link an application of a child of four years to its parents and deal with the two together? Like many others, they should already be here.

The Government are putting out a lot of campaign press releases, which seem to suggest that there are no problems. That blatantly is not the case. I suggest that the Government would do better to put out press releases that tell it as it is, then maybe the Minister would not be put under pressure from noble Lords who seek to help Ukrainians with whom they are in contact and who need our help so urgently. I hope today that the Minister will be able to put that right and tell us that people have now begun to arrive in England on the Homes for Ukraine scheme. I hope that the figures that the Minister will give us refer to the Homes for Ukraine scheme and not the Ukraine family scheme, which seems to have fewer problems—but maybe that is not so.

I mention the figures for England, as the guidance page on the government website tells us that Ukrainians can choose the Scottish Government as a sponsor and that the Welsh Government will also act as a sponsor. We have already heard details of that from the noble Baroness, Lady Finlay. Maybe the unused Nightingale centres will finally come in handy if we in England can waive visas also.

In conclusion, the Government continue to put paperwork before people, which is such a sad case. When Scotland, Wales, Ireland, France, Germany and a host of other countries can waive visas and welcome people as refugees first, filling in the paperwork afterwards, why cannot our Government in Westminster do the same?

5.49 pm

Lord Coaker (Lab): My Lords, it is a great privilege to follow the noble Baroness, Lady Sheehan. Her frustration in the examples that she used are shared by many of us.

I, too, praise the noble Baroness, Lady Helic, for getting this debate. I join others in saying that she is a phenomenal example to all of us, in being proud of and not forgetting her heritage and in what she has achieved in this country despite the sadness around that. As a former schoolteacher, I think that she would be a fantastic example to many of our schoolchildren in the way she has dealt with the hardship and difficulty that she faced and, in doing so, has moved on in life. Many of us were moved by what she said and it would be incredible for children to hear that sort of thing—particularly when so many people are criss-crossing over countries and seeing terrible things on their television screens. I do not know whether others have had this, but when children and grandchildren are looking at the news, I can only wonder what they are thinking. Talking to them in the way the noble Baroness talked to us is hard but helpful. It was an inspiration to us all and I thank her for it.

I, too, welcome the Minister. As he will know, having been a Member of the other place as I was, it is unusual to congratulate someone on their maiden speech before they have made it, but it will no doubt be wonderful and superb. The reason I know this is that I reread his maiden speech of 26 May 2010 as Member of Parliament for Watford—the noble Baroness, Lady Pidding, helped put him there. I say to all noble Lords that it is worth reading; it shows the Minister's deep care and commitment when he was a Member of Parliament, particularly in the way he spoke about young children. I mention this because, as many noble Lords have said, we are all looking to the Minister's character. It was demonstrated in that maiden speech and no doubt will be in this; it will give us an example of the character and personality of the man, which will make the difference. We very much look forward to that.

I say to a number of noble Lords, including the noble Baroness, Lady Pidding, that Her Majesty's Opposition stand full square behind the Government on the action being taken against the illegal invasion of Ukraine by Russia. We support the Government on the military aid that has gone there and the sanctions, as all Members of your Lordships' House do, as far as I am aware, and wish the Government well. There is not a sliver of paper between any of us on that.

Notwithstanding that, there are serious questions to be asked and answered on the refugee scheme and our various programmes to try to help the people of Ukraine. The Minister will expect us to ask such questions. To put it in perspective, as others have mentioned, 4.2 million refugees have fled Ukraine and 6.5 million people have been displaced internally. It is an astronomical figure. Poland, which the noble Baroness, Lady Pidding, mentioned in her excellent contribution, is one of our closest allies in Europe and 2.5 million displaced refugees have been hosted there. I do not wish it on anyone; can you imagine if 2.5 million people just crossed the border into the UK, driven by war? I know that the British people would welcome them in those circumstances, but it is phenomenal. There are biblical proportions of people being moved around the continent.

What is so refreshing, reassuring and inspiring is the desire of the British people to do their bit and play their part. That is why there is frustration. It is not a normal political criticism of the Government; it is in the sense that we must do our bit, look at what is happening and ensure that we get as many people in need to this country as we can. In that sense, it would be helpful to hear the most up-to-date figures from the Minister. Like many noble Lords, I am sure, I find that if you look at the newspapers and different research papers there are numerous different figures available to us all. Can we have an official outline of the figures?

In the figures I saw, on the Ukraine family scheme 24,400 had been awarded but only hundreds of people have arrived. Can the Minister update us on the figures

[Lord Coaker]
under the Ukraine family scheme as it is currently constituted? Under Homes for Ukraine, introduced on 14 March, 4,700 visas have been issued but there is a backlog of 27,500, with only 500 having arrived in this country. As the noble Lord, Lord Paddick, pointed out, that is just 1.6%. Is that figure right? If it is wrong, what is the correct one? We all need to know.

We have heard tales from numerous noble Lords, including the noble Baroness, Lady Finlay, about red tape, inefficiency, security checks, demands from MI5 and people being unable to get visas and find out what is happening. The noble Earl, Lord Shrewsbury, pointed to a particular example, but unfortunately there are many. I have one, which I will draw the Minister's attention to, of people who have visas and have signed the various documents. They have been told their visas are at the Sheffield office, but they cannot move to get there; the system does not join up. We have heard these tales from the noble Earl, Lord Shrewsbury, and from individuals who have contacted me: they have all the reference points and every single piece of documentation has been filled in and completed, but nothing has happened to enable them to move to their sponsor. Of course, there is a need for checks, but the bureaucracy is inefficient and excessive, and we need something to be done about it.

I understand the Minister has set a personal target of 15,000 visas a week being issued and those people presumably then arriving in the UK. When does he expect that target to be reached? Is it true, as reported in the *Sun* today—this example was given but I cannot remember by whom, maybe the noble Baroness, Lady Finlay—that the 24/7 helpline has only 15 staff? This may be why there have been problems getting through. They are working on thousands of calls. If there are only 15 people, working as a rotating system, as they will, it is no wonder people cannot get through. When I looked at this, people were being told to go to the helpline to find out what is happening but, if there are insufficient people working there, nobody will answer the phone. This is another question for the Minister.

This Committee is powerful for the Minister, because we are trying to give him the power to sort this out and do something about it. Is it true, as reported in the *Times* today, that the Foreign Secretary has clashed with the Home Secretary on clearing the visa backlog? It is either true or it is not. The Foreign Office has said, "Back off, Priti; it's your problem". This is not a criticism of the Government, but of what is going on. Is it true or is it not? If it is, can it be sorted out? Is that the reason the Cabinet Secretary has written to all departments telling them to co-operate? All power to the Minister, but nobody should have to tell government departments to co-operate with each other, at a time of national emergency, on refugees fleeing persecution and war. It should just happen.

I just say to the Minister that, if he needs some help sorting out the Foreign Secretary, we will help him. That is not a political statement; the serious point I am trying to make is that this needs to be sorted out. If more staff are needed, the Foreign Secretary should provide them to the Home Secretary to help sort out this problem. That is what your Lordships would expect.

As well as planning for the refugee crisis, on which we have heard from noble Lords, are we supporting and helping local government and local organisations? We have heard reports from the Local Government Association of 144 Ukrainian households presenting as homeless to 57 different councils. I have no idea how those households have arrived in this country, but there is clearly a need to do something about that.

Again, this question has been asked: is the £10,500 grant for one year or for longer? Why does it apply only to the Homes for Ukraine scheme, when those arriving under the family visa scheme will also be a cost to the local area? Is that something the Minister could look at?

I also had the privilege last Saturday of visiting in my own area the brilliant Nottingham branch of the Association of Ukrainians in Great Britain. It is working well with Nottingham City Council and Nottinghamshire County Council, but it needs help and support. It is becoming a focal point for Ukrainians in the area who are looking for help and advice. There were a number of children there receiving classes and help. Soon the association will not have enough room for them. Can anything be done to support local councils to ensure that they can offer counselling, education classes and additional support?

We have a courageous, determined Minister who over the past couple of days has clearly shown that he is prepared to speak out, even when it differs from what others in government may say. That is exactly what this situation needs. It does not need someone who says, "Yes, don't worry" and is worried about upsetting people. It needs someone with the determination and character of the Minister to sort it out. There is a bureaucratic mess and quagmire here that needs to be dealt with, and the Minister is the person to sort it out. The British people want better from their Government, and they are desperate to stand up and offer support to thousands upon thousands of Ukrainian refugees. The people want their Government to step up to the plate, and that is what this Committee is saying to the Minister. Good luck with it.

6.02 pm

The Minister of State, Department for Levelling Up, Housing and Communities and Home Office (Lord Harrington of Watford) (Con) (Maiden Speech): My Lords, the past two hours, for once in my life, have left me more or less speechless. I promise noble Lords that that does not mean I am going to sit down. My maiden speech has been much-trailed. I should have thought that I had spoken so many times that noble Lords would have had enough of me by now, anyway, before I had actually made my maiden speech. However, this is officially it. I must say that it is hard for me to be jovial, which I hope Members of the House of Lords and the other place who know me realise is my normal disposition. I have found it hard to be jovial in this role. Having said that, I will do my best to be so, at least for the next few minutes, before I return to the more serious business of today.

The noble Lord, Lord Coaker, with whom I have had many dealings of a constructive nature in the other place, was complimentary about me. It is touching the way in which Members of this House have treated

me with courtesy, respect and, I am afraid, hope. The burden is very much on my shoulders. In the Commons, maiden speeches are a formula—a nice one—whereby one is kind about one's predecessor, who in my case was Claire Ward. As the noble Lord will know, being kind was not difficult because she was a nice person who did a lot, having, as the youngest of the "Blair babes", as they were called, been elected in 1997. She had a good career and remains a kind person. That bit is easy. Then, one talks about the place one is fortunate enough to represent. As I first worked there in 1979, that was not difficult to do. Then, one talks nicely about the plans for one's constituency. Again, that is not difficult. Everyone is nice about the speech and the speaker who follows from the other side is complimentary, whatever one has said. Even if it was said poorly, people are nice about it. I thought, "That's it. I've cracked this. Speaking in the House of Commons is quite easy."

Unfortunately, the next time I spoke the former colleague of the noble Lord, Lord Coaker, Ed Balls—a fine man in many ways, who I was looking at while I was speaking—started shouting at me and booing. I had been a Chelsea season ticket holder for many years, but lest anyone should feel that I am linked with Abramovich, it started in 1983 when he was a mere baby oligarch, doing whatever he did in Russia. I thought that the noise was bad at Chelsea—until I went to the House of Commons. Of course, that is not the case in this House, where there is not quite the same noise. However, I do find it disconcerting in this Chamber, where people are courteous and the Lord Speaker sits there in a civilised manner, when people start shouting about their right to speak. As the Minister on the Front Bench, you think they are shouting at you. In the Commons, they would be, whereas in the Lords they are actually just shouting in order to be able to speak.

My path here has been an absolute privilege. We are talking about refugees mainly. The family of one my grandparents were refugees, ironically from Russia. The other grandparents' ancestors have been here since 1667, thanks to Oliver Cromwell, so perhaps I should not use that as an example. However, I am here today because of the Russians and the Cossacks and their virulent anti-Semitism. One of my grandparent's ancestors' families came from Odessa. I am afraid that I cannot compare my experiences in any way to that of my noble friend Lady Helic, whom I first met many years ago on a trip to Israel, where she showed me that she knew far more about the subject than I did, and she has continued to do that today.

The father of my actual and noble friend Lord Finkelstein—Danny Finkelstein—who was brought up in the same way I was, which is to believe that this country is the finest country in the world, used to say, "As long as the Queen is safe in Buckingham Palace, we are safe in Hendon." There is a lot of truth in that and in what this country has given us all. I was brought up to believe it.

My path has been a privileged one, although not necessarily financially privileged. My father was a market stallholder and I worked there from the age of 10. He got annoyed when I told people that because it implied that I was accusing him of child exploitation. In fact, of course, it was not that. I begged him to be allowed to go on Saturdays, which I did. I was fortunate enough to be the first member of my family to, as they put it, even get one O-level. I was fortunate enough to get a scholarship to Oxford and I have been lucky in life. I started two businesses with friends, I ran a children's charity for three years and I have had quite a lot of different experiences, good and bad—but most people have when you get to speak to them and I know that most members of this House have. In the end, it has been a privileged life.

My first experience with refugees, other than family stories, was when David Cameron, the former Prime Minister, called me quite late on a Saturday evening. His Private Secretary had called and asked, "How late can the Prime Minister call you?" It was strange settling at 10 pm. I said, "As late as you like. Why so late?" and he said, "He's at Balmoral with the Queen. By convention we're not allowed to call anyone until she goes to bed and we're not sure what time she goes to bed." It was to offer me the Syrian refugee job. That was a cross-government job.

I did not know a thing about it on the Saturday night, apart from what I had read in the newspapers, and it was a very quick education. I have experience of the countries around Syria and of parts of Syria itself, but I can never feel the same as my noble friend Lady Helic feels. Of course I cannot. When you read about something or see it, it is not the same as experiencing it. Without going into great detail because of time constraints—I know noble Lords want me to get on with what I am here for—it meant that the other jobs, the businesses, the charities, the politics and all that were nothing. I was quite upset on the day that David Cameron resigned—I will not get into the Brexit debate, which some noble Lords have mentioned—and in the afternoon he called me on my mobile. He said, "This is my last thing. I am in Witney"—his constituency in Oxfordshire—"We have six Syrian families that you've settled here and I just want you to know that it was all worth while." I was crying, which among a roomful of civil servants is not a good thing to do.

To finish the maiden speech bit of the maiden speech, I must thank all Members of this House and the Doorkeepers. It is amazing how many Doorkeepers come from Watford. This is a secret. During my introduction, the gentleman who helped me on with the robe said, "You spoke to my school." In 2010, I spoke at his school. He was in the sixth form and was there on that day, which was very moving. All the staff have been wonderful and I have received support from everyone.

Unfortunately, the fact that everyone is so nice makes it worse, not better, because it is impossible to get angry with anyone who comes up to me or follows me about, whether I am having a cup of tea or speaking in a debate. Instead, I say, "Well, what can I say? I took the job on." It is not politics for me, although, to give Boris Johnson credit, he offered me the job unconditionally because he thought that I could do it properly. I do not think that anyone could say that it was a political appointment in the conventional sense, but he has put a lot of trust in me and I do not want to let him down. I know that he believes in what all of us here believe in.

[Lord Harrington of Watford]
People may have their views and different politics, but, on this, I am convinced of what he said to me: this is an uncapped scheme. He meant it.

I have heard a lot of conversation from people—it has been mentioned in several speeches today—about the Home Office's talk of the hostile environment. Honestly, I have not seen it. I have also not seen the feuding mentioned in the newspapers of the noble Lord, Lord Coaker—he seems very knowledgeable about the *Sun* these days; the House of Lords has probably done that to him. I am sure that he was a *Guardian* man at one stage—

Noble Lords: Oh!

Lord Harrington of Watford (Con): I withdraw that comment; it has obviously offended him. But, in all seriousness, I have not seen the reported feuding between departments. Perhaps it happens when I am not there, but I see meetings with Priti Patel and Michael Gove every day and I have heard raised voices—because we are all trying to do the same thing—but not at each other. But then I read in the newspaper that these wars take place. I could not possibly know what happens behind the scenes, but I have not experienced that myself.

I will pick out the main points brought out in the moving story of my noble friend Lady Helic—I wish that I could answer everything like this—and I would be happy to follow up with her personally, either through correspondence or informally afterwards, to talk about them. Her worries about trafficking are the most serious worry. She and other noble Lords have mentioned the security checks and it is true that, as I said in the Chamber when someone mentioned them to me, I at first assumed that this meant spy security and I thought, "These people are mainly women and children. They are not being given jobs at GCHQ but are living in people's spare bedrooms and flats." But it is not that.

It all comes down to a decision that has been taken—many people have different views—on whether we need to identify people before they come here. Regarding identification of people leaving countries that are at war and where traffickers and other people are, how much of a duty do we have to make sure that we know who people are before they get here? The current system basically asks, "Do you have a Ukrainian passport? Are you on any form of watchlist or anything like that? If you have children with you, can we be sure—not perfectly sure—that they are yours and that this is not a front for trafficking? Does your sponsor have a criminal record or anything to do with that?" That is really it. I say that not glibly or simply but, in the end, that is what we are checking and it has taken far too long to do it.

I wish that I could stand here and say to noble Lords not that they are all talking rubbish—that is not right—but that I reject the criticism. It is not at all like the Brexit arguments, for example, where people have different views. I hear these things all day from people and they are not making it up. The newspapers obviously pick out things to be sensationalist and the noble Lord, Lord Paddick, quotes the *Telegraph* a lot—I do not think that that would be his reading matter in normal circumstances. I hope that he is not too offended by that comment; it was meant as a compliment. In this case, he raised very serious points. The papers have done a good job.

I will quickly refer to what my noble friend Lady Helic said. On safeguarding, do we do advanced DBS checks and should we do them before everyone comes? That would hold things up more. Alternatively, do we do what we do now, which is basically a police national computer thing and then advanced checks when they get there, if there are children in the house? These are all decisions that we really need to take.

On the noble Baroness's point about unaccompanied minors, I have had a lot of problems on this. For perfectly understandable reasons, the Ukrainian Government are really averse to us taking unaccompanied minors. Their policy is to keep children in the areas around Ukraine; they do not want them resettled. On the much-publicised case of the children from the Dnipro orphanage, I shall actually take umbrage with the papers, since it was widely reported that it was the Home Office that held it up. It was not—it was a question of us getting permission from the Ukrainian Government, who did not want these children moved. We might have to look at that again, but their policy is very clear at the moment.

Noble Lords made a point about ongoing support, particularly on extra money for local authorities for trauma support. The noble Baroness brought up mental health, but I am sure that she also meant the physical side. Yes, in theory, the £10,500 per year is to include that but, in the end, if there are trauma cases, we will have to provide extra money to do it, and we have the facility to do that.

On the noble Baroness's points about the Afghan hotels—and I know I am supposed to keep to the 20-minute limit—I want to confirm that there are far too many people in hotels. However, they do get the full benefits, the right to DWP stuff, including work coaches, and all those other things. I may be able to refer to that later.

To do some justice to the other speakers, I will briefly mention the point made by the noble Lord, Lord Hannay, about the gap between my rhetoric—and I do not think he meant it in a bad way at all—and reality. That is absolutely true: I say what I want and hope for but, as yet, it has not been delivered. I cannot really say more than that, other than that every waking hour that we are doing this, we are trying to deliver on it.

I have dealt with the spy point. I can confirm to the noble Lord, Lord Hannay, who asked whether we spend time with the EU states on trying to have a common policy, that we do. The Home Secretary is meeting internationally with the G7 group but also with the European Union. In my opinion, we really need a much more comprehensive policy for everyone. Of course, it is not just about refugees; it is about what we do on the ground. All the briefings say that this country has a proud record and, on the humanitarian aid side, we are doing pretty well. That is not complacency at all; we are one of the main donors. People think that it is the British Government spending money directly, but it is not; it is coming via organisations

such as the UNHCR, the IOM and all the other ones. We need to do this with other countries, jointly, and refugee programmes need to be done with international co-ordination.

I have referred to this before, but we are not actually sure how many of the refugees want to come to the UK. Ukrainian estimates from the four MPs that I met the week before last were that only a minority would. It is our job to make sure that, on the ground over there, everybody knows about it. An SMS message is going live, I think today, to everybody crossing the border, certainly into Poland, and we have leaflets in different languages. My target is that every single refugee is told about what we have to offer, but that should be in co-ordination with offering what all the other countries offer. We have a very good system, with benefits and housing and all that sort of thing, but I would not like to think that anybody did not know about it. I have been advised not to do this at the border, because people are traumatised; they have just come across the border—they literally do not know what they are doing—so it should be done again when they get to various centres. We help to fund the IOM moving large numbers of people in buses away from the border area.

So, first, people should know about it; and secondly, are they being given enough help with the forms? We keep talking about visas, but really it is just a form of identification. Had I been doing this job a month ago, which I was not, I am sure that the criticism would have been that people had to travel for four hours or more to these visa centres and then queue up. Now, fewer than 10% do that, so there has been some improvement.

I said of the noble Baroness, Lady Finlay, that wherever I turn in the House of Lords, she is there, but she is there for a good reason. She bribed me very nicely with a cup of tea the other day, so I cannot criticise her too much—I do not criticise her at all. The various questions she has asked about the system are what today's debate is for. I am so aware of all these points, and I hope she knows that.

I made a quick note for the noble Baroness, because she has asked most of the questions before. I am going to meet her regarding her point about qualifications, because I am not quite sure of the answer. She talked about Wales as a super-sponsor. I see the super-sponsor as a model for part of our next phase for organisations. It could be those such as the Welsh Government, but it could also easily be World Jewish Relief, the Council of Churches or other groups. That is the next phase. Similarly, groups in Poland and other places will be able to offer groups to come out.

The noble Lord, Lord Paddick, I think—he asked most of the questions—asked whether the next phase, which is blocks of refugees and blocks of sponsorship, has been postponed. It has not, and I hope it will be launched in a couple of weeks. It sounds like a deliberate excuse, but it is not: it is only three weeks—18 March, I think—since the first scheme was launched, so I do not think it is a big delay.

I am reliably informed that I have run out of time. I will just tell your Lordships the latest figures that I have. I am sorry that my maiden speech probably ate into my ministerial speech too much; perhaps it should not. Visa applications, which are roughly a 50:50 split between the family scheme and the other one, are at 65,000, of which 28,000 are issued. I certainly would not want the noble Lord, Lord Paddick, to think I am wriggling out of the issue. To separate them—I am rounding up and rounding down here—24,000 have been approved through the family scheme and just under 5,000 through the sponsorship scheme.

It is not enough, but each day it is going up significantly. I have publicly set the target of 15,000 per week and decisions within 48 hours. We will be quite near the 15,000 per week. As soon as I leave the Committee, I intend to drill down more into our ability to deliver on the 48-hour target, but I have stated that publicly and I am prepared to live or die by it. If I cannot do the job, I will have to say so and somebody else can, but I am optimistic.

I know everyone feels the intensity of this situation—a day to me is like a week and a week is like a month—but it has actually been a short period. I will be judged properly by this House, the other place, the newspapers and the general public but, more to the point, by people such as the noble Baroness, Lady Helic, and the people who are stuck in places where they are living not very comfortably. I do not want to be part of a country that welcomed in my family as refugees and gave us all what we have, only to say that I have failed them.

6.24 pm

Baroness Helic (Con): My Lords, I will not take up much time. I just want to thank you all for your kindness towards me, which you have extended on many occasions, including today. You represent the country that I fell in love with years ago and had the privilege to find refuge in. It is an enormous privilege, which you cannot feel, because you were born and brought up in this country, so somehow it comes by default. It was given to me and is a privilege that I hope I will never betray. I am sure that every person who comes into this country, when they are afforded the welcome that I was, will feel the same.

I start by thanking the noble Lord, Lord Hannay, for raising the issue of visas and a system that may have slowed down slightly. What is absolutely necessary is to have a fast and safe route for people who are escaping the terrible circumstances in which they have found themselves, due to the aggression of Russia against their country, Ukraine. I agree with the noble Lord and was pleased to see the unity of Europe—something that I regret we did not have 30 years ago. I am pleased to see that, together, we are giving dignity and the right to defend themselves to the people of Ukraine. That was not afforded to the country of my birth, because of the arms embargo that was imposed as soon as it declared its independence.

I thank the noble Lord, Lord Parekh, for his philosophical questions. I agree with him that third-country nationals have to be afforded the same rights. They are in the same danger, so have to be given the same rights and safety that is given to our Ukrainian friends.

The noble Lord, Lord Paddick, forensically examined the successes and failures of the last few weeks. I agree with his point about the shortage of staff that may

[Baroness Helic]
occur during the Easter holidays. I am sure that my noble friend has already taken that into account and that preparations have been made. If we can, we should be doubling the number of people who are dealing with this crisis, rather than revisiting this after Easter.

I am grateful to my noble friend Lord Udny-Lister for raising the issue of sexual violence and trafficking. I welcome the fact that the Prime Minister has already dispatched police and military investigators to the borders, and that interviews will be held. I just caution that, as important as forensic experts are doctors and trauma experts, because the mostly women and girls who have gone through this experience will be deeply traumatised and will find it very difficult to report what has happened to them. At the same time, they will have to go through yet another trauma in explaining in minute detail what the forensic experts will need to find out from them. I am grateful for that issue being raised.

I thank my noble friend Lord Balfe and agree with him that what is happening in Ukraine has been a massive failure of humanity. I also agree that there is a European dimension to this; we are part of this and have to work with our European allies. I hugely support the right we have given our Ukrainian friends to defend their homes. It is very important and it is the best way to defend Ukraine. Right now, they are not only defending their country but defending us. They are defending the Balkans and every part of the world where people want to live in freedom and democracy. The example of a bullying country that has decided to invade its neighbour because it does not like their democratic choices cannot be allowed to stand. I am fully supportive of that and am proud that our Government have taken a forward-leaning policy on this issue.

I also note my noble friend Lord Shrewsbury's moving response to two Ukrainian young women, Olia and Tonya. I hope that Tonya's status is soon resolved so that she, together with her sister, can come to Britain and fulfil their dreams, secure in Shropshire. I am sure those circumstances will be very welcoming.

I was very moved to hear from the noble Baroness, Lady Finlay, about how much has been done in Wales on education and welcoming, and how many people have come forward. I think she mentioned that 10,000 people in Wales have opened their homes to 1,300 applicants. It is important that young people, particularly students, are not just sitting glued to their radios and social media noting what is happening in Ukraine, but that their energy is turned into something positive and that their frustration is turned into ambition, so that they learn to use what we can offer them—not only safety but the exchange of knowledge. That will be extremely important for their mental health and for getting over the trauma they have experienced.

My noble friend Lady Pidding rightly raised the issue of Georgia and the occupied territories. There are no breakaway republics in Georgia. South Ossetia and Abkhazia are Russian-occupied territories, and the same applies to Moldova and Transnistria. I hope that at today's NATO summit we will offer further help and support to Georgia in particular but also to Moldova, so that their resilience can be enhanced and they can respond if, in some crazy scenario, they find themselves in the same position as Ukraine.

I thank my noble friend Lord Cormack for his kind words about me and my part of the world. It is essential that we get this right, and particularly that this war does not last for ever, because, as he rightly pointed out, Ukraine is the breadbasket of Europe and the rest of the world, and there are many people who cannot afford to have yet another meal taken away from them. Whether we are talking about Yemen, Syria or Afghanistan, we have to bear that in mind.

I thank the noble Baroness, Lady Sheehan, for her contribution. I completely agree that an application from a four-year-old being approved and the application from their mother not being approved shows that there is a problem that we need to fix. However, I have high hopes for the Minister and I know that he will do his absolute best.

I thank the noble Lord, Lord Coaker, for his kind words. I occasionally go to a south London school and speak. Some 80% of the children are refugees or migrants, or of refugee or migrant families. I learn much more from them than they learn from me, but I always tell them that they are in a country where they will succeed if they work hard, and that they should not give up. They are fantastic. I would be very pleased to go to any school and speak to anyone if that will be of any help.

I finish by thanking my noble friend and welcoming him to the House. His speech was disarming and it is very difficult to criticise him, at least on this occasion, but we will have our moment in the Chamber and we will be watching every single application, approved and not approved. As he said, we met a long time ago on a visit to Israel. I have been an admirer of his work and what he did for Syrian and Afghan refugees, and now Ukrainian refugees. I hope and pray that this is his last job, that we will never again need a Minister for Refugees, and that the world will come back to its senses. I doubt that it will, so this may be a longer affair than he was preparing for, but I wish him all the best. We could not have a better colleague or a better Minister to take charge of this and fix this problem.

Motion agreed.

Education: Multi Academy Trusts

Motion to Take Note

6.36 pm

Moved by ***Lord Lingfield***

That the Grand Committee takes note of the growth of Multi Academy Trusts (MATs) in the school system, and the ways in which strong MATs can demonstrate their impact on the education of young people.

Lord Lingfield (Con): My Lords, I am so grateful to all noble Lords who have put down their names to speak on this important aspect of our state education service. I remind your Lordships of my education interests as listed in the register.

If your Lordships would indulge me, I shall take a few minutes to look back and outline the policies that led to multi-academy trusts as we know them today and to put on record my occasional involvement in them. In the mid-1980s, I wrote a policy paper for the then Education Secretary, Sir Keith Joseph, entitled *Give Schools Their Own Cheque Book*. He was excited by these ideas and asked the then Schools Minister, Bob Dunn, to look into them. Luckily, when Sir Keith left office, they were taken up by his successor, now the noble Lord, Lord Baker of Dorking. He saw that what was called local management of schools, giving most schools much more control of their own funding for everything except salaries, was added to the Education Reform Act 1988.

Just as importantly, schools were given the opportunity by that Act, as I had recommended, to opt out of local government control by a ballot of their parents. These were called grant-maintained schools, which were separate, autonomous, incorporated bodies, centrally funded per capita by the funding agency for schools. I was appointed by the Government to lead an organisation that encouraged and assisted schools wishing to opt out, and supported them once they had done so. I pay tribute to the many pioneering head teachers who sought that freedom and made excellent use of it to improve the standards in their schools.

The underlying philosophy was, of course, that autonomy would release schools to be far more responsive to the needs of students, their parents and local employers, and that the important education decisions would be taken by the professionals on the spot, guided by independent governors, and not by a town hall or Whitehall. I shall return to that principle a little later. I remember one head saying to me, "At last I have the authority to match my responsibilities." Indeed, those schools had a freedom of action unknown outside the independent sector for many decades.

By every then available notification or measurement, those schools demonstrated great improvements. By the time that the incoming Labour Government's 1998 Act had abolished grant-maintained status, over one-fifth of secondary schools were in the new sector, and some hundreds of primaries. These were returned wholly or partly to the control of local authorities. However, the idea of autonomy for state schools had been born, and I am glad to say that it was kept alive by the noble Lord, Lord Adonis, when he produced a policy of independent city academies early on in the Labour Government. These at first were required to have commercial sponsors prepared to contribute up to £2 million to capital costs. That condition was later dropped and, in 2002, the word "city" was omitted from their title. The programme went rather more slowly than we had hoped, but there were 203 of these original academies by 2010.

The incoming coalition Secretary of State was my right honourable friend Michael Gove. He had been impressed during opposition by the Swedish project to allow parents and trusts to create free schools, and this was to be one of the reforms of the new coalition Government. There are some 550 such free schools today.

However, he will tell you that he and David Cameron were persuaded by me that a further policy was needed—one based on the grant-maintained schools of the 1990s—so the ensuing Academies Act 2010 allowed schools' governing bodies to propose that they be converted to academy status. These so-called converter academies, created as exempt charities, were given a great deal of independence, particularly in the setting of staff salaries and divergences from the national curriculum. All schools which had been graded by Ofsted as outstanding were invited to apply and, by January 2011, 407 schools were accorded the new status.

From the beginning, it had always been recognised that, whereas many schools would wish to remain separate, individual establishments, others would be more comfortable in groups. Some of these groups would be informal and take advantage of, for instance, bulk purchase arrangements for goods and services, such as ground maintenance, and others would be formally gathered under the same legal trustees. These latter would become the multi-academy trusts as we now know them, which are the subject of today's debate.

Eleven years later, there is now a total of 1,460 multi-academy trusts managing two schools or more. Of these trusts, 41% have five schools or fewer; 18% have between six and 11; 6% have between 12 and 25; and about 2% have more than 25 schools. Last year, 37% of primary schools and 78% of secondary schools had academy status, and the numbers are slowly rising.

Last week's White Paper looks forward to:

"A fully trust led system with a single regulatory approach".

Although the regulatory approach is not explained in detail, there is specific commitment to avoid converting schools as stand-alone academies and the expectation that most trusts will be on a trajectory to serve a minimum of 7,500 pupils, or at least 10 schools, by 2030.

Multi-academy trusts are therefore here to stay, and most of them are doing extraordinarily well, but the trend is towards larger ones. At the moment, some have 50 schools or more. This trend is worrying, because the most recent statistics, from 2019, demonstrate how those trusts are doing. To measure primary schools, a percentage of pupils reaching an agreed acceptable standard in literacy and numeracy was used. For instance, the Staffordshire Schools Multi Academy Trust had 90% of pupils meeting those standards. What stands out clearly is that all the trusts in the top 10 primary achievers comprised four or fewer schools and the largest primary multi-academy trusts did uniformly badly, the highest scoring of these ranking at number 32.

For secondary schools, the measurement was of the percentage of students achieving the English baccalaureate at grade 5/C or above. Seven out of the top 10 secondary trusts had five or fewer schools, and the remaining had six, eight and 10, respectively. Throughout, the larger multi-academy trusts did poorly compared to the smaller trusts, and by far the majority of high-performing trusts had fewer than 10 schools. The conclusion from this is inescapable: if we want pupils to do well, they ought to be in either stand-alone outstanding schools or in the smaller multi-academy trusts.

The Government ought therefore to consider reviewing their aims in the White Paper better to reflect the actualities of high achievement in the trusts and make about 10 schools the highest number, as opposed to

[Lord Lingfield]
the target number, to be looked after by a single trust. Large trusts having above this number ought to be gradually dissolved and separated into the hands of smaller trusts, where they would flourish.

There are also in the system at the moment a large number of outstanding stand-alone academies, as well as stand-alone voluntary schools. Among these, for instance, are the 163 grammar schools. It would be completely unacceptable for many of these schools to be coerced into multi-academy trusts. For many of them, their centuries-old rules and regulations would not allow it. My advice to the Government is to leave them well alone if they are achieving well alone.

Why are the small multi-academy trusts and many of the stand-alone academies doing well? I suggest it is because they use their autonomy wisely to be responsive to student and parental needs—parents are well represented on their governing bodies—and because they better understand the needs of local people and local employers. Large trusts are likely to be less encouraging of initiatives by individual schools and more likely to envelop their schools in bureaucracy. My visits to large trust schools suggest that their heads are rather too willing to refer important decisions upwards to the trust bosses, instead of taking them themselves. Some of these large trusts encompass schools many miles apart, yet they tend towards a one-size-fits-all approach to management.

Advocates of larger trusts mention that schools in them can achieve economies of scale, share many resources, centralise functions and ensure robust financial management. In fact, a small trust can achieve all these and more, and, as these statistics show, improve classroom standards as well. Some of the big trusts have recently come under criticism for paying their chief executives very large salaries. Indeed, some 30 trust chiefs earn more than £200,000 per annum—£40,000 more than the Prime Minister's salary—including seven at between £250,000 and £500,000. If, as the performance figures suggest, larger trusts are not doing as well as the smaller trusts, it is difficult to defend these very high earnings paid from public money.

A policy of larger and larger multi-academy trusts and the disappearance of stand-alone academy schools would inevitably lead to two unwelcome consequences. First, there is the risk that standards will drop rather than improve for those schools as their trust gets larger. Secondly, there is likely to be less responsiveness to local needs. Many authorities ran their schools inefficiently, but at least they could claim a local democratic mandate. Localised multi-academy trusts tend to be responsive, because they have local business men and women and parents on their governing bodies.

Clearly, if standards are to rise throughout the school service, we need as much flexibility as we can achieve within it. We need a large number of autonomous, stand-alone outstanding schools and trusts of two, three or four schools—all trusts having fewer than about 10. We need to give schools already in large trusts the right, if they can prove their worth, to opt out of those trusts and go it alone. The more variety there is in the system, the more highly achieving it will be. The White Paper looks forward to

"a dynamic system of strong trusts … to improve schools".

I agree with this entirely. A strong trust, however, need not be a large one. All the indications are that it should not be. Large trusts were seen as essential when the policy began—I remember it well—but now they could be standing in the way of progress. As I said, I believe they should be divided into smaller units where necessary.

No one could be more supportive of the concept of academies than me, and I have not changed my view that the best schools are led by first-class heads and dedicated local governors, untrammelled by unnecessary bureaucracy, regulation and interference from government at all levels, and are given as much autonomy within the system as possible.

6.50 pm

Baroness Blower (Lab): My Lords, I congratulate the noble Lord, Lord Lingfield, on bringing this debate, and I absolutely welcome the opportunity to speak in it, but I may not make remarks that are entirely consistent with his approach.

Regarding some of the things the noble Lord said, as he knows, before we had LMS we had local financial management; I just add that to his history of education. I believe he said that schools will be given their own cheque books, but it is not always schools; it is sometimes the trusts, and that does not necessarily play to the advantage of every school. Autonomy can be a moot point.

The schools that Michael Gove allowed to become academies had, of course, become outstanding as members of their local authorities; they were outstanding schools, and then they changed status. I am very interested in what evidence the noble Lord has—I will come on to this later in my remarks—for the assertion that, the more variety there is in the system, the higher achieving it will be. I would be delighted to have that conversation with him at some other point.

As has been noted by the noble Lord and various papers, primary schools have been much more reluctant to change their status and have chosen, in large numbers, to remain with their local authorities. But, often, they have collaborated with other schools that have remained in their local authorities. Indeed, sometimes they have also collaborated with primary schools that are in multi-academy trusts or local stand-alone trusts, and it seems to me that that has worked quite well.

As chair of the Public Accounts Committee in the other place, my honourable friend Meg Hillier has noted that MATs have had a somewhat chequered history regarding the processes for tackling what she described as "egregious" financial and other mismanagement, and that they appear "painfully slow" and "lacking transparency". As noble Lords will know, some cases have arrived in the courts. I entirely concur with the noble Lord: it is not a question of mismanagement, but there are questions about the very large sums of money being expended on leadership salaries, particularly if the schools are not doing especially well.

It is true that the White Paper is anxious to say that all schools should become part of a trust by 2030 or should have plans to join or form one. But that, of course, is fully two decades since the Academies Act, and if it is such an attractive proposition, I wonder why it has taken so long for schools to see that. Is this

actually one of the reasons why we see a nod in the direction of local authorities being sponsors of multi-academy trusts in the White Paper?

Of course, in the White Paper there is talk of stronger local schools. I again agree with many of the things that the noble Lord, Lord Lingfield, said there. Some MATs are made up of schools that are spread across the country and it is therefore hard to see how they can have any kind of serious local connection. The Ormiston trust, for example, stretches from Liverpool to the Isle of Wight—scarcely a local area.

Her Majesty's Government are at pains to talk about evidence-based policy but is that really accurate? None other than Professor Stephen Gorard has recently written about this and, frankly, he doubts it. However, I am going to draw on the work of Warwick Mansell. Many noble Lords interested in education will have read a lot of what he has written over the years. He has a long history of scrutinising education policy and I shall reference three observations that he makes about evidence-based policy.

Mr Mansell wrote to the DfE to ask for the evidence base for the introduction of the times table test for year 4. He asked why it is apparently better to have recall of multiplication facts rather than knowing how to achieve answers through understanding and reasoning. He did not get a reply. On the question of GCSE modern foreign languages, in which I have a particular interest because it was a subject that I taught as a secondary teacher, there is no published evidence base for changing the approach to teaching them. Teaching unions and a number of other people have said that there is no evidence for, and they are not at all happy about, structuring languages in the way in which the Government intend. The third example is on coasting schools, on which the DfE says it sees strong academy trusts as the key vehicle to improving educational standards. However, in 2018, the then Permanent Secretary at the DfE, Jonathan Slater, admitted to MPs that there was no proof that forcing schools to become academies was better value than leaving them with local authorities. Therefore, academies policy and a lot of other educational policy, Mansell concludes, is not made on a hugely definitive evidence base at national level.

Even the numbers that have been used in the White Paper are either open to interpretation or perhaps even slightly suspect. This is a quote, which states:

> "Where schools underperformed, they were increasingly transferred into multi academy trusts … as sponsored academies. The impact has been transformative—more than 7 out of 10 sponsored academies are now rated Good or Outstanding compared to about 1 in 10 of the local authority maintained schools they replaced."

It says, "compared to" but it should say "compared with", actually. The paper says that the department is so impressed by the claim that it puts that in bold on page 1 of the White Paper. But, of course, that is not a fair comparison because a large proportion of sponsor-led academies were previously rated as less than good. However, a fair comparison would be this: 90% of maintained schools that were previously rated as less than good improved to be good or outstanding, whereas only 74% of sponsor-led academies improved to be good or outstanding. Some 11% of maintained schools that are currently rated as less than good were previously good or outstanding, whereas 28% of sponsor-led academies were downgraded. One has therefore to look at the way in which the evidence is being used.

A briefing from the LSE produced for this debate—so other noble Lords may have seen it—makes a number of points and interesting observations. I will pick two. The briefing states:

> "Academies in MATs also can have no autonomy over their curriculum",

because it is the MATs that decide about the curriculum. The briefing continues:

> "This can be centralised by the MAT, giving schools less flexibility than they would have"

had as a single academy or, "as maintained schools". On the financial arrangements, the briefing states:

> "MAT accounts, while having to be signed off by an external auditor, do not provide a detailed account of how public money is spent, and data published by MATs can mask the financial decisions made by individual academies. This is in contrast to the accounts of maintained schools".

I think there are some questions about the particular advantages of MATs. I agree with the noble Lord, Lord Lingfield, that if we have to have this system—and I would prefer that we did not—smaller and local would be considerably better than enormous and widespread.

I conclude with this from *The Case for a Fully Trust-led System*. I quoted earlier from a document from the National Education Union. Noble Lords will know that I had a relationship with the National Union of Teachers, which was the precursor union of the NEU. The Government document notes the percentage of schools in MATs per region. The region that has the smallest number of MATs is London. There was a time when schools in London were not especially well performing. It was patchy: there were some excellent schools, but it was not especially well performing. What happened was that London—and I am proud that I was teaching in London then—put on the London Challenge, a wholly different approach from academizing; it was about schools working together. I venture to suggest that the reason why there are fewer MATs in the London region is because the success of the London Challenge propelled schools forward in wanting to work together while retaining their relationship with their local authority. I hope that the Minister agrees.

7.01 pm

Baroness Berridge (Con): My Lords, I, too, thank my noble friend Lord Lingfield for tabling this debate. Like many in your Lordships' House, I would not be here without the great state schools of Catmose College and Rutland County College, which is now Harington School. If these schools had failed, my parents would not have been able to get me to the next secondary school, even though it was a merely 20-minute drive away, as they worked shifts. I think Rutland may be great in terms of the ambitions of the White Paper, as it may be close to full academisation. I hope the Minister can update me.

MATs should free everybody to do what they are best at. They hold land and have changed the Department for Education. I shall make just three points about them. Freeing everyone to do what is best is regrettably

[Baroness Berridge]
not part of what is mentioned in the White Paper. It takes great teachers and leaders to run a school, and the research is very clear about their effect in delivering the best curriculum across their family of schools, but what about great teaching assistants, fantastic estate management and food? In a cost of living crisis with more than 20% of children currently eligible for free school meals, great cooks are needed. Of course, governors are volunteers giving their time to the next generation, and the hidden figures are the school business professionals who are running the operational side of schools, especially the money.

I have to say that I was sad to read a White Paper that neglected to mention the majority of the school workforce. This is what, at its best, the MATs model should deliver by freeing every member to deliver their best. According to Ofsted, after the pandemic leaders in MATs felt more supported, as these back-office functions were done for them. MATs have also enabled some of our best schools to share their best practice, such as Wallington County Grammar School as the anchor school of Folio Education Trust, which has opened Coombe Wood School in Croydon, which is already the most popular school in the borough. I disagree with my noble friend: it is a problem in the system to have schools sitting in what I would term splendid outstanding isolation and not contributing their best to the system, which this grammar school head is clearly leading the way in doing. MATs also enable innovation to come into the system, such as Harmonize Academy in Liverpool which is an outstanding AP free school—outstanding under the new framework I might add—founded by a black-led church group led by Tani and Modupe Omideyi.

This freeing up of everyone to do what they are best at is also important in the context of small rural schools which often have limited resources. I am delighted that the Church of England has publicly stated that it will bring large numbers of these schools into the academy sector. Alas, the increased funding under the national funding formula for such schools and local authority presumption against closure is not bringing the protection that many thought it would. Not all these schools can be saved, but grouping them in a MAT is their best chance of survival and enables them to deliver high-quality education across often very small schools.

To deal with the point raised by the noble Baroness, Lady Blower, I am not sure that we will ever solve the research problem of proving the results of MATs vis-à-vis the maintained sector. It is a dynamic picture. For many years, every inadequate maintained school has been statutorily converted into an academy, so the comparison data is very difficult, as failure in the maintained sector is brought into the academy sector. With the excellent consultation on dealing with repeat RI-judged schools and the power to make them academised, the data is going to be even more skewed.

On holding land, to my surprise, less than 1% of schools is on land owned by the DfE. It is the local authority, diocese and the occasional university or FE college, private charitable trusts and, of course, now MATs, which have publicly funded buildings on their land. In legal jargon, they are the responsible body for the land and buildings, but the funding for repairs and renewal is on the taxpayers. The DfE is probably England's largest building client. I pause to give my huge thanks to building contractors, responsible bodies and the excellent DfE capital team. Although the DfE had more than its fair share of news headlines during the pandemic, school places not being built was not the cause of them. When you cannot command building supplies, as you are not categorised as critical national infrastructure, this was no mean feat.

The estate is still mainly that built to serve the post-war baby boom in a time of shortage of building materials—and, therefore, the development was of materials and system builds much of which are at the end, or near the end, of their design life. This might seem a dull issue, but I think that it is an important one. The DfE is, I think for the third time, doing an external survey of the entire school estate, so it has expert evidence of which are the worst buildings. Any of those responsible bodies can be weak—Croydon, of course, recently went bankrupt—or an LA may have recently failed an Ofsted social care inspection. Dioceses have varying degrees of health. The General Synod recently outlined in its report that some are solvent only due to central funds. The Catholic Archdiocese of Liverpool is struggling with educational standards, and MATs may be known to the department to be struggling for any of the reasons above. SATs or very small MATs may be the responsible body for some of our worst buildings.

I have been so impressed by my noble friend's expertise on data, so I hope that this is a question after her own heart. Can she give assurances that data is cross-referenced in the department so that any weak responsible body is checked to ensure that its buildings are not at risk? Much of the time, that would just be a constructive phone call—but if the DfE knows that a small MAT has one of its worst buildings after being surveyed and that it is not applying to the department for the money to do repairs, is a red flag raised? While other building safety issues are in the headlines in the Grenfell inquiry, it cannot be said that MPs are not raising the state of school buildings. It could be one of their top concerns. Alas, noble Lords will remember the issue last November at Rosemead Preparatory School in Dulwich, where a ceiling collapsed and injured—thankfully, not seriously—a number of children. Had this issue had been spotted by the independent schools inspector or Ofsted, whoever inspects it, or are changes necessary to the frameworks to ensure that such matters are noted in future inspections?

Finally, on a changed DfE, it has gone from sending out money to local authorities to fund schools to managing the performance, currently, of thousands of contracts, which may become in the White Paper the statutory academy trust standards. The ESFA and the regions group as well as the capital department means that the DfE is massively an operational department, not a policy delivery model. When the pandemic struck, the DfE already had a small army of officials overseeing the educational performance of contracts with MATs. They already knew the regions, schools, LAs and the issues on the ground, and were turned into what noble Lords may remember were called the REAC teams. I want to thank them. They were led at the time by the

National Schools Commissioner, Dominic Herrington, and worked night and day to support schools and LAs during the pandemic. But they also achieved the transfer of many failed schools to new academy trusts while also running the REACT operation.

Disadvantaged children were affected by missing school, and the effects were even more acute if you were in a school that Ofsted had judged inadequate or requiring improvement. The Children's Commissioner's excellent report on schools includes all the necessary data on this issue, but I might flag that that report and the White Paper all rely on the pre-pandemic 2019 data. In her report it said that, if you were a child on free school meals, or a child in need or SEND, you were more likely to be in such schools and less likely to get good GCSE passes.

I wholly welcome the consultation on RI schools to give the Secretary of State powers to intervene—currently to cancel the contracts—but it does not make the depth of the issue clear. Although it states that over 200 have been rated "requires improvement" five times or more, some have been RI six, seven, eight, nine or 11 times. These children have been in schools that have been less than good for more than a decade. One school in the system, an 11-RI school, has never been judged good by Ofsted since the very existence of Ofsted.

The areas of the country will come as no surprise. The north-east in general and Stoke-on-Trent have a problem with secondary schools being repeatedly RI. This power of intervention is vital to any levelling-up agenda, but how long will parents whose children are in an inadequate or repeat-RI school, whether maintained or an academy—and we should be as firm about academies that fail as maintained schools—wait for that new leadership? The current MAT system based on contractual regulation or a future system could be nimble and deal swiftly with failure.

While it might be right that MATs should come under a duty to co-operate, failed schools are often stuck, because not all local authorities co-operate, although they are under a duty to facilitate the conversion. Sadly, not all Anglican dioceses consent swiftly to their failed schools going into the neighbouring Anglican diocese's MAT. Are inadequate schools still stuck in the Archdiocese of Liverpool, as only a Catholic-led MAT will do and there are not enough of them? Or are the schools stuck as the MAT refuses, perhaps rightly, to become responsible for buildings that are in need of significant repair?

Although it is excellent to offer a parental pledge to notify you that your child is behind in English or maths, if they are in a failed school, do you not also need a pledge about the maximum time to get the school under new leadership? Can my noble friend outline how long is the DfE aim for this new leadership to be in place? What is the average time to get a failed maintained school into a MAT or transferred at the moment? Will legislation be needed to deal with any of these issues? Sadly, the White Paper is silent on what are, as I have outlined, some of the main blocks to a swift transfer of failed schools.

Finally, the failed schools in the system, as noted by the Children's Commissioner and from my experience in the DfE, have disproportionate numbers of free school meal and SEND children in them. Also, too many of our good and outstanding schools have free school meal and SEND percentages in low single figures. I found this infuriating. I was disappointed by the lack of consideration to the use of the admissions code or Ofsted's framework to insist that all schools take a minimum of the national percentage of both categories or, as the Children's Commissioner suggests, to give certain categories of children priority admissions, as was done for looked-after children.

Parts of the White Paper are ambitious—the statutory academy trust framework, local authorities directing academies to take certain pupils and the SEND review on national standards across all schools—but if you cannot get disadvantaged and SEND pupils into some of our best schools, I fear the ambition we all have for our most disadvantaged children will not be met.

Rather belatedly, I conclude by congratulating my noble friend on the proficient and accessible way she has taken on her ministerial role. As I hope was clear in my time at the Dispatch Box and in this speech, I am passionate about education, especially for the disadvantaged. If you have to lose your job, it is great to have a friend, not only a noble friend, take it on. I also wish to thank what I used to term "the two Mikes"—the noble Lords, Lord Storey and Lord Watson—whose forthright and knowledgeable opposition I always respected. Although he is not present in your Lordships' House today, I always valued the challenge from the noble Lord, Lord Addington, on the needs of SEND children. As I believe officials would testify, this was woven into everything for which I had responsibility.

Although governing during a pandemic was challenging—and I often felt like I was living in a bunker—I cannot conclude without thanking the civil servants who served me and my private office especially when, for long periods, we physically saw only each other. They offered me much wisdom and humour, and I was a better Minister because of them.

7.14 pm

Baroness Fleet (Con): My Lords, it is a privilege to speak after hearing from two such knowledgeable noble Baronesses. I thank the noble Lord, Lord Lingfield, for this debate on multi-academy trusts and for his considerable contribution to education over many years. I declare my interests as chair of the expert panel for the new national plan for music education and governor of Shoreditch Park academy, one of 10 schools in the City of London Academies Trust.

I congratulate the Minister on the sharp focus of the White Paper, and particularly on its inclusion of cultural education and music—a brief mention, but there none the less, which is very important. Music education could play an important part in driving up standards, particularly in primary schools. The benefits of music are well rehearsed: for example, improved memory, concentration, self-control and self-confidence. This has been endorsed by research from Germany published recently by the Justus Liebig University in Giessen.

Many, if not most, multi-academy trusts recognise the value of music and have embraced it as an essential part of their curriculum and school life. In one City of

[Baroness Fleet]

London academy, 40% of year 11 pupils are taking music GCSE, having had no experience of music in their primary schools. This pattern is seen elsewhere. Ark Schools reports that there has been a 200% increase in take-up of GCSE music. United Learning has put music at the centre of all its schools.

I give one example of a school in Northamptonshire that has flourished, I believe, partly as a result of its commitment to music: the Malcolm Arnold Academy. All pupils have access to one-to-one instrumental tuition. Pupils can join one of the school's four choirs, as well as—wait for the list—the brass ensemble, folk group, concert band, big band, jazz group or rock band. They have all been covered there. Provision is also designed to be fully inclusive, with the school's designated special provision for pupils with moderate, severe or profound permanent bilateral hearing loss. There are examples such as this in MATs up and down the country, with high academic standards and a commitment to brilliant music education for all.

Some primaries that are not part of a MAT are undoubtedly providing an excellent education, including music, but what of those that are struggling and cannot afford to provide musical instruments for all pupils and music teachers to teach music? Putting music at the heart of a primary school can be transformative. Feversham Primary Academy in Bradford is a textbook example. It is a school in one of the most disadvantaged areas of the country, with 27% eligible for pupil premium and 78% with English as a second language. In 2012, it was in special measures. In 2022, it is rated an outstanding school. This has been achieved thanks to the vision of the headmaster, who recognised the value of music—that it could add so much to the community and the school. Every one of the 500 pupils has three hours of timetabled music every week and learns to play an instrument.

My point is that, increasingly, multi-academy trusts are recognising the important role that music can play in a school, driving up standards across the board. They are finding means and ways to deliver excellent, fully inclusive music education to all pupils, irrespective of their background or family circumstance, alongside a rigorous academic education—precisely because they are part of a committed academy trust. I look forward to hearing from the Minister about the incentives being considered to persuade more schools, particularly small primaries, to become part of an academy trust.

7.19 pm

Lord Storey (LD): My Lords, I thank the noble Lord, Lord Lingfield, for securing this debate. We note the growth of multi-academy trusts in the school system and the ways in which strong MATs can demonstrate an impact on the education of young people, although it depends on what we mean by "impact"—I will come to that in a moment. I declare my interest as a vice-president of the Local Government Association, and I particularly thank the NEU and Professor Anne West for her briefing.

I have always said, "It's not structure, stupid"—it is about good-quality teachers and the importance of the leadership of any school. I entirely agree with the noble Baroness, Lady Berridge, on that—it is good to see her again talking about education in person, as opposed to looking at her on a screen. As politicians, we talk all the time about structures and the types of schools that we want. One of the reasons that I continued in local politics was that I saw a rather extreme council in Liverpool which decided in the 1980s that all secondary schools would be co-ed and community based and have seven forms of entry, and decided their curriculum. Very good schools and good schools which did not fit into that model—single-sex schools, former grammar schools and small schools—were ruthlessly closed down. Again, we think about structures and not teachers. If we invested in proper training in leadership qualities and proper remuneration and reward for teachers, and if we allowed only good teachers to teach in our schools—I remember Michael Gove always talking about Finland, and I wish we had followed the Finnish model—we would be in a much better place.

Of course, as we have heard, academies were started by Labour as the city academies in 2000, and our very own noble Lord, Lord Adonis, who was then a Downing Street education adviser, is widely credited with the idea and their development. We hear that education is central to the Government's levelling-up agenda—quite rightly—but, in levelling up, we surely want fairness and equal opportunities for all children and, of course, we want transparency. As the noble Lord, Lord Lingfield, said, there is a huge difference between the original stand-alone academies and the schools now in multi-academy trusts. As the noble Baroness, Lady Blower, reminded us, individual academies in multi-academy trusts have no legal identity of their own and have precious little independence; decision-making and the ability to be free from central control, which were promised and espoused by successive Ministers, have gone. Many of them find themselves straitjacketed by the multi-academy trust itself.

It is the MAT, rather than individual schools, that has the legal status and holds a contract with the Secretary of State. This means that schools in MATs have no automatic freedom or ability to make decisions relating to their running and policies, as individual stand-alone academies and maintained schools currently still do. It is like "Back to the Future": in the past, local councils appointed the head teachers and deputy head teachers, told their schools what they could or could not do, decided what the curriculum would be, et cetera. We have almost got to that stage again, and we want that original view that all our schools should be free to innovate.

I was really heartened to hear the noble Baroness, Lady Fleet, talk about creative subjects in MATs. I was delighted to hear what she said and want to have a conversation with her some time about it, but I am sorry to disagree slightly: if we look at MATs as a whole, the success story in creative subjects that she speaks about is just not there, for all sorts of reasons, particularly in music. Music, which she cares passionately about, is declining. If individual schools had that freedom, it might be that music and other creative subjects would blossom once more.

As they have no individual legal identity, academies in MATs cannot extract themselves from the MAT to exist as an independent entity or to join another MAT.

This can leave good, ambitious academies bound to low-performing MAT schools. We know that in maintained schools the governing body sets the ethos, vision and direction and appoints the headteacher. Its composition is set by statute, governors must have the skills to govern and meetings must be reported. We now find MATs without governing bodies, in which governing bodies are seen to get in the way a bit. If you have MATs with individual schools all over the country in them, it is surely crucial that governing bodies exist.

However, in academies, decisions are often taken without transparency by trustees whose appointment is opaque and who may have little, if any, educational expertise or experience. Many academies in MATs have no individual power over governance arrangements and in some cases have been locked into contracts that are no longer appropriate to the values and direction of the staff and pupils. High-performing academies are forced into a MAT on the basis of a single, historic Ofsted report.

Admissions policies for the academies in MATs are overseen by the MAT, with some very questionable admission arrangements. That was raised by the noble Baroness, Lady Blower. The Government say that academies are free to choose the curriculum for their pupils. This is a complete fallacy because in the MAT there is less flexibility, with the centre often deciding the curriculum. I heard of a school in a very strong ethnic community which had no black studies as part of its curriculum. If it were an individual school, it might have the freedom to decide not to do what the MAT or chief executive told it to do and to have a curriculum unit on black studies.

The lack of transparency in the financial arrangements of MATs has caused real concern. MATs are using public money to pay excessive salaries beyond the boundaries of the schoolteachers' pay and conditions framework that governs maintained schools. It has also allowed MATs to pay compensation costs without setting out how much public money was used to cover them by using opaque reporting practices to hide payments. Just by chance, the Answer to my Question on excessive salaries for chief executives of MATs came to me today. I am grateful to the Minister for the reply. The noble Baroness, Lady Barran, rightly says:

"It is … essential that we have the best people to lead our schools if we are to raise standards."

That is absolutely right. She also says—I am grateful for this comment—in her final paragraph:

"The department continues to challenge high pay where it is neither proportionate nor directly linked to improving pupil outcomes."

This is the crucial line, and we will see what happens:

"We have been reviewing our current approach to challenging high pay and will start engaging trusts on our findings",

because currently trusts can pay what they like, and many pay their chief executive more than our Prime Minister. Surely that cannot be right.

The procurement practices of academy trusts, as we also heard from the noble Baroness, Lady Blower, are a real concern. Related-party transactions, which are business arrangements between the MAT and a body with which those responsible for the governance of the academy have a personal connection, were worth £120 million in 2015-16 and numbered 3,000 transactions. It cannot be right that lucrative contracts go to companies owned by the chief executive of the MAT. There are numerous examples of where chief executives have got contracts from their business connections.

There should be a common rulebook for all state-funded schools to establish coherence across the system and deliver equality of opportunity for all pupils. The admissions processes should be transparent for all schools and administered by local authorities on behalf of all schools to ensure fairness for all parents and children. All academies should have their legal status restored. MAT accounts should show how all public money is spent and be subject to Ofsted inspection. We have a golden opportunity now. The forthcoming education Bill will give us an opportunity to highlight these issues and, where necessary, to put down amendments to make this happen.

7.31 pm

Sitting suspended for a Division in the House.

7.32 pm

Lord Watson of Invergowrie (Lab): My Lords, we are indebted to the noble Lord, Lord Lingfield, for affording us an early opportunity to debate the main plank—it could be argued that it is the only substantive plank—of the Government's White Paper on schools published last week. I commend him for the balanced approach he evinced on the White Paper. At the start, I thank the noble Baroness, Lady Berridge, for her kind remarks. It is most pleasant again to see her on her feet during an education debate.

In his foreword to the White Paper, the Secretary of State said that the Government's aim is to increase the standard of reading, writing and maths at the end of key stage 2 from its current level of 65% to 90% while also improving the average GCSE grade in English language and maths by 2030. We wholeheartedly back these aims and very much hope that they will be achieved, but we believe the main drivers will be well-trained, well-paid, well-supported and well-motivated teachers, head teachers and support staff, irrespective of the type of school in which they teach.

The success or failure in achieving an overall rise in standards across schools, both primary and secondary, will not rest on the vast majority being corralled into multi-academy trusts, particularly if that is counter to the will of the schools themselves. That said, there is no evidence in the White Paper that compulsory academisation is the Government's aim, despite the idea being widely trailed to the education media since the turn of the year. From the perspective of head teachers and teachers whom I have spoken to since the White Paper appeared, specifically on academisation, the main issue is the lack of clarity about what is being proposed. Their frustration is clear due to continuous references to outstanding MATs yet no acknowledgement of very successful local authorities with few academies and many successful maintained schools.

This bias is not new. In its attempts over the past decade to make academies in general, and MATS in particular, the only show in town, the DfE has consistently played down the achievements of schools in the

[Lord Watson of Invergowrie]
maintained sector. How much time, for instance, do regional schools commissioners, whose role, according to the DfE website, is

"to work with schools to ensure they are supported to improve and to address underperformance",

spend working with maintained schools to help them improve what they are already doing, as opposed to proselytising for academy conversion? Not that they have been notably successful in that quest because, as other noble Lords have mentioned and the White Paper states, after 12 years, only 44% of schools are academies, and only 87% of those are in a MAT.

I take issue not so much with the White Paper but with the companion DfE policy document, *The Case for a Fully Trust-led System*. The document contains the inconvenient truth for the DfE that maintained schools are doing better than those in MATs in Ofsted inspections. Indeed, analysis by the National Education Union referred to above my noble friend Lady Blower, has shown that the DfE has systematically misreported Ofsted grades for many schools. It mentioned DfE claiming schools were in multi-academy trusts when those grades were actually achieved when they were in the maintained sector.

Looking at the full picture of the data portrays a markedly different situation to the one that the DfE is trying to present. In fact, maintained schools are more likely to improve their Ofsted rating to good or outstanding than sponsor-led academies, and sponsor-led academies are more than twice as likely to have their Ofsted rating downgraded to "requires improvement" or "demonstrates serious weaknesses" than maintained schools.

What does all that mean? Perhaps the Minister can say, but the way the information is presented is not consistent, and that is a major problem. Perhaps she will be able to comment on those misrepresentations. The real figures would not lead many to the conclusion that the answer to school improvement is wall-to-wall MATs.

Arguably, the most important claim in the case for a fully trust-led system is, as mentioned by my noble friend Lady Blower, that more than seven out of 10 sponsored academies are now rated good or outstanding, compared with about one in 10 of the local authority-maintained schools they replaced. There is no evidence anywhere in the DfE's data that only one in 10 local authority schools became good or outstanding. That data actually shows that, if a school remains in local authority hands, it is more likely to improve then if it becomes an academy. Equally, 74% of what the DfE describes as coasting schools are currently academies, compared to 44% of schools overall.

The problem with the White Paper and the DfE's obsession with MATs is that it has made its decision, written the headlines and is now faced with making the figures fit the narrative to serve those headlines. Such a narrative is a chimera. We heard recently that the Minister of State for Brexit Opportunities and Government Efficiency—a title which I suspect is itself a chimera—is comfortable offering what he calls alternative facts. It is disappointing that some in the DfE have grasped the same lifeline.

As my noble friend Lady Blower mentioned, the White Paper's use of terminology about a family of schools within a MAT is frequent. As the Minister will recall, I raised this issue with her last week, when noble Lords had the opportunity to comment on the Statement supporting the White Paper. This is a question of geography. It is difficult to understand how some MATs scattered across the country can be seen as families of schools in any meaningful way if people never see each other. The Minister recognised this in her reply to me last week when she said:

"We will be working hard on commissioning to make sure we have geographically coherent trusts, so they can benefit from all that that offers."—[*Official Report*, 29/3/22; col. 1587.]

Well, that is how to plan for any new MATs, but what about those already in existence?

The White Paper gives no indication as to how the full academisation target will be met, let alone the ending of stand-alone academy trusts. The only machinery proposed relates to schools with two "requires improvement" findings and those that compliant local authorities are able to persuade to join their MAT. Stand-alone academies are often very successful schools, and they are unlikely to want to submerge their autonomy and individuality into a MAT where some distant figure can tell them what they can and cannot do.

Let it be said that many of these schools will also have built community support because they have been successful. I suspect that this would cause dilemmas for more than a few Tory MPs. The White Paper says that trusts

"use their collaborative structure to deliver outstanding literacy and numeracy outcomes for their children."

There no doubt are trusts that choose to operate as a partnership of schools which is lacking in hierarchy, and for which the word "collaboration" might therefore be appropriate. However, in the vast majority of MATs the structure is one where the central trust board is in control. A collaborative structure suggests that individual schools within the organisation take decisions collectively. Again, this is not the model. The central trust of the accountable body is ultimately responsible for all decision-making and thus has the power to tell schools what to do. So the attraction of some sort of democratic system should be treated with caution, because accountability has been notably lacking in the MATs system as it has developed. Neither the White Paper nor the policy paper suggests that schools will be permitted to leave a MAT and move to another one, or to return to the maintained sector. Perhaps the Minister can say why not. Given what he said, the noble Lord, Lord Lingfield, would welcome an answer to that question as well.

That is also true of admissions. Labour believes that local authorities, which already have responsibility for co-ordinating admissions to schools maintained by them and academies, should be responsible for admissions to all schools within their boundaries. However, the White Paper says that trusts will continue to be their own admissions authorities, with legislation planned to require trusts to follow the admissions code. That in itself is an admission that some MATs are not presently operating within the requirements of the code. I think that that is what the noble Baroness, Lady Berridge, was referring to when she mentioned pupils with SEND.

In fairness, the vast majority of trusts abide by both the spirit and letter of the admissions code, but there is no reason to provide an opportunity not to do so. There is no plausible educational benefit in a trust having its own admissions policy.

To be clear, we are not opposed to multi-academy trusts. We recognise that in many cases, schools that were underperforming have benefited greatly from joining a trust, a point made by the noble Lord, Lord Lingfield, in his introduction. As he said, they are here to stay. What we are saying is that where a school is not underperforming and wants to join a MAT, let it do so, although many schools have so far declined the invitation. Rules are not looked on as a panacea in the way in which the DfE and Ministers would like them to be.

Thousands of schools are doing very well either in the maintained sector or as stand-alone academies. They should not be put under pressure to change their status if they do not want to. Equally, many local authorities have successful maintained schools, and that should be allowed to continue without the local authorities having to form their own multi-academy trust. The Government are of course entitled to encourage such schools to join a MAT but they are not entitled to manipulate figures on school performance in pursuit of their aim of increasing the number of schools in MATs to make that offer seem more attractive than it actually is.

There is room for diversity within the schools system, and we believe that it is wrong to attempt to reduce it. That would not be in the interests of children and parents, nor would it serve to produce the flourishing school system mentioned by the Secretary of State in his introduction to the White Paper.

7.43 pm

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, I thank my noble friend Lord Lingfield for securing this important debate and congratulate him on his vision, so long ago in the mid-1980s, in the work he proposed at the time. As we all know, it is still a work in progress but this Government are committed to delivering on it.

As noble Lords have said and as set out in our recently published White Paper, our mission is that by 2030, 90% of children will leave primary school having achieved the expected standard in reading, writing and maths, and that at key stage 4 the average attainment in both English and maths will increase to grade 5. Currently, the average for children at key stage 2 is 65%, and for children with special educational needs it is around 22%. As my noble friend Lady Berridge pointed out, that is unacceptable and it is that on which we need to focus. I also thank her for her kind words, and possibly the best ministerial handover breakfast that either of us will ever have.

Strong multi-academy trusts—I stress "strong"—are absolutely central to achieving this ambition. Our priority is to extend their impact across the whole country, particularly in areas of high need. We want to remove barriers to conversion for all types of school, while strengthening the system in regulation and accountability, and making sure that every actor in it has a clear role. We believe that this will level up standards and ensure that every child has the best possible opportunity to succeed in the future.

The noble Lord, Lord Watson, gave examples of how we would do this that related to chapters 1 and 2 of the schools White Paper, I think. He rightly said that this is done by having great teachers for every child, and the Government entirely agree. He also said that it is done by having a really strong curriculum based on evidence and supported by excellent behaviour and attendance—those are my words, not the noble Lord's, but I do not think that he would disagree. As your Lordships are aware, that is supported by the parent pledge.

I must correct the noble Lord's statement—forgive me if I do not quote him accurately—that the department picked a headline and then picked the facts to meet it because we had already conceived the policy. I give the noble Lord my word that I worked really hard with excellent officials on that and that is just not the way that we did it. We started with the targets that we wanted to achieve and looked at the evidence for how they could be delivered, and that is what your Lordships see in the White Paper.

We know that this matters so much because teachers and staff in all schools, whether maintained schools or academies, have been working tirelessly, particularly over the last two years, to achieve excellent outcomes for children. Trusts have been able to support teachers in schools where that challenge is greatest. The noble Baroness, Lady Blower, questioned why we referenced the seven out of 10 sponsored academies. Those were schools that were inadequate—many of them were failing for many years, as my noble friend pointed out—and had failed several children in the same families. We put that in bold because the successors of 434,000 children who were in inadequate schools are now in good or outstanding schools. Some 600,000 children in this country are still in inadequate or double-RI-plus schools. We are absolutely determined to make sure that we see an end to that.

On the NEU research that both the noble Lord, Lord Watson, and the noble Baroness, Lady Blower, referred to, I note that the noble Lord, Lord Watson, used the term "manipulate figures", and I hope that he might retract that statement. I would be delighted to meet with both noble Lords. We are preparing a formal response to that paper, as we believe that there are misunderstandings, at best, within it. The claims are based on selective data and misrepresent the published evidence. As I say, we are preparing a full response for the NEU, and I would be delighted to take both noble Lords, and any other noble Lord, through the data that we used in putting together our proposals.

As I have said, we want all children to be educated in strong trusts, but we know that the system remains mixed at present, and many of our best schools operate alone. On my noble friend's point about single-academy trusts, I say that they have so much to offer the system, with their leadership and innovations, and we want that to be shared across schools that do not currently benefit. Whether that comes from a single-academy trust or a maintained school, our focus is on quality,

[Baroness Barran]
and we need some of those trusts to grow. Those that fall short of our expected standards need to be replaced with much stronger ones.

We want to ensure that every pupil is educated in a strong trust, and we set out the five key characteristics of a strong trust in the White Paper: first, that there should be a high-quality and inclusive education; secondly, that there should be sustainable school improvement; thirdly, that there should be training, support and opportunities for teachers throughout their careers; fourthly, that there should be strong strategic leadership and governance; and fifthly, that there should be effective financial management.

In his speech, my noble friend thoughtfully explored the question of the size of multi-academy trusts. We are not pursuing size for its own sake, but if we think of our priorities in terms of educational outcomes, the hierarchy is a well-supported workforce, strong governance and financial efficiencies. We must have educational performance as the first and we believe it cannot be done without a well-supported workforce and strong governance. We are not pursuing size for its own sake. My noble friend is right that there are some great smaller trusts. Equally, I do not recognise some of the data that he referred to about the largest trusts, but I am more than happy to sit down with him to go through this. If I can name two of our best trusts, at the risk of offending others that deserve to be named, the Harris Academy Trust and the Star Academies Trust both have outstanding results and have done remarkable work in terms of school improvement. I am wondering whether some of the data that my noble friend is looking at includes schools that were recently failing and have just gone into those trusts, because they have done a lot of the heavy lifting—not just those two, but others—in turning around very weak schools.

The noble Lord, Lord Storey, and other noble Lords referred to CEO pay. We take it extremely seriously. There are two issues that we need to think about, as I said in our response to the noble Lord. One is the absolute figure. I do not know whether the right metric is to look at the Prime Minister's salary, and we have to be careful because often the figures quoted include pensions and other benefits and are then compared with salaries. There is, of course, an issue about absolute levels, but there is also an issue about value for money. On that point, the largest trusts offer much the best value for money. If you look at CEO pay or overall leadership pay per pupil, they offer the best value for money. We now have trusts which have responsibility for 75,000 children. We need to get the best people to lead them.

The noble Lord, Lord Storey, and the noble Baroness, Lady Blower, talked about the importance of local. We heard it loud and clear, not just from your Lordships but in our engagement with schools ahead of the White Paper. We are very clear that that is extremely important. The data from the 2021 National Governance Association report showed that 76% of trusts have a local committee for each academy in their trust and a further 12% have a local tier of governance which oversees a group of academies, so 88% of trusts already have some form of local governance in place, but we agree that it is important. To clarify, as the noble Lord, Lord Watson, asked, we are not forcing schools into trusts.

My noble friend asked about the incentives in relation to rural primaries. It is that ability to collaborate, share resources and make a more resilient network of schools. I was lucky enough last week to visit the Old Cleeve First School in west Somerset, which has a grand total of 91 pupils and is part of the West Somerset Academies Trust. The people there gave me two examples—one in relation to the national tutoring programme. As a stand-alone school they would never have been able to participate, but they were able to share a member of staff across three schools in the trust. They also talked about the career opportunities for their staff, which would normally be very limited in a school like that, where you have two forms learning together—so a very small staff team, which is able to move to other parts of the trust.

I would like to set the record straight in relation to the remarks made about the curriculum. Some trusts have a curriculum which they expect all the schools and their trusts to follow; others will give schools in the trust more flexibility. There is really a range—so it is wrong to describe it as such; but I am interested, and I hope that after the debate I will be able to talk to your Lordships about the impact on workforce. On the one hand, we know that the workforce is under pressure but, on the other hand, we have pushed back, and it is something that could save teachers so much time if they have a well-sequenced curriculum to work from.

I cannot accept the point about a lack of transparency on accounts. There is so much greater transparency in the academy sector than there is in the maintained sector.

My noble friend Lady Berridge talked about the importance of focusing on disadvantaged children. I agree with her absolutely; that is why she will have seen that we are targeting a particular investment in educational investment areas, those local authority areas with the highest need and the most entrenched underperformance of schools. I thank her for the welcome for the consultation, which I think she did a great deal of work on, on being able to require schools that have had two judgments below good from Ofsted to join a multi-academy trust.

I thank my noble friend Lady Fleet for all her work in the area of music education, particularly in relation to the national music education plan, which she and I are both looking forward to being published—and not just published but seeing implemented in schools across our country. My noble friend gave some excellent examples of MATs that are really using music as part of the curriculum to great benefit. Certainly, our understanding is that many music teachers might find themselves working in isolation in individual schools, and working in a MAT can be a real benefit in continuing professional development, sharing resources, adding capacity to their teams and giving opportunities for progression.

We also believe that lengthening the minimum school week will benefit some of the curricular and extracurricular enrichment activities.

My noble friend Lady Berridge talked about the risk of capital and use of data in weaker responsible bodies with poor buildings. We have significantly improved our data on the condition of the school estate, including through the condition data collection. Its successor programme, CDC2, will visit every school again in 2026. We also ran a pilot of a capital adviser's programme in 2021 to test how professional advisers could support trusts to manage their estates more effectively, and we will consider how that can be rolled out further.

My noble friend asked an important question about how long it takes and what the average time is to transfer a school into a trust. I shall write to her on a number of questions. On that issue, I am not sure that the average is really meaningful. The majority of schools are moved in a reasonably straightforward way, then there is a tail of schools, which are extremely difficult and may go on for many years. That is clearly unacceptable, which is why we have set up two MATs—the Falcon Education Academies Trust and the St Joseph Catholic MAT—which can act to hold those schools on a temporary basis until a sponsor is found.

Lord Watson of Invergowrie (Lab): The Minister is talking about schools moving into MATs. Both the noble Lord, Lord Lingfield, and I asked why schools cannot move from one MAT to another or move back into the maintained sector, if they feel it is in their interests to do so.

Baroness Barran (Con): I have got that, although I am well out of time—but the noble Lord has given me permission to overrun. We are going to consult on the ability under certain circumstances for schools to leave a MAT, if they feel that there are good reasons for that; it is something that we will consult on and explore in some detail.

I am well over time, and I shall write to your Lordships on any questions. In closing, the White Paper is the start of a journey towards a stronger and fairer schools system, with children benefiting from high standards in all areas of the country. It is a journey that will depend on us supporting and empowering our greatest leaders in education; it will depend on us working with parents to make sure that their children achieve their potential wherever they are born, and it is probably the most important journey that any of us will take.

8.01 pm

Lord Lingfield (Con): My Lords, I thank everyone for taking part in this extraordinarily useful debate. The noble Baroness, Lady Blower, is absolutely right that, of course, before local management of schools came in, there were some very good experiments in the Inner London Education Authority and in Solihull—I agree with her entirely.

My noble friend Lady Berridge was absolutely correct that we have to bear in mind the people in what she called the back office of schools, who are neglected too often, I am afraid. Her remarks about school buildings were very apposite.

I entirely agree with my noble friend Lady Fleet. I am the chairman of the English Schools' Orchestra, and I know that she knows the huge importance of music and its effects, which are much wider than just the musical curriculum, on the whole of the education system.

The noble Lord, Lord Storey, made some extraordinarily useful remarks. I would not want to see the worst aspects of local education authorities—there were some—recreated in a large MAT. I know that the noble Lord agrees with that. I hope that the Minister bears that in mind. The noble Lord said that they should be "free to innovate", which of course all of us approve of, as far as the curriculum is concerned.

The noble Lord, Lord Watson of Invergowrie, made some very important points and repeated mine—I was very grateful to him for doing so—concerning schools' ability to leave multi-academy trusts if, of course, they could prove to the Secretary of State perhaps, or some other group of people who had the expertise to decide, that they could go it alone and improve the quality of their service to their pupils by doing so.

I am grateful to my noble friend for all the care that she has taken in her reply. She has given us much to think about and discuss, and I repeat my thanks to noble Lords for giving up their time this evening, on almost the last day of term. I wish everyone a very happy Recess.

Motion agreed.

Committee adjourned at 8.04 pm.