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PARLIAMENTARY DEBATES
(HANSARD)

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OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind 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
UUP	Ulster Unionist Party

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House of Lords

Thursday 23 November 2023

11 am

Prayers—read by the Lord Bishop of St Albans.

Workers' Rights Question

11.06 am

Asked by **Lord Woodley**

To ask His Majesty's Government what steps they are taking to legislate to ensure high standards of workers' rights.

The Minister of State, Department for Business and Trade (Lord Johnson of Lainston) (Con): Protecting and enhancing workers' rights while supporting businesses to grow remains a priority for this Government. The Government have supported a package of six Private Members' Bills, which enhance workers' rights, to achieve Royal Assent, and will lay down secondary legislation in due course to implement these Acts. This package of legislation will increase workforce participation, protect vulnerable workers and level the playing field, ensuring that unscrupulous businesses do not have a competitive edge.

Lord Woodley (Lab): My Lords, I will shock the Minister by thanking him for his support for investment in Vauxhall Ellesmere Port for a new car; it is appreciated. After a challenge by my union, Unite, and others, the High Court ruled in July that the Government had acted unlawfully by allowing bad bosses to use agency workers to break strikes. But now the Government are trying again, launching a consultation in an attempt to get around the court's judgment, which ruled that their proposals were unfair, unlawful and irrational. Can the Minister explain why the Government seem so determined to crush workers' rights, despite being elected on a promise very much to improve them?

Lord Johnson of Lainston (Con): I thank the noble Lord for his question. I believe that, over the last 13 years, we have made significant and wholehearted reforms to workers' rights legislation to ensure that they are properly protected. On the matter that he specifically referred to, we launched a consultation on repealing Regulation 7 on 16 November. It will remain open for eight weeks, and I very much invite his participation in the process, which will finish on 16 January next year.

Lord Bellingham (Con): My Lords, does the Minister agree with me that rights are of course important but, as I know from my experience as an MP for 32 years, what workers want most of all is improved pay? Does he welcome the increase in the national minimum wage from £10.42 to £11.44, which is a significant move?

Lord Johnson of Lainston (Con): I am grateful to my noble friend for that point. In fact, if I look back to 2016, I see that the national living wage was £7.20 for those 25 and over, and it will soon go to £11.44, which, by my maths, is an increase of over 50% in that period.

The Earl of Clancarty (CB): My Lords, there are well over 4 million self-employed workers in the country. Does the Minister not agree that much more could be done for their workers' rights? Furthermore, is he aware of the growing calls within the creative industries for the appointment of a freelance commissioner to oversee the concerns of a group that is significant but relatively neglected within the workforce?

Lord Johnson of Lainston (Con): I agree with the noble Earl's comments about the importance of self-employed individuals, who are the backbone of this country—I have been one myself in the past. That is why, in what I thought was a fabulous Autumn Statement, designed to power this economy forward into the future, the Government and the Chancellor of the Exchequer yesterday cut various sections of national insurance contributions for self-employed people, not simply allowing them to keep more hard-earned money from their work but making their lives easier, which is a fundamental principle of this Conservative Government.

Lord Palmer of Childs Hill (LD): My Lords, the Government made a commitment not to reduce the standards of workers' rights when EU law was retained. If new EU law improved the standards of workers, what would the Government's reaction be?

Lord Johnson of Lainston (Con): The Government have rightly maintained a whole series of sections of EU law that allow workers to be properly treated. We are also consulting on a range of other areas where we can ensure that workers' rights are protected—but, I am pleased to say, under British rather than European law.

Lord Cormack (Con): My Lords, what the noble Earl, Lord Clancarty, said applies particularly to self-employed musicians, which are a neglected section of the community. I invite my noble friend to give some real thought to how their lot can be improved.

Lord Johnson of Lainston (Con): I am delighted to be taking through the CPTPP Bill, of which one of the key tenets is ensuring that musicians receive a fair proportion of the money they earn from broadcast media. This is just one of the many areas that we are focusing on, and I will also mention the support allocated in the Autumn Statement yesterday to the creative industries in general. We make all the great films in the world here, including "Barbie", and I hope that will continue, whether you are a self-employed musician or part of a larger organisation.

Lord Leong (Lab): My Lords, I will follow on from my noble friend's supplementary question. On Tuesday this week, the Supreme Court ruled that Deliveroo drivers are not entitled to certain rights, including

[LORD LEONG]

unionisation, because they are considered to be self-employed and not workers. Do the Government have any plans to protect the growing number of workers in the gig economy, rather than allowing multinationals to dodge basic employer obligations by pretending that some of these lowest-paid workers are able to exercise their freedom to turn down work?

Lord Johnson of Lainston (Con): The Government have done a huge amount to ensure that principles such as zero-hours contracts can remain flexible, allowing millions of people to do the work they wish to do and allowing students to participate in the workforce, while ensuring that they have the right levels of protection for holidays and other crucial concepts in workers' rights. It is important that we have a strong economy, which will enable people to have these jobs. I remind all noble Lords that we have increased the number of employed people by over 3 million since we came to power in 2010.

Lord Watts (Lab): My Lords, when we left the European Union, Ministers stood at the Dispatch Box and promised that workers' rights would be protected. Will the Minister produce a list from his department of the rights that have been lost since we left the European Union and a list of the Government's actions to address that issue?

Lord Johnson of Lainston (Con): This debate has run for many months. Over the last year in this House—I am honoured to have played my role in this—we have introduced a number of key workers' rights Acts, including the Neonatal Care (Leave and Pay) Act, the Protection from Redundancy (Pregnancy and Family Leave) Act, the Carer's Leave Act and, very importantly—I am a generous tipper myself—the Employment (Allocation of Tips) Act 2023, which ensures that people who are given their tips are, rightly, receiving them.

Lord Lilley (Con): My Lords, does my noble friend agree that important though legal rights at work are, they are meaningless unless there are plentiful job opportunities created by a dynamic labour market? It is no use giving workers freedom from being sacked if they have no job to be sacked from or to go to.

Lord Johnson of Lainston (Con): In yesterday's Autumn Statement, a whole range of measures was announced to ensure that we increase productivity and growth in the economy. In particular, I draw this House's attention to the £4.5 billion plan to encourage advanced manufacturing in this country, which has enabled us—as the noble Lord, Lord Woodley, mentioned—to encourage more car production in this country. Today, I was pleased to read in the papers that Nissan intends to expand its manufacturing lines to make the Qashqai and the Juke. This comes on top of BMW making the Mini in Oxford, the extraordinary gains we have had with Stellantis in Ellesmere Port, and the celebrated Tata gigafactory, which will become one of the largest buildings ever constructed by humans in the world and, clearly, in the United Kingdom as well.

Lord Balfe (Con): My Lords, the Government have spent some years looking at the case for electronic balloting in trade unions, and have got nowhere. Since it is okay for the Conservative Party to elect its leadership by electronic balloting, does the Minister accept that the technical problems have now been overcome, and that we should speed towards getting electronic balloting allowed for trade unions in electing their general secretaries, et cetera?

Lord Johnson of Lainston (Con): I rejoice that the electronic ballot results have produced the leader of my own party. I recommend that trade unions look at ways to modernise—not just the way they ballot but the way they look at the economy. Ending the concept of labour flexibility in this country would be devastating, particularly to the sorts of investment I work on daily, including the celebration of over £20 billion of new capital committed to this country two days ago by a number of Korean companies. They are coming here because of our economic growth prospects and the flexibility of our labour markets, among other things. Trade unionists and all my colleagues opposite should remember that.

Lord Fox (LD): My Lords, the Minister is no stranger to hyperbole, but his description of the CPTPP issues around intellectual property contains several misapprehensions. Could he undertake to read, carefully, the debate in *Hansard* that accompanied that Bill's Second Reading? There are serious concerns from the creative industries about the clauses on intellectual property.

Lord Johnson of Lainston (Con): I will read *Hansard* on that debate. I seem to remember being there myself; I delegated the opening to one of our newest Members. We promised, during that debate, to have a full consultation on how artists' rights are treated. It is extremely important that we get the balance right. Ultimately, it is about fairness and equity, and we stand four-square behind that, as I am sure the noble Lord will agree is right.

Lord Brooke of Alverthorpe (Lab): The noble Lord mentioned the carer's Act. Does he recognise that we have millions of workers in this country who are paid nothing at all? It is high time we started paying more attention to carers and giving them support. Looking to the future, is one way we could do this not to have a universal wage rather than a minimum wage? In due course, as AI spreads, there will be less requirement for people to be leaving their home, and they will be working more from home. We need to think longer term, rather than short term.

Lord Johnson of Lainston (Con): The Government wholeheartedly agree that the support we must give to carers should be continually reviewed. That is why I was so proud to bring in the Carer's Leave Act and the Neonatal Care (Leave and Pay) Act, which will result in millions of people being able to take leave in order to look after their loved ones and, we believe, 36,000 parents being able to take up the right to one week's paid leave. I am grateful for the comments, and we will continue to work in this important area.

Destitution: Low Median Wage Question

11.17 am

Asked by **Lord Hendy**

To ask His Majesty's Government what steps they intend to take to address the UK's low median wage and its contribution to the level of destitution presently under consideration by the UN Special Rapporteur on Extreme Poverty and Human Rights.

The Parliamentary Secretary, HM Treasury (Baroness Vere of Norbiton) (Con): My Lords, boosting economic growth is the only sustainable way to increase wages. This Government have overseen significant falls in poverty since 2009-10, with 1.7 million fewer people in absolute poverty after housing costs. Supported by the national living wage, the proportion of low-paid jobs fell to 8.9% in 2023, from 21.3% in 2010.

Lord Hendy (Lab): I thank the Minister for her Answer. While extortionate price increases have recently moderated, the real value of wages has been static since 2007—a nominal 6.2% increase in median wages last year translated into a 1.2% drop in their real value, according to the ONS. Half the working population earns less than £29,600. The Joseph Rowntree Foundation reports that 19.2 million people live below the minimum required to be warm, dry, clean and fed, with 3.8 million in destitution. The increase in the national minimum wage still leaves it, in real terms, no higher than it was 20 years ago. Wages need to rise. Only extensive collective bargaining can achieve that. Will the Minister make that happen?

Baroness Vere of Norbiton (Con): I fundamentally disagree that collective bargaining will be the way to lift wages; I believe that economic growth will be the way to lift wages. What I would like to say—and I would criticise this Government and previous Governments for not making the most of this—is that, when we look at the national living wage, the increases we made yesterday mean that, next year, someone working full time on the national living wage will see their real after-tax take-home pay go up by 30% since 2010. I think that is a very significant achievement.

Lord Fox (LD): My Lords, I welcome the noble Baroness to her new spokesperson role. The Chancellor was very pleased to pull the reduction in national insurance from his chancellorial hat at the end of his speech, and has been going around touting that very much. There is one statistic that I hope the noble Baroness can help me with. The Resolution Foundation notes that the top fifth of earners will receive five times the benefit from that cut than the bottom fifth of earners. Can she confirm that statistic?

Baroness Vere of Norbiton (Con): What we did yesterday—and we were absolutely clear about this—was to reward workers. It is critical that we reduce work-related taxes, because by doing so we increase the number of

hours worked, which will lift the number of full-time equivalents by 94,000. We think that the cut yesterday was absolutely the right thing to do.

The Lord Bishop of St Albans: My Lords, we on these Benches welcome a number of aspects of the announcements yesterday in the Autumn Statement, not least the rises in the living wage and in pensions. There is an issue, though, over structural pay gaps which hide even greater disparities: pay gaps to do with gender, disability, social mobility and regional disparities, which are vital as we think about our levelling-up strategy. Can the Minister give us some indication of how the Government hope to address those structural pay differentials and gaps?

Baroness Vere of Norbiton (Con): What we are trying to do here is boost the entire economy by ensuring that everybody has good work. It is the case that, between the Spring Budget of 2023 and the package that we announced yesterday, there will be more than 200,000 more jobs, but what we are also trying to do is boost the economy in general such that those jobs are well paid. The right reverend Prelate mentioned those who might be sick or disabled. Again, we have to support those people back to work when they can, because we know that work is the best way out of poverty; it can have social and health benefits. At the moment, there are 2.4 million claimants of incapacity benefit, and that has gone up by 700,000 since May 2019. I cannot believe that the nation is getting significantly more sick, and we need to help those people back to work.

Lord Bird (CB): Does the Minister agree that there are actually an enormous number of people in this country who are the working poor? I was with a whole group of them last week—with the King—who are out there trying to get food. They are trying to get food because, whatever the Government are doing, they seem to be a bit tinkering and not profound in their commitment to end a low-wage economy.

Baroness Vere of Norbiton (Con): This Government are absolutely committed to ending a low-wage economy, and that is why we have just introduced the largest ever rise in the national living wage. Also, it is not just about the national living wage; I absolutely accept that there will be people who are living on benefits—that may be for a temporary period—and that is why we uprated benefits by 6.7%, which was the September CPI, versus a forecast inflation rate next year of 3.1%, so people will see more pounds in their pocket.

Lord Lexden (Con): My Lords, should we not express the hope that yesterday's measures will represent a real turning point in the economic life of our country, opening the way for sustained growth and greater prosperity for all our people?

Baroness Vere of Norbiton (Con): I absolutely agree with my noble friend. It is an absolute turning point. It is about the long-term decisions that have to be made, and that is about investing not only in businesses but also in our people. From a business perspective, the full expensing has been widely welcomed across the

[BARONESS VERE OF NORBITON]
economy. It will add an extra £3 billion of new investment. We already have the lowest corporation tax in the G7 and now, with full expensing, that will bring in the investments that my noble friend Lord Johnson really needs to see.

Lord Livermore (Lab): My Lords, I join others in again welcoming the noble Baroness to her new role. Yesterday's Autumn Statement saw growth down and inflation up every year for the next three years, debt rising every year for the next three years and the tax burden rising every year for the next five years, making this the biggest tax raising Parliament ever. Even after yesterday's announcements, households are £1,900 worse off. Against this backdrop, what advice does the Minister have for the 11 million people with barely any savings as they now try to withstand the biggest ever fall in living standards since records began?

Baroness Vere of Norbiton (Con): Yesterday did bring out some very important statistics, as indeed has the entire year. The noble Lord will know that, in terms of growth, it is true that the forecasts have been revised down. However, the actual assessment of the size of the economy has been revised up; indeed, it has been revised up by 2%, which is an enormous amount—that is the equivalent of the aerospace industry. On inflation, the OBR was absolutely clear that the discretionary fiscal policy measures introduced in the Autumn Statement do not have a material impact on the path of inflation. We have already halved inflation and by 2025 it will be at 2%. On tax, the noble Lord may have forgotten, but this Government intervened enormously during Covid, including £400 billion to support lives and livelihoods and, in our support for cost of living, £100 billion to support households through some very difficult economic shocks. Those things have to be paid for, but the things we introduced yesterday in terms of tax brought down the tax burden by 0.7%.

Lord Newby (LD): My Lords, I think that in answer to an earlier question the noble Baroness said that the reduction in national insurance rates would mean that people work longer hours. What evidence does she have to support that assertion?

Baroness Vere of Norbiton (Con): It is the case that of course those are assessments made by people far cleverer than me, within the OBR and the Treasury, but that is the analysis. Of course, people will be able to choose whether they work longer hours, but the simple point is that if somebody does work longer hours, they get more pounds in their pocket, so it is not beyond the wit of man to understand that they might want to do more hours.

Lord Cormack (Con): My Lords, as we advance into winter, will everything possible be done to assist those charities who are doing everything they can to get people off the streets and into proper accommodation? Can my noble friend give the House an absolute assurance that those who provide tents will not be fined for doing so?

Baroness Vere of Norbiton (Con): This Government have a laser-like focus on homelessness and, of course nobody wishes for anybody to be homeless. That is why we have a range of cost of living payments which are yet to be paid: 8 million households on means-tested benefits will get two £300 payments in autumn and in spring; pensioners will get their £300 in the winter; and of course 6 million people on disability benefits will receive an additional £150.

Northern Ireland Investment Summit *Question*

11.27 am

Asked by **Baroness Hoey**

To ask His Majesty's Government what assessment they have made of the success of the Northern Ireland Investment Summit held in Belfast in September.

The Minister of State, Department for Business and Trade (Lord Johnson of Lainston) (Con): The summit was a success. It was a truly global occasion, attended by 181 international investors from 24 countries, representing 130 companies and organisations. The Department for Business and Trade has had hugely positive feedback from the delegates. The summit sent a clear message about the opportunities and ambition of Northern Ireland. I am very grateful to Invest Northern Ireland and the Northern Ireland Office for their collaboration and partnership. Some 1,000 jobs were announced at the summit and more investments are expected as a result.

Baroness Hoey (Non-Aff): My Lords, I hope the Minister understands just how important his contribution was to the success of that conference. His hard work and enthusiasm went down very well and I have to say that he is more popular now in Northern Ireland than the Secretary of State. Could he have a gentle word with the Secretary of State and advise him not to go ahead with the suggested removal of industrial derating used for the purposes of manufacturing, because this would have a detrimental effect on businesses that are working so hard in that sector? Does the Minister agree that the decision not to award Northern Ireland levelling-up money from the latest round, because there is no Executive, is very strange given that, in the past, when there was no Executive, it having been brought down by Sinn Féin, the funding was given? Are there double standards operating?

Lord Johnson of Lainston (Con): I am very grateful to the noble Baroness for her compliments. The effort around the Northern Ireland Investment Summit was huge, and everyone played their part. I am pleased to say all parties also played their part, including Joe Kennedy III in his leadership as President Biden's envoy to Northern Ireland. I will certainly review the concept with the Northern Ireland Office around the matter the noble Baroness mentioned, but I believe that our Secretary of State is a phenomenal advocate for Northern Ireland and a significant ambassador in encouraging investment, as is my noble friend Lord Caine,

who spends much of his time travelling around the world getting more money into Northern Ireland, so that everyone can prosper.

Lord McNicol of West Kilbride (Lab): My Lords, one of the messages that came out of the Northern Ireland Investment Summit was the need for political stability to encourage much needed investment, with Joe Biden even saying that US firms would be willing to pump billions of dollars into the Northern Ireland economy if there was more political stability. Recently, the Northern Ireland Secretary said talks to restore a functioning Executive in Northern Ireland were in their final phase. Will the Government provide an update on these negotiations?

Lord Johnson of Lainston (Con): I am not sure whether the Government provide an ongoing commentary for such sensitive, but very important, negotiations. However, for me it is cause for great optimism that, a few weeks ago, Joe Kennedy III led a delegation, as a follow-up to the Northern Ireland Investment Summit, where a number of United States companies announced specific investments. Some 70 companies and business leaders accompanied him, so the appetite is there regardless. We totally push for a resolution to the formation of the Executive because we know that there is more to come.

Baroness Goldie (Con): My Lords, I had the privilege of being in Northern Ireland in October and seeing at first hand the vibrant business scene that is operating there. Is there perhaps more we can do across government, particularly from the departments which are involved in foreign travel and foreign engagement, to more coherently showcase what many of these small and medium-sized enterprises—not only in Northern Ireland but across the United Kingdom—are achieving?

Lord Johnson of Lainston (Con): I am grateful to my noble friend for asking that question, although I am sorry not to see her sitting alongside me on the Front Bench. She is quite right; there is always more to do, and my noble friend Lord Offord announced recently a further package to encourage exports, not only from Northern Ireland but from the rest of the United Kingdom. We continue to work very hard in the Department for Business and Trade to ensure that our message is spread throughout the world. The Harrington review, which has been very favourably received by the Government and commented on in the Autumn Statement yesterday, goes further in talking about ensuring that we have the resources and the right technologies and systems to encourage further investment in the United Kingdom.

Lord Swire (Con): My Lords, Northern Ireland scores highly on any indices of a place to live and work and to invest, so I welcome the success of the summit. However, these summits are only so good if they are repeated. What plans does my noble friend have to repeat an investment summit in Northern Ireland? In the event that there is going to be one—and I hope it will become a regular event—what plans can he suggest to involve more people from this House, who might be able to contribute some expertise and ideas towards it?

Lord Johnson of Lainston (Con): I am grateful to my noble friend for that prompt. The Northern Ireland Investment Summit was itself ultimately funded by an initiative led by our current Prime Minister when he was Chancellor of the Exchequer. I am determined to ensure that we follow up, which is why, this week, we hosted a round table at No. 10 with venture capitalists, to encourage investment in Northern Ireland. We supported Joe Kennedy's mission and we have many more projects and plans to come. However, I note my noble friend's recommendation for a further summit. It is something I would certainly celebrate, but we have to ensure that we can pay for it and that it would deliver strong value for money for the taxpayer.

Lord Fox (LD): My Lords, there appears to be rare harmony between the noble Baroness, Lady Hoey, and the Minister and myself. This was clearly a very successful event. Does the Minister put a strong measure of that success down to the fact that Northern Ireland has a unique opportunity, with access to both the EU and the UK markets? Is the Minister pushing that key selling point?

Lord Johnson of Lainston (Con): I must say that I am delighted that my friend the noble Lord, Lord Fox, from the Liberal Democrat Benches is rejoicing and celebrating the benefits of Brexit, because that is exactly what the Windsor Framework delivers. It puts Northern Ireland in a unique place to benefit precisely from the regulatory environments and frameworks that we have in this nation, while at the same accessing the goods and markets in the European Union.

Baroness Ritchie of Downpatrick (Lab): My Lords, coming from Northern Ireland, I am well aware of the success of the investment conference and the large number of investors who came from the United States, along with the economic envoy, Joe Kennedy III. However, would the Minister agree that it would be much better if there was a restoration of the political institutions to underpin our local economy in Northern Ireland and provide that necessary confidence to potential investors? Will the Minister, along with Invest NI, investigate the need for a more equal distribution of those potential investors looking at sites in Northern Ireland with a view to further investments and job opportunities to avail themselves of the Windsor Framework and access to both markets?

Lord Johnson of Lainston (Con): I completely agree with the noble Baroness on the need to come to a conclusion over forming a stable political environment for businesses to invest in Northern Ireland. I reassure her that the United States is not the only market that invests heavily in Northern Ireland. Across the world, particularly in Asian countries such as Japan, there is enormous interest in taking advantage of the skills in Northern Ireland. It is not simply the opportunities presented by the Windsor Framework; it is the opportunities presented by the people of Northern Ireland and their brains and brilliance.

Lord Howell of Guildford (Con): My Lords—

Lord Morrow (DUP): My Lords—

Baroness Williams of Trafford (Con): My Lords, there is time for both noble Lords to come in, so we will hear from my noble friend first.

Lord Howell of Guildford (Con): I declare my interest as a former Minister of Commerce in Northern Ireland. Having travelled around the world raising interest in investment in Northern Ireland, I confirm what my noble friend has just said. There was immense attention to the sheer quality of the training and skills in Northern Ireland, particularly then in the aeronautical sector, in Harland & Wolff, and in a number of other high-tech electronic industries—Japan was especially interested. This was some decades ago, but now that we have a renewed and strong interest in links of every kind with Japan, is that aspect to be emphasised in Northern Ireland?

Lord Johnson of Lainston (Con): I thank my noble friend for that point and I agree with him. We have a renewed staff level in Belfast to encourage this type of investment, and I hope that they will continue their excellent work.

Lord Morrow (DUP): My Lords, like everyone else in your Lordships' House, I too welcome the recent summit and hope that there will be an increase in good news following it. Can the Minister tell me to what degree does the rate of corporation tax impact our economy and the attraction of foreign investment, bearing in mind that the rate today is 25% while in the Republic of Ireland it is 12.5%?

Lord Johnson of Lainston (Con): I am grateful for that question and the opportunity to discuss matters of tax. Yesterday, the Chancellor announced in his Autumn Statement a raft of incredibly powerful measures to ensure that businesses are competitive, that we invest and that we can create the jobs for our modern future economy. It is crucial to remember—and the point is often made in this House—that fiscal responsibility is the central component of good government finances. That is what my investor base looks forward to—predictability, certainty and decent long-term returns—and that is what we are providing.

Levelling Up: Project Delivery Question

11.38 am

Asked by **Lord Kennedy of Southwark**

To ask His Majesty's Government, following the publication of the National Audit Office report *Levelling up funding to local government* on 17 November, what action they are planning to take to improve the delivery of projects approved under their levelling-up agenda.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and refer the House to my relevant interest as a vice-president of the Local Government Association.

The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Penn) (Con): My Lords, the department has implemented several measures to support local authorities in their delivery of levelling-up projects. These include committing over £65 million for capacity support to unblock delivery issues and giving authorities greater flexibility over spending decisions. The National Audit Office report covers the progress of projects up to March 2023, and in the eight months since then the department has paid out over £1.5 billion of further funding to local authorities.

Lord Kennedy of Southwark (Lab Co-op): I thank the noble Baroness for her comments. The report from the National Audit Office makes shocking reading: it tells of money allocated but not spent, contracts not signed and projects not delivered. Can the Minister explain to the House how a flagship programme of the Government is in such a mess?

Baroness Penn (Con): My Lords, the report itself highlights a number of issues that have delayed some of the delivery, including rising costs and inflation and other outside factors. That is why we are working with local authorities to address those issues. As I say, in the eight months since the report, the department has paid over £1.5 billion of further funding out to local places. We have already seen several projects completed or near completion, which are making a difference to the lives of people in those communities.

Lord Young of Cookham (Con): Further to the Question asked by the noble Lord, Lord Kennedy, the NAO was not entirely critical of my noble friend's department. It did say that evaluation was better and that the grant management process had improved. But it also said that a number of projects would not be completed by the proposed deadline. Where there are good reasons for that delay, will there be some flexibility in those deadlines? Otherwise, some very worthwhile projects will be abandoned.

Baroness Penn (Con): I thank my noble friend for drawing out some of the positives of that report, as there were indeed some. He is right that, while we are keen to see the delivery impact of this investment as soon as possible, there have been some delays. For example, we have talked about inflationary pressures, so for the levelling-up fund, the prospectus for both rounds 1 and 2 said that we expected all funding provided to be spent by March 2024 and March 2025 respectively. However, those deadlines can be extended by one year on an exceptional basis. Similarly, for the future high streets fund, we have given a six-month extension for the spend deadline, taking it to 30 September next year, giving local places additional time to deliver their transformational projects.

Lord Shipley (LD): My Lords, I remind the House that I am also a vice-president of the Local Government Association. As has been pointed out, one of the reasons for the problems we have is rising cost pressures, both inflation and interest rate levels, and in some cases, of course, withdrawal of contractors. Will the Minister assure the House that, in such circumstances, it cannot just be an "exceptional case"? I quote the

phrase that she used in her previous reply. The NAO has shown that there is an average delay of almost 10 months across projects as a whole. That is simply too much, and I ask the Minister to consider very carefully extra money to support the budgets of projects where there is a case and, secondly, for an automatic extension to the length of budgets, otherwise we will carry on having some of the problems that we have seen.

Baroness Penn (Con): My Lords, as I have said, we are keen to see the delivery impact of the investment as soon as possible. That is why we have not moved to an automatic extension to the deadlines involved. However, we have moved to give local authorities more flexibility about how they spend their money without coming back to central government, to enable delivery. We have also put in place both more funding and more support to local authorities in the delivery of their projects, to help them meet their own deadlines.

Lord Laming (CB): My Lords, the noble Baroness will know that some of the most difficult cuts in local government spending over the last decade were in the support for children and families. The probation inspectorate looked at the number of young people in secure accommodation and reported that many of these young people could be accommodated in the community with the right kind of support. That is not only in the interests of the young people but considerably cheaper. Could the noble Baroness do all that she can to make sure that the money that has been allocated is properly spent?

Baroness Penn (Con): The Government are really focused on ensuring that the levelling-up funds deliver value for money and provide transformative outcomes for the local areas that they deliver for. The Government set out a really clear approach to the evaluation of these projects to make sure that they do just that.

Lord Wigley (PC): My Lords, I draw attention to my interest chairing the slate quarrying levelling-up fund on Gwynedd Council, which is also facing the challenge of meeting the deadline of April 2025. If indeed the pressures arise from a systematic shortage—a capacity shortage—within the system, will the Government lean towards giving the flexibility of an extra year to ensure that worthwhile projects are not lost?

Baroness Penn (Con): My Lords, as I have highlighted, the department is very happy to speak to any project that sees that it is facing perhaps unavoidable delays in delivery. Our first priority should be looking at what we can do to reduce those delays, but, as I have said, we have also put in place flexibility in the system to extend some of the deadlines.

Lord Adonis (Lab): My Lords, will the noble Baroness tell the House how much damage to levelling up is being done by the cancellation of HS2 to Manchester? Is she aware that, once HS2 is built to Birmingham but not to Manchester, it will take 40 minutes from Euston to Birmingham but 2 hours and 10 minutes from

Euston to Manchester? What does she think that will do to business investment decisions over the next generation, and does she not see that this will decimate the economic prospects of the north of England?

Baroness Penn (Con): I am afraid I completely disagree with the noble Lord. There is a choice to be made about where that investment goes, and the Government have made the choice to invest in transport projects that will connect towns and cities within the north far better. It will deliver more improvements to more people faster than the continuation of further legs of HS2.

Lord Scriven (LD): My Lords, is not the key finding of all this that centralised Whitehall one-off bidding is not the key to level up across this country?

Baroness Penn (Con): My Lords, we deliver funding to local authorities in all sorts of ways. We are looking to deliver more funding to local authorities. That is why we are taking forward an approach of a single departmental settlement to those mayoral combined authorities in Birmingham and Manchester. We have a commitment to roll that out further to those areas that have directly elected representatives.

Lord Sahota (Lab): My Lords, as the Minister knows, councils up and down the country spent millions of pounds preparing for their application to bid for the levelling-up funds. I am glad that the Government have changed the system now. Do the Government have any idea how many millions these cash-strapped councils have spent on preparing their applications—or maybe the Government did not ask that question because they did not want to know the answer?

Baroness Penn (Con): My Lords, after announcing round 2 of the levelling-up funding, we recognised how many high-quality bids we had from councils that we were not able to meet during that round. That is why we took a different approach in round 3, looked at those existing bids and were able to make the allocations that were announced earlier this week. All in all, over 200 places have benefited from funding from the levelling-up funds. We recognise that there is a cost involved in bidding in these processes. That is why we provided those local authorities that were assessed as most in need in rounds 1 and 2 with additional funding to support the development of the bids in the first place.

Lord Wallace of Saltaire (LD): My Lords, the Government have talked a lot about the need to reduce bureaucracy and to cut the size of the Civil Service. Yet this entire scheme is extremely bureaucratic and takes a great deal of Civil Service time for the competitive allocation of very small funds, and a great deal of local government time in preparing for competitive bids, some of which are unsuccessful. Has not the design been unfortunate? Would it not be better for the Government to do something about devolving spending decisions to local government in a much more thorough way?

Baroness Penn (Con): My Lords, as I have set out, we took a different approach in round 3 of the levelling-up fund. Instead of having a competitive process, we looked at the existing bids that we had. That is all part of the Government's funding simplification plan for local government that we published last year, which looks at streamlining the different forms of funding that go to local government, while making sure that it is spent in the most effective way, delivers value for money and that there is accountability for what is spent.

Hereditary Peers By-election

Announcement

11.48 am

The Clerk of the Parliaments announced the result of the by-election to elect a hereditary Peer, in place of Lord Brougham and Vaux, in accordance with Standing Order 9.

Two hundred and fifty-nine Lords submitted valid ballots. A notice detailing the results is in the Printed Paper Office and online. That paper gives the number of votes cast for each candidate. The successful candidate was Lord Camoys.

Lord Rooker (Lab): My Lords, at this time, the House usually hears from my noble friend Lord Grocott. He is indisposed at the moment and much regrets his not being able to be here. He has authorised me to say that he continues to be distressed that the Government are not fast-tracking his Bill to stop this regular farce, which damages the reputation of this good House.

Resolution of Central Counterparties (Modified Application of Corporate Law and Consequential Amendments) Regulations 2023

Financial Services and Markets Act 2023 (Resolution of Central Counterparties: Partial Property Transfers and Safeguarding of Protected Arrangements) Regulations 2023

Motions to Approve

11.49 am

Moved by Baroness Vere of Norbiton

That the draft Regulations laid before the House on 16 October be approved. *Considered in Grand Committee on 20 November*

Motions agreed.

Genocide (Prevention and Response)

Bill [HL]

First Reading

11.49 am

A Bill to make provision about prevention of and response to genocide and other atrocity crimes.

The Bill was introduced by Baroness Kennedy of The Shaws, read a first time and ordered to be printed.

Workforce Information (Ethnicity)

Bill [HL]

First Reading

11.50 am

A Bill to make provision for certain employers to be required to publish information about differences in pay between people from prescribed ethnic backgrounds; and for connected purposes.

Lord Shinkwin (Con): My Lords, I declare an interest as chair of the Institute of Directors' commission, "The Future of Business: Harnessing Diverse Talent for Success".

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

Mental Health: Children and Young People

Motion to Take Note

11.51 am

Moved by Earl Russell

That this House takes note of the current state of mental health support for children and young people in England.

Earl Russell (LD): My Lords, I am delighted to have secured this debate. There is no more important issue, to my mind, than ensuring that we are adequately supporting our children and young people when they are not well and at their most vulnerable. I thank the Members of your Lordships' House who have put their names on the speakers' list for today.

I have been moved to bring this debate as I have personal experience of poor mental health and the impact it has on young people, following my own daughter's five years of struggle. As a parent, it has been one of the most challenging periods of my life. No parent ever wants to see their child unable to keep themselves safe. It is important that we, as politicians, share our personal experiences as part of the fight for change. I am proud of the progress she has made. I wish to use my experience to help fight for better outcomes for other children who find themselves in similar positions. I know that others in this Chamber will have had similar personal experiences.

I have also brought this debate as I want all children out there who are struggling to keep themselves safe and well right now to know that everyone in this House and across government are working together to help make things better for them. This is not a political issue nor is this a political debate; I know we are all united in wanting to improve services and outcomes for children and young people. As my daughter might say, "We got you".

I will make three key points. First, children and young people are facing an expedient crisis from the combination of the impacts of Covid and a general increase in poverty that has overwhelmed previously overstrained systems, so real and immediate action is needed. We are facing a young persons' mental health emergency. Secondly, the systems in place are not working; there is a need for a full root-and-branch

review and reform of the systems and services. Thirdly, I will call for a more integrated national mental health service for children and young people to be established, with an emphasis on early intervention, extra support in schools and a call on the Government to take urgent measures to provide additional funding. I note the Government's decision not to bring forward the promised mental health Bill in the King's Speech. It is disappointing that the mental health Bill has been dropped and parliamentary time has been diverted to other measures.

There has been an 89% increase in the number of children and young people coming into contact with mental health services between August 2022 and August this year. NHS Digital conducts a regular survey of children and young people, with results published between 2017 and 2022, and the fourth wave published just this week. The most recent key findings show that one in five of our young people aged eight to 25 had a probable mental health disorder. Rates remain at elevated levels following the pandemic and for 17 to 25 year-olds, rates were twice as high for young women as they were for young men. In 2023, 20.3% of children in England aged seven to 16 had a probable mental health disorder, up from 18% in 2022 and 12% in 2017. Rates among young people aged 17 to 19 with a probable mental health disorder rose from 10.1% in 2017 to 17.7% in 2020 and 25.7% in 2022, and they remain high at 21.7% now.

Not only are we seeing rising numbers; we are also seeing increases in the severity and complexity of the mental health needs of our children and young people. For example, we are treating double the numbers of children and young people with eating disorders who need urgent care than before the pandemic. This is a staggering and highly alarming increase. The reasons and causes for this rise in cases are many and complex, as are the solutions. We have very little understanding of the real root causes; more research must be done and young people themselves must be given greater opportunities to have their voices properly heard and understood. Isolation during Covid was a serious shock, taking away the normality of everyday life and children's own sense of autonomy over their daily lives. Home education was a challenge for us all.

The rise in poverty and the collapse of youth services are also relevant. Poverty brings family stress and an increased prevalence of family breakdown. For children, poverty all too often creates feelings of shame. More than one in four children aged eight to 16 with a probable mental health disorder had a parent who could not afford for their child to take part in activities outside of school or college.

Social media is also to blame. Our children are constantly plugged in and susceptible to harmful content, bullying and harassment. Pernicious phones get in the way of real family quality time, often leading to social isolation in the home and an increased sense of worthlessness. The modern world we are creating for our children is undoubtedly toxic. Pressures at school are ever-growing and many children feel that they are already failures before they are even at the starting line. The transition from primary to secondary school is a crucial time in young people's development and not enough is done to support it.

Waiting times for treatment are skyrocketing. Research conducted by the *House* magazine, based on FoI requests to 70 UK NHS trusts and boards published this year, found that a quarter of a million children in the UK with mental health problems have been denied help, with some NHS trusts failing to offer treatment to 60% of those referred by GPs. The research also uncovered a postcode lottery, with spending per child four times higher in some parts of the country than others. Average wait times varied from 10 days to three years. In 2021-22, trusts were forced to raise thresholds for treatment to tackle backlogs, resulting in hundreds of thousands of children being turned away altogether. The research showed that, overall, 32% of all GP referrals were denied treatment. I ask your Lordships to reflect on that shocking statistic for a moment.

Young people who are seriously ill are routinely being denied any access to treatment. Research from YoungMinds has indicated that a third of children and young people are not seeking support for their poor mental health, despite acknowledging that they are struggling. Stigma around mental health issues continues to be a problem, and these figures indicate a further unmet demand. An estimated 1.5 million children and teenagers will need new and additional support for their mental health over the next three to five years, including seeking treatment for eating disorders.

Research conducted by the Children's Commissioner for England has shown that the threshold for any treatment is now so high that, in many areas of the country, the first help children receive is only after they have made multiple attempts at suicide. The first attempt does not always provide access to any support. If parents acted in that way, it would rightly be classed as child neglect.

Young people are left self-harming and attempting suicide for months, without support. While they are struggling to stay safe, many of them end up engaging in risky behaviours such as self-medicating with illegal drugs. New data from YoungMinds has revealed that urgent referrals of children to emergency mental health services have tripled since 2019. There is no early intervention or support. We only help when cases are extreme and children are in imminent danger. By this point, much damage has already been done.

This is a cruel and inefficient way to provide essential health services. We do little or no prevention work and ignore alarming presenting symptoms. This failure to provide treatment causes pain and long-term damage, leaves lasting psychological scars and damages children's long-term life chances. Vital self-development, education and life chances are permanently missed. This also places increased pressures and costs on other health and educational services.

Another impact is the huge increase in long-term absences from schools' rolls since Covid. The Children's Commissioner for England, Rachel de Souza, said in a recent report:

"I fear that attendance has become the issue of our time. The number of children regularly missing school has more than doubled compared to pre-pandemic ... Worryingly, over 120,000 children are missing at least half of their time in school."

[EARL RUSSELL]

While the causes of persistent absence from school are complex, one key factor is the lack of mental health support. Indeed, her report calls for the rollout of mental health support teams to be expedited, to reach all children by 2025.

Delaying or denying treatment and providing treatment that is too little and often too late is unfair on our children and young people. It fails to meet basic needs or to protect the welfare and well-being of children. Prevention is better than cure. Even when first appointments are given, they are often highly administrative, providing little or no treatment. The waits for second appointments are often even longer. Even when treatment is provided, it often results only in the prescription of medication. I am not against medication—it has a valuable role in treating children—but medication alone is not an adequate treatment plan in most cases.

We need more talking therapies. Evidence increasingly suggests that trauma and feelings of shame and worthlessness need to be discussed in order to be processed by the human brain and thus resolved. We need whole-family-based approaches; we need family therapy to be made available; we need dedicated support in schools to help keep children in school and turning up for life.

I welcome the steps the Government have already taken to increase funding, including the introduction of the mental health care standard in 2018. I recognise that government spending on CAMHS has gone up year on year. I am delighted that my party has put forward detailed proposals to provide a dedicated mental health professional in all 22,000 state-funded schools in England, so that every child has someone to turn to. The estimated cost is £620 million per year. My party has proposed that this be funded by trebling the digital services tax.

I kindly ask the Minister to acknowledge the scale of the problems and inadequacies of service provision that children and young people face. I ask him also to ring-fence CAMHS funding and work to provide equality of service provision. The Government must provide additional funding and work urgently, in the words of YoungMinds, to “end the wait”. The Government must provide mental health services with long-term and sustained investment to help meet demand. According to the NHS Confederation, that means an extra £900 million per year by 2024-25.

The rollout of mental health support teams in schools and colleges nationwide must be accelerated. I call on the Government to commit to bringing forward their target of 50% access by 2024-25 and make it 100%. I believe this is one of the most urgent and achievable things they can do. It is essential that children have access quickly and that there is a triage service available to children who are in crisis. This is one of the easiest ways the Government could really make a difference to a huge number of young people's lives.

Finally, I call on the Government to commit to a full implementation of the four-week piloted clinical access standard for children and young people's

community mental health services, and to produce a fully funded plan for the sector to show how they plan to reach this target.

This issue is personal to me, but I really wish to work with the Minister and across the House to raise these issues for our children and young people. It is not right that our children are suffering in these ways. We must do more to help them. It is not beyond our capabilities to do more to make sure that their needs are met and that they are supported. We should not be leaving them to suffer. I beg to move.

12.05 pm

Baroness Hale of Richmond (CB) (Maiden Speech):

My Lords, I am so grateful to the noble Earl, Lord Russell, for giving us the opportunity to debate this most important subject, one in which I have taken a close personal interest in my professional career. But first, I owe you an apology. This is my maiden speech, yet I was sworn in as a Member of this House as long ago as 12 January 2004. I am rushing to remedy the defect before the 20th anniversary. Please allow me to offer your Lordships an explanation, if not an excuse.

I was sworn in to hold office as a Lord of Appeal in Ordinary,

“so long as she shall well behave herself therein”.

This caused much merriment on the day. It also caused some puzzlement to one of my guests, the Chief Justice of Alberta, because the noble Lord, Lord Triesman, who was sworn in at the same time, did not have to promise to behave himself—although I am sure he has. She wondered whether it was because I am a woman, but of course, it was not: it was because I was a judge and, since the Act of Settlement of 1701, it has been a guarantee of judicial independence that we hold office during good behaviour and not during His Majesty's pleasure.

I have tried throughout my judicial career to uphold the rule of law and the independence of the judiciary on which it depends, and it is for that reason that I never made a maiden speech during the five and a half happy years that I spent in this House as a Law Lord. Your Lordships were very friendly and welcoming, but I did not think that we should be here. Making laws and holding the Government to account are constitutionally different functions from applying and interpreting the laws and adjudicating disputes. So, I was glad when we crossed the square to become the Supreme Court of the United Kingdom. This has, I believe, turned out to be a thoroughly good thing. It also meant that for more than 10 years I was disqualified from taking part in parliamentary business.

That is all very well, you may say, but that disqualification was lifted when I retired in January 2020. If the noble and learned Lord, Lord Burnett of Maldon, could make his maiden speech so soon after his retirement, why could not I? I have no real excuse, other than the disruption caused by Covid and my own diffidence about whether I could make a useful contribution.

I saw, and see, myself as a lawyer and judge rather than a parliamentarian, but I have long taken a professional interest in mental health. My very first book, in 1975, was on mental health law. My very first

judicial appointment, in 1989, was as a presiding legal member of mental health review tribunals; and in 2007, the noble Baroness, Lady Hollins, conferred on me one of my most treasured honours, the Fellowship of the Royal College of Psychiatrists, for which I am so grateful. So, I am emboldened to make two short points about mental health services for children and young people, conscious that those who follow me will have much more important things to say.

First, I share the disappointment of the noble Earl, Lord Russell, at the omission from the King's Speech of the proposed mental health Bill, which has already undergone pre-legislative scrutiny and been widely welcomed. It would have provided an opportunity to address some serious issues affecting children and young people, not least by excluding learning disabilities and autism from the compulsory procedures in the Act, something which I know is of deep concern to the noble Baroness, Lady Hollins.

It might also have given us the opportunity to solve some difficult legal questions around consent to psychiatric treatment for children and young people. When can they give consent themselves? When can their parents or others with parental responsibility—such as local authorities—give consent on their behalf? Most important of all, when can they refuse consent to treatment? These are all very important issues, and they are not easy questions. The answers are not as clear as they might be, as I learned when I was speaking with psychiatrists in Northern Ireland only the other week.

Secondly, I speak as a member of the Commission on the Integration of Refugees, set up by the Woolf Institute in Cambridge. The evidence we have received has made us very well aware of the special mental health needs of young people seeking and granted asylum in this country, especially but not only those who have come here on their own, unaccompanied by adult family or friends. Many have suffered appalling experiences in their home country and on the way here. Many have missed significant amounts of education. Many suffer from mental disorders as a result. Yet they face considerable barriers, additional to those of other people, in gaining access to the trauma-informed and culturally sensitive services they need. Addressing these needs is essential if they are to become the fully integrated members of our society that we all hope they will be.

12.11 pm

Baroness Hollins (CB): My Lords, it is my honour to follow my noble and learned friend Lady Hale, whose eminent career has included, of course, serving as President of the Supreme Court of the United Kingdom, and being the first woman appointed President of the Supreme Court.

We were brought up in different parts of the West Riding of Yorkshire, and both ended up being head girl in our different grammar schools—Yorkshire grit. I am particularly proud to have presented my noble and learned friend with her honorary fellowship of the Royal College of Psychiatrists. Noble Lords will be grateful to my noble and learned friend for explaining why her membership had to cease in 2009. This of

course included a period as a non-permanent judge at the Court of Final Appeal in Hong Kong, where I am sure her wisdom benefited their system greatly.

Noble Lords will also recall when, in September 2019, as President of the Supreme Court of the United Kingdom, the noble and learned Baroness, Lady Hale, found Boris Johnson's prorogation of Parliament to be unlawful, thus terminating the suspension of Parliament.

I congratulate my noble and learned friend on her remarkable maiden speech, of no less interest given the time since her introduction. It is so fitting that it should be about children's mental health. I also congratulate the noble Earl, Lord Russell, for speaking so honestly, openly and movingly about the subject of children's mental health.

I declare my interests and experience. I trained as a child and family psychiatrist and later specialised in the psychiatry of learning disability. I have served as President of the Royal College of Psychiatrists. His Majesty's Government has just published my report *My Heart Breaks—Solitary Confinement in Hospital Has No Therapeutic Benefit for People with a Learning Disability and Autistic People*. We will be debating this in the topical debate to follow. I have also devoted several years to addressing child protection in families and institutions, and to considering the long-term mental health consequences of child abuse.

Why is this all so important? Childhood is a period of extraordinary potential. If we get it right, we are investing in the whole of society's future. Pregnancy and the first five years of a child's life are the time when the foundations of healthy development are laid. Our relationship patterns are formed in the first few years of our lives, which also impacts on our future mental health. We know that adverse childhood experiences—ACEs—are key predictors of poor physical and mental health across the lifespan, and that poverty increases the risk that ACEs will occur during childhood. Half of all mental health problems present the first time before the age of 14, which is why prevention and population health really matter.

There are rising rates of referral to mental health services. These services are overwhelmed. Social care and school staff are feeling overstretched. We know that burnout is higher in those who work with children. There are rising rates of self-harm and suicide, particularly in teenage girls. Families are struggling with the cost of living crisis. To understand the current state of children's mental health, I suggest we need to look at their relational and physical environments. Let us think about the post-pandemic world that children are growing up in right now. What is it like for them at home, at school, online, in their local communities and in the wider world?

Thinking about a child's home environment, we need to acknowledge parents' own significant social and mental health needs. Many are anxious and stressed; they are worried about money, their jobs, their families and the world. But when parents feel calm, safe and connected, their emotional availability to their children increases. This enables them to listen to their children and recognise their needs and helps them develop their emotional resilience and mental health for life. Let us not underestimate the power of accompanying parents in the tough and important journey of parenthood.

[BARONESS HOLLINS]

Thinking about a child's school environment, we need to develop a culture of nurture as the foundation for learning. Nurture means creating a safe environment in which all behaviours are understood as a communication of underlying needs. When we realise this, we can transform a child's experience in school and find ways of unlocking their love of learning and forming friendships.

Thinking of a child's online environment, we see that it is one of the biggest current dangers to a child's mental health. The Online Safety Act will help, but it requires society to support parents and schools in making a radical change to the current status quo. Children's friendships and the social media environment in which they meet have a toxic potential, with some children never able to switch off. The physical environment, including housing, school and transport, may all contribute to our mental health, and we often overlook chemical factors—I am thinking about a healthy diet and reducing the impact of pollution and climate change.

We need to invest time and resources in building a population health approach that addresses the huge impact of health inequalities and the social determinants of health on the mental health of children. This requires a local, skilled workforce in population and public health too. We need an attachment, family-based approach that supports early relationships and secure attachments between parents and their babies. We need universally available family hubs and local community settings where parents can meet and share the ups and downs of family life and relationships.

We need early diagnosis for autism. Too many authorities are delaying assessment of autism at the moment. It is a mistake. It is not cost-effective. We need a skilled, supported and well-paid workforce for children, including early years childcare workers, midwives and health visitors, pre-school, primary school and secondary school teachers—all the practitioners who support children's health and development in our communities and education settings. I agree with the noble Earl that we need more psychotherapy and more family therapy.

Focus on waiting lists for treatment misses the point. I suggest that we need less focus on mental health problems and more on emotional intelligence and resilience; more on understanding that it is normal to have strong feelings of sadness, grief and anger; more in relation to life and being human; and perhaps less focus on isolation and loneliness and more focus on human connection. A child's emotional well-being and mental health cannot be considered, however, in isolation from their family's health and well-being, and support for parents' mental health must also be prioritised.

For those with milder problems, respectful, relational, family, school and community-based care is more effective than medicalising individuals. Mental health needs in schools can make a huge difference, and they should be there in every school. There are some excellent school-based initiatives. For example, nurture groups and whole-school nurture programmes are being planned across Surrey next year. The charity Place2Be offers

one-to-one therapies in several hundred primary schools. I declare an interest in that feelings groups in mainstream primary schools in South Yorkshire and in special schools are transforming children's lives, using resources provided by Books Beyond Words, a charity that I founded and chair.

CAMH services are needed to help children who are more seriously unwell. There is a move away from in-patient services to services being able to offer intensive community treatment, which I welcome. They need to offer long-term continuity of care, working closely with primary care and all agencies, and to support children at home or close to home. If required, in-patient admissions should be short, focused and timely to help prevent any problems developing further.

I have been told about a young teenage girl, whom I shall call Emma. She started struggling with her mental health during her transition to secondary school; such a transition is a very difficult time. Her way of coping with difficult feelings was to stop eating. She lost weight rapidly. Despite attempts to treat her at home, she was admitted to a psychiatric ward against her will for refeeding. On the ward, she developed self-harming behaviours, in part influenced by her peers' self-harming behaviours around her. She was then diagnosed as autistic; it was a late diagnosis.

After five months, Emma's weight improved and an intensive community team agreed to support her within the hospital, including in a small school and a therapy group as well as during her transition back to the community. The community team supported her parents in their fight for her place at school to be restored. She has developed hobbies again and the whole trajectory of her life has been altered. Teams such as this, which can help children and young people with complex needs to recover, must be able to work in a thoughtful and flexible way. It takes commitment and perseverance from the team members, who need to provide powerful advocacy for both the child or young people and their family. Could more have been done to keep Emma at home?

In my work looking at the reasons for people with learning disabilities and autistic people being detained in long-term segregation and the reasons for delayed discharges, risk aversion in the community seemed to be a key factor. At a round table yesterday, Dr Mezzina, a leading psychiatrist in the acclaimed mental health services in Trieste, Italy, challenged our concept of risk and suggested that institutionalisation is the main risk in mental health services. He questioned why we admit so many children and young people and why we do not have an open-door policy.

What is the way forward? A number of key initiatives would make a difference, including investing in early years services, developing support hubs for young families and schools-based interventions for at-risk individuals. We also need a robust workforce plan to address serious recruitment and retention issues; that workforce must have competencies in working with children and young people with learning disabilities and autistic children.

This Monday was World Children's Day. The United Nations annual day of action for children, by children, it marks the adoption of the Convention on the Rights

of the Child in 1989 and attends to the social determinants of health and well-being, including poverty. Let us look forward to the day when every child can have a happy childhood, and let us remember that there is no health without mental health.

12.23 pm

Lord Allan of Hallam (LD): My Lords, I am grateful to my noble friend Lord Russell for securing this debate. Like many others, I am impressed by how quickly he has brought value to the work of this House and by the combination of passion and reasoned argument that he brought to today's debate.

I congratulate the noble and learned Baroness, Lady Hale, on her maiden speech. I had not realised that she is from Yorkshire but, based on the comments of the noble Baroness, Lady Hollins, I can say, as a Sheffielder, that we are now on a Yorkshire hat trick as a group of three speakers. In my household, it is not often that we talk about the law as a cool and attractive profession, but the activities of the noble and learned Baroness in her previous role triggered such comments. Based on her contribution today, I am sure that, in future, she will provide examples of how our words here can be both impactful and entertaining. I hope that she does not let her natural diffidence get the better of her too often.

Turning to the subject of the debate, I start with a question: what do we call a family with experience of child mental health issues? The answer is "a normal family". That has been reflected in the debate, as well as in my noble friend's contribution as he related his own experience, but I suspect that every person sitting here today has their own direct personal experience of a young person suffering from mental health issues during their childhood, whether through their children, their nieces and nephews, their grandchildren or those children's cousins. This understanding is necessary not to trivialise the matter—quite the opposite. If we normalise it, we may get to a position where we understand that child mental health issues need to be treated as seriously as other child health conditions, with an infrastructure and an understanding that, as my noble friend said, it is unacceptable to ignore them or somehow treat them as less serious.

The tools that we need to help people are common to all kinds of healthcare. First, we need early and accurate identification of problems. Secondly, we need good availability of the right treatment options; that is the case whether it is a physical issue or a mental health one. There are also four settings that need to work for young people in order to achieve these goals of the identification and treatment of the issues with which they present. The first is families themselves; the noble Baroness, Lady Hollins, referred to the importance of family as the primary setting. The second is the educational institutions in which children find themselves; the third is primary healthcare; and then there are the acute services to which children may need to turn. I will not go into the issues around family support in any depth today other than to flag the fact that families and the care they provide must be recognised and supported. There is an important objective for government in supporting families who provide care for somebody, whether they have a physical condition

or a mental health one; that care provides enormous value to the individual but also to society. There are questions around the extent to which, today, government provides the support that those families need.

I turn to educational settings. These are generally schools for younger children but we should not forget the significant role of universities and colleges. That is important because we are talking today about children and young people; to me, that extends through into those university years. It is another period of transition. For many of the young people who reach the age of 18 or 19 and transition to university, that is when the crisis hits. Again, universities have a critical role to play in this.

Major shifts are needed to improve staff training. Staff across all these different kinds of establishment need to be trained in such a way that they can help identify problems, because problems may first present themselves in an interaction between a young person and a professional in an institution. We also need to make sure that counsellors are available when they represent an appropriate form of treatment; they are frequently the first line. The Minister has made commitments around both those aspects previously—the training of all staff in educational establishments where that may be useful in identifying problems; and the provision of counselling services to the right degree so that, when issues have presented themselves, that first line of treatment is available—so I hope that he will be able to demonstrate progress.

I am interested to understand from the Minister how budgets will operate in this space given that it sits between different government departments. The young person does not care that one thing sits with DHSC and another sits with DfE, or whatever acronyms we are using now; they care about whether treatment is available. I hope that the Minister can indicate how we will ensure that budgets follow need rather than being stuck in departmental silos.

I want to touch on bullying, which can be both a cause and an exacerbating factor for somebody with mental health issues: it can trigger the mental health issue but, sadly, the start of bullying can also sometimes be the response of young people to someone in their school who has a mental health issue. It then compounds the crisis that a young person is suffering. The challenge is to have an effective response because these issues are often labour intensive, requiring engagement—often over a long period—with the children and families involved.

As noble Lords may be aware, I have professional experience of the online component of this as I spent many years working at a large online platform. It seems obvious that the nature of bullying has changed with ubiquitous connectivity. However, sometimes, there is also the risk of us seeing the solutions as entirely within the domain of technology. People report bullying to a platform, which can result in the removal of the content and sometimes the closure of the bullying account, but it rarely solves the underlying problem.

In some cases, the bullying is entirely within an online community, but much more typically the online activity is an extension of something that is happening offline in the real world. The intervention that resolves the problem is one that brings young people, parents

[LORD ALLAN OF HALLAM]

and others together to discuss the offline and online activity. I understand the challenges for school staff in resourcing this, but some option will have to be found or we will simply be playing whack-a-mole on the online platforms, knocking down individual instances while the young person's mental health continues to deteriorate because the bullying is moving from place to place and never being addressed at its root causes.

Some of the best work that I have seen on this involves civil society organisations working with schools. I cite one young person, Alex Holmes, an individual who experienced online bullying in large part because of a racial dimension. He came to me when I worked at an online platform to try to turn his experience into something positive. He went on to work for the Diana Award and he now works for the BBC Children in Need foundation. I saw the work that he did, and that similar organisations do, complementing the work that is being done in schools, running effective anti-bullying programmes and getting the kind of intervention that we need to deal with those root causes. I hope that the Minister will agree that this kind of approach, bringing together schools, platforms, online platforms, which do have their responsibilities, and also civil society organisations with anti-bullying expertise, is a smart way to reduce the risk of bullying affecting young people's mental health.

The other natural choice for people who are seeking help is to look to primary care, particularly their GP. The response is likely to vary considerably, as not all general practices have the skills to offer specialist mental health support. This is not to criticise or blame GPs but is a simple recognition of the limitation in capacities in most practices and that the support needed may go beyond that which the GP contract was designed to deliver. GPs are bound within a particular framework. This may result in the GP referring someone to a mental health service, but it is worth asking whether more could be done in the primary care setting itself. This might be better for the patient, it might involve shorter waiting times and, from the Minister's point of view, it may well be more cost effective, which the department would see as a positive take.

Recently, I met with a group of mental health nurses working in primary care at the Royal College of Nursing who made a very strong case for developing their profession. At the moment, there are not mental health nurses in all practices, but some of the best practices do have them. This could happen on a group basis—for example, where a primary care network contracts together to ensure that there is a mental health nurse available so that, whichever GP you go to, you get the benefit of that mental health nurse; it does not necessarily require every practice to have one. The noble Baroness, Lady Hollins, referred to the need for public health support. Understanding the pattern of need and ensuring that you resource appropriately is critical and something that public health professionals really can help with. This could also be delivered through specialist centres. We propose that there should be youth mental health drop-in centres. This is something that we need to ask young people about. It may be that they would prefer a different setting from the general practice setting if they want to talk about something

as sensitive as this. In either case, the critical thing is that there is some trained professional available to that individual if they present within the primary care system. Today, we must recognise that support is very patchy.

The acute sector will be necessary for some young people as other interventions have proved insufficient. I think that we will come back to one aspect of this in our next debate, but I have some questions for the Government now. The first is whether there is sufficient investment in community-based treatment for people with serious mental health that allows them not to be moved into in-patient settings except where this is strictly necessary. Some of the stories that are reported to us suggest that people are being taken to an in-patient setting not because that is the best treatment option but simply because their complex needs cannot be treated in a community setting due to resources, not due to the fact there is no treatment available. It is a shame if we are moving people to in-patient settings where it is not necessary. I would be interested in the Minister's view on whether the test is being met or whether too many young people are still being treated as in-patients only because of that lack of appropriate out-patient support.

Secondly, and somewhat related, there is the question of where young people go when they need a place in a hospital. It is usually beneficial for all patients, but especially for young people, to be near to their home area, for the family visits and support and, crucially, because of their reintegration into the community on discharge. Being taken far away and then moved back is clearly more disruptive, particularly if you are going through a process of phased discharge from an institution, when it is much more helpful to be in your home community normally. There are exceptions, but typically we would want to see that. I am keen to understand the Minister's views on out-of-area placements and how these can be minimised where they are not helpful from a treatment point of view.

Once again, I thank my noble friend Lord Russell for securing this debate, and I congratulate the noble and learned Baroness, Lady Hale, on her maiden speech. I close with a ready reckoner reminding the Minister of the issues which I hope that he can address in his response. Are the Government committed to building a culture where we treat mental health on a par with other forms of childhood illness? How are the Government ensuring that educational institutions can provide the support that their students need, especially around anti-bullying where that is a significant component in mental health problems? What is the department doing to provide more specialist support in primary care settings, whether that is by GPs or dedicated centres? What is the NHS doing to minimise the need for in-patient treatment where there are out-patient alternatives available but it is simply a question of resourcing? Finally, what are the Government doing to ensure that placements are not out-of-area where in-patient treatment is unavoidable?

12.36 pm

The Lord Bishop of St Albans: My Lords, I too congratulate the noble and learned Baroness, Lady Hale, on her excellent maiden speech, and the noble Earl, Lord Russell, on securing this debate on an area of

huge importance for all of us. As has been noted by many noble Lords already, and raised in the Question asked in the House by the noble Lord, Lord Bradley, on Tuesday, the omission of the mental health Bill from the King's Speech has caused a great deal of worry and concern. It seems that we have time to debate pedicabs but not the urgent need for this review of our mental health provision.

With the number of children and young people being referred to mental health services increasing, alongside increasing waiting times for treatment, it is clear how urgent and pressing the reform of the Mental Health Act is. The Government have said that the Bill would be published when parliamentary time allows. I would argue that this is of the highest priority. Improved mental health in our young people and children—and the rest of the population, more broadly—would not only decrease the huge levels of suffering and anguish but bring immense economic benefits, saving taxpayers' money and bringing more people into the workforce.

Mental Health Foundation research shows higher levels of unemployment and in-patient stays and a higher likelihood of contact with criminal justice for those with mental health problems. The annual mean cost to the public purse is 16 times greater for those with mental health problems. We on these Benches and Members in the other place can all agree that mental ill health is extremely costly for our nation. At the end of August 2023, 414,550 children and young people were in contact with children and young people's mental health services and waiting times have increased, as have the number of children referred who do not end up ever receiving treatment. The scale of the problem is not the only concern. The quality of care, and the conditions under which our children and young people are being detained, urgently need to be rethought, according to the recommendations set out in the Health and Social Care Committee's report, many of which the Government have accepted but which have not yet been implemented.

Given that over 50,000 people were detained under the Mental Health Act last year, there are clear arguments that reforming the Act needs to be a government priority. Concerns that the report raised included inappropriate use of restrictive practices and many children and young people facing long stays in adult wards, or, as we already heard from the noble Lord, Lord Allan, in wards far away from their homes where they are not being visited. I ask the Government to consider how traumatising these conditions must be for children and young people who are already mentally unwell enough to be admitted to a mental health care ward.

The Commons Health and Social Care Committee report comments:

“The use of restraint against children and young people can be humiliating and cause unnecessary distress”.

This is the case for any child or young person, let alone a child who is already extremely distressed and suffering from a mental health condition. I am sure that His Majesty's Government are aware, having responded to this report, that the use of restrictive practices remains very high in children and young

people's mental health services, with the use of restraint on children and young people being on average five times the level of the adult equivalent. This is deeply worrying.

There are also deep injustices embedded in the implementation of the Mental Health Act, with black people four times more likely to be detained, and, in 2021-22, girls making up 71% of all children detained. We desperately need to address these problems to ensure that our staff and services are educated in trauma-informed practice and to ensure that we are not retraumatising these children and young people during their treatment.

Many of these issues could be addressed, as was recommended, by expanding the legal right to support from an independent mental health advocate to all children and young people. The Government accepted this recommendation in their 2021 mental health White Paper, but even then this was subject to future funding availability. Children's rights expert, Kamena Dorling, highlights how serious these current conditions are. As it stands, we have mentally unwell children as in-patients who do not have the right to advocacy, and many of whom do not understand their rights and worry that they must do as they are told or they may end up being sectioned. She writes:

“There is a real question about whether we have a section of children who are unlawfully deprived of their liberty”.

This is a very serious and deeply worrying situation, and one that I hope the Minister will reflect on.

Finally, I will stray into a related area which no one has mentioned so far but on which I have been campaigning for a number of years. I want to comment briefly on some of the problems encountered due to the lack of regulation of online gambling and gaming. Some 60,000 to 62,000 young people in this country are classified as having a gambling disorder—according to law they should not even be gambling. If 60,000 to 62,000 young people have been diagnosed with these problems, how many are gambling? Presumably hundreds and hundreds of thousands, which shows the level of the problem that we are facing.

Of the 15 gambling clinics that have now been opened, funded by the NHS, at a time of huge financial constraints, 12 are facing huge waiting lists for people to get specialist treatment—they simply cannot access this treatment. Fortunately, the Government are now moving on the need for better regulation, but this really is needed to protect vulnerable young people. We have evidence that there are aspects of the gambling industry taking advice on how to produce games that are very addictive and encourage people to keep returning to them. If you talk to a family who have a teenager with a gambling addiction, they will tell you it can ruin the whole family. It is so compulsive that children can be stealing and lying to feed this devastating addiction.

I turn briefly to gaming. The WHO has classified gaming disorder as a mental health disorder. In 2019, the National Centre for Gaming Disorders opened a clinic in London, again funded by the very hard-pressed NHS, and 70% of the patients are under 18 years old. Noble Lords will have seen, as I have, a series of stories in the papers about the devastating damage that this is causing in families, where children really

[THE LORD BISHOP OF ST ALBANS]

cannot tear themselves away from these, in some cases, highly addictive games. We need to support our world-leading, brilliant gaming industry—it brings a lot of pleasure which many people enjoy, so I am told—but there is, nevertheless, a downside, which urgently need regulation. Surely the gambling and gaming industry needs to pay a compulsory levy on the principle that the polluter pays. The industry has brilliantly privatised the profits and nationalised the costs. We as taxpayers are picking up the problem, and although this is a much smaller and niche problem, it is growing and we need to attend to it.

Polling shows that the population now ranks mental health as a more important issue than unemployment, industrial action and Brexit. Those under 40 rank it as more important even than climate change. I believe this shows that the public are telling the Government what their priorities are, and I hope His Majesty's Government will listen. I look forward to hearing the Minister's reply on many of these complex but deeply worrying issues.

12.47 pm

Lord Storey (LD): My Lords, I want to look at mental health in the context of schools. Before I do, I congratulate the noble Baroness, Lady Hale, on her maiden speech. She is wearing a butterfly brooch, as opposed to a spider, and I feel more relaxed seeing that. I also congratulate my noble friend Lord Russell on his speech. I thought it was very honest, and perhaps brave of him, to reference his own family and his daughter in an open Chamber.

I will give two brief examples before I turn to children. Four years ago, as part of Learn with the Lords, I went to speak to some secondary pupils at a school in Cheshire. The school was on a large council estate. I went into the school and the head sort of pushed me off with one of her teachers, and so I went in and spoke to the pupils. When I came out, the head asked me if I would like a cup of tea, and I said yes. I got into her office and she just burst into tears. I did not see it coming and I did not know what to do. She just stood there crying, so I naturally gave her a cuddle. She pulled herself together and said, "I'm really sorry about that. I have just had a letter from Ofsted telling me that we are a failed school, and I don't know how to tell my staff. My staff are so hard-working. This is a very difficult circumstance for the school and I just don't know what to do." We talked it through, and that made it clear to me that when we talk about mental health in schools, we should think about the teaching and non-teaching staff as well.

Interestingly, a friend of mine is head teacher of a three-form entry primary school of more than 500 pupils in a very deprived part of Liverpool. I asked—I will call him by his first name—Andrew how he is coping in his community. He said, "Well, I see my job not as a head teacher but as a social worker, quite honestly". I turned to the subject of mental health and how he supports the pupils in that school. He said that from his school budget, he is able to spend £10,000 on one person to support the probably hundreds of pupils in

his school who need mental health support. He said that the problem is that professionals are in high demand and other schools will pay more to poach them. He said, "I am lucky to get somebody to stay with me for a year". That is a major problem. If we are to support pupils, children and staff in schools, we will need to be sure that professionals are available to do that and that they will not suddenly leave, leaving disappointed pupils and a case load of other children for somebody else to deal with.

My noble friend Lord Allan mentioned the second problem we face in education. There are literally—this is no exaggeration—hundreds of thousands of children missing from our school registers. They are missing because they were at home during Covid, they came back to school and they could not cope. They went back to their parents, mainly in deprived communities, and said, "Mum, dad, I don't want to go to school. I can't cope". "Oh, stay at home. We will have home education", they were told. As we know, home education is not registered. After a brief period, those children increasingly do no home education at all.

Imagine the strain that puts on the parent and the mental problems it will create for those children in the future. We can see that in the published figures and the increasing numbers of children who are permanently excluded from school. We have hundreds of thousands of children missing from our school registers, and there are even children who have been put on education healthcare plans who are permanently excluded from school, so we cannot implement those plans. That does not seem in the best interests of our pupils' education.

Why has the number of children with mental health problems in school increased? Perhaps we have always had children with mental health problems in our schools but have never recognised or realised it. Perhaps we thought, "This is a disruptive child" or "This is a child with behavioural problems". Thankfully, that is not the case now.

We know why there has been such a dramatic increase: Covid was one reason. I was also interested in my noble friend Lord Allan's comments on social media, but the pressures of it—of having to respond, and the potential bullying—all create mental anguish and problems.

Our school system does not help. We are the most tested country in the world. We subject our children and young people to more tests than any other country does. Imagine the pressure that puts on young children. Imagine the pressures of Ofsted: I mentioned the example of the head teacher I met, and we know the tragic circumstances of the head teacher who took her own life as the result of an Ofsted inspection. All those pressures are happening at schools, with the high grades that schools require their pupils to achieve. What happened to the enjoyment of school? What happened to discovery and fun in school? It is all focused on a results outcome.

We name and shame. We put banners outside schools saying, "We are a good school". In schools that do not have that banner, do parents and children feel a sort of anguish as a result? Our education system is not conducive to people's well-being.

As has been said, we need to ensure that teachers are properly trained. As I have said on so many occasions, I do not think that Teach First, which takes a graduate, gives them a few weeks' intensive training and then puts them in a school with a mentor, is the best possible way to train a teacher. It took me three years and when I started teaching, I was still learning. There needs to be an understanding of child development, for example, and of how to identify special educational needs. Part of that training should also include an understanding and recognition of mental health problems.

Finally, we need to support parents. We also need parents to understand what they can do to support their children. They need to bring routine to their children's lives, to talk to their children, to ask how they are doing, to encourage them and be able to speak to them.

Mental health is a very serious issue in education and schooling. If we think that we can just put in a few million pounds here and make a promise there, it will not go away. We need dedicated, well-trained professionals in our schools who know what they are doing and how to support those pupils.

12.57 pm

Lord Laming (CB): My Lords, I add my welcome to the most distinguished noble and learned Baroness and congratulate her on an outstanding maiden speech. The House is the richer for having her, and I hope she visits us much more frequently in the future.

We are indebted to the noble Earl, Lord Russell, for enabling the House to debate this subject, which, as previous speakers have said, is of great importance not only to children but to our wider society. It is generally agreed that this generation of young people have had, and are still having, a rather hard time. While many of these young people are able to rise to the challenge and are inspiring, both in their values and achievements, we must nevertheless recognise that the development of many has been badly affected in recent years and that they now need considerable help.

This generation of youngsters has unexpectedly experienced many changes. For example, in the decade following 2010, there were cuts in local government finances. As a result, many of the programmes that were designed to support young people and their families were cut and some, sadly, disappeared altogether, especially in the preventive and support services. We have not recovered from that situation. While the recent increase in funding is most welcome, I am advised that, in many areas, today's budgets have not returned to where they were a decade ago, in real terms.

What had an even bigger impact on the well-being of young people, however, were the decisions related to Covid. The lockdown of schools and all other related activities not only interrupted their education but, in its wake, created their isolation, which had a marked impact on their intellectual, social and emotional development. As a result, very many young people became anxious, withdrawn and lacking in self-confidence. Here, we are not referring to just a small number of children and young people but, as has already been said, to many thousands.

The Children's Commissioner's recently published excellent report on school absences in England supports this. She says that absence figures have risen to "crisis levels" and are not recovering quickly enough. In Spring 2022, the last term for which we have data, 2% of all children were not just occasionally but severely absent. This is equivalent to 140,700 children. Her briefing goes on to say that:

"For some, the pandemic has led to disengagement. Schools and families have said that they feel like the ... contract between parents and schools has been broken".

That is a serious matter.

The fact that these issues are persisting into adolescence is well illustrated in the very helpful report by the Prince's Trust from 2022 entitled *The Power of Potential*. That report makes it clear that:

"Young people were hit especially hard by the economic impact of the pandemic. In March 2021, young people accounted for around two thirds of the total fall in employment since the start of the pandemic, and youth unemployment was almost four times higher than the rest of the working-age population".

Sometimes these children who are seriously absent from school are referred to as "ghost children". What a terrible expression—and what a terrible situation they find themselves in: they are basically lost to the system and no longer known.

The difficulties of these young people taking these problems into adolescence means that the number who are not in employment, education or training continues to increase to an alarming degree. That is despite the increase in job vacancies. To reinforce this situation, the recently published report by several childcare charities, entitled *Children at the Table*, makes it clear that:

"Babies, children and young people have been overlooked by policy makers for too long and the impact is clear: more children are living in poverty, they face a growing mental health crisis, and are waiting too long to receive urgently needed support."

This is what this debate is about: among young people, we are facing a growing number who have mental health problems now but are waiting far too long for the help that they need to be delivered.

It is clear from the number of young people who are not in school, employment or training that they are vulnerable to exploitation from organisations such as county lines and other disturbing influences. We owe it to these children and young people to have them properly supported and protected at this critical stage in their development. This picture emerges at a time when children's mental health services have never been so overwhelmed and ill-equipped to meet the needs of these children and young people. I recently heard that one family had been told that the gap between referral to those services and the beginning of assessment was longer than a year and could even be much longer in reality. Just imagine what it is like for the child with these problems: a year in this child's life at a very formative stage is of immense importance. What is it like for their parents, because what can they do? I am told that they just said, "We are waiting. There is nothing that can be done." That is a sad situation.

The charity Beat said that a report on the mental health of children and young people in England found large increases in the number suffering from eating disorders, which have already been mentioned. The Times reported:

[LORD LAMING]

“Between 2017 and this year ... Among 11 to 16-year-olds, the prevalence had jumped from 0.5 per cent to 2.6 per cent, and among 17 to 19-year-olds from 0.8 per cent to 12.5 per cent”.

This clearly represents a huge increase. This is not about fads but recognised and serious eating problems.

Whatever standpoint we take to approach this serious subject, the evidence is starkly clear—and the evidence we have heard from each contributor to the debate so far is in one direction. There is no conflict about this. The number of children in need of the mental health services is seriously increasing, while the service is less able to respond. These children did not invite lockdown or the disruption to their education and their normal social development. They should not be left behind. If we do not respond to their needs now, they will take these problems into adulthood and society will be the poorer for it. So, let us do all we can together to ensure that these children and young people get the help that they need from the specialist mental health services when they need it. We will all be the better for that.

1.08 pm

Baroness Tyler of Enfield (LD): My Lords, it is always a great pleasure to follow on from the wise words of the noble Lord, Lord Laming. I congratulate my noble friend Lord Russell on securing and introducing this debate in such a moving and comprehensive way. It is such an important issue and is very dear to my heart. I also congratulate the noble and learned Baroness, Lady Hale, on her excellent and highly entertaining maiden speech. I was a bit perplexed when I saw that it was her maiden speech, but now I understand. I also thank the many charities and others in the sector who have sent me excellent briefings.

It has been an excellent and very well-informed debate. I will pick up on some of the main themes covered. Quite rightly, we have heard a lot about the state of children’s mental health in this country, and many of the statistics are indeed bleak. To summarise a complex picture, an increasing number of young people are experiencing mental health problems for a wide range of reasons, which have been highlighted compellingly today. Yet far too many are unable to access the help that they desperately need, either through school or NHS services.

Without doubt, young people’s mental health services are struggling to meet demand. As a result, thresholds for treatment are very high, with many young people turned away because they are “not well enough”. Those who do get accepted into CAMHS are often left waiting many months, if not years, for treatment, during which time their mental health often deteriorates.

I will say a few more things about demand for, and access to, services. Mental health providers are concerned that they are seeing an increase in both the severity and complexity of the mental health needs of children and young people—exacerbated by both Covid and the cost of living crisis, which we have heard about today. The NHS Confederation estimates that demand has increased by 89% and that mental health services are treating double the number of children and young people with eating disorders who need urgent care than before the pandemic—which we just heard about. That is the equivalent of six children in a class of 30.

The number of referrals to CAMHS reached a record number in May of this year and the number of urgent referrals of children to crisis teams has also reached a record high. Particularly worryingly, suicide rates among young females have been steadily increasing.

Looking ahead, it is pretty daunting. It has been estimated that 1.5 million children and teenagers will need new or additional support for their mental health over the next three to five years. That is going to take a very different approach. The unpalatable fact is that only around a third of children with a probable mental health problem are, at the moment, able to access treatment. I think that shows how far away from parity of esteem with physical health we really are.

I am particularly concerned about the huge regional inequalities and the lottery of what support is available depending on where you live. My noble friend Earl Russell referred to an FoI investigation by the journalist Justine Smith, published in the *House* magazine in April. It revealed a postcode lottery in child mental health care, with some desperate young people waiting up to four years for help. Results from the 58 trusts and boards that responded to the request showed that the position in England was considerably worse than in Scotland and particularly Wales. Almost three-quarters of the English trusts said that they currently had at least one young person who had been waiting at least a year, and two-fifths had someone waiting at least two years. Funding ranged from £35 per child under the former Doncaster clinical commissioning group—0.5% of its total budget—to £135 per child in Salford, or 2.2% of its budget. That is a huge difference. I think variations of this scale are simply unacceptable. This data needs to be tracked and published regularly to throw a spotlight on what is going on locally.

On funding, years of underfunding and neglect of children’s mental health services have taken their toll, as we have heard loud and clear. They have been subject to what I call the “double Cinderella syndrome”, or indeed the “double-8 syndrome”—by which I mean that only 8% of mental health services spending was spent on children and young people’s mental health in 2021-22, and in 2022-23 just over 8% of the NHS budget was spent on mental health generally. To meet increasing demand, it has been estimated that funding for mental health services would have to rise to as much as £27 billion by 2033-34. That is the backdrop against which the very welcome but, frankly, relatively modest increases in government funding since 2017 should be viewed.

The *NHS Long Term Plan*, published in January 2019, included a welcome commitment that funding for children and young people’s mental health services should grow faster than both overall NHS funding and total mental health spending. But it has become harder to track whether this has happened in the switch from CCGs to integrated care boards, and with the changes to how the mental health investment standard and the dashboard operate. So could the Minister say when the NHS mental health dashboard is next due to be updated and whether, and by how much, the commitment in the *NHS Long Term Plan* has been met? If he does not have those figures to hand, could he please write to me.

A point not covered so far in our debate relates to the fact that mental health is now part of a new major conditions strategy, rather than having its own stand-alone strategy. I know that many consider that a regressive step. This occurred following the cancellation of the previous long-term mental health and well-being plan that had been proposed by the Government. With the new major conditions strategy focusing on a range of conditions such as cancer, heart disease, musculoskeletal disorders, dementia and respiratory diseases, there is a clear risk that it will focus mainly on middle-aged and older people and that the mental health of infants, children and young people will be neglected.

So, what is needed? A lot of it has been covered in today's debate and I support others who have been calling for a comprehensive cross-government strategy, looking at all aspects of mental health support. There are a number of things that need to be included.

I will start with prevention; any good strategy should start with prevention. The Royal College of Psychiatrists has recently published a report calling on the Government to prioritise the mental health of babies and children. It set out evidence showing that intervening very early on may help stop conditions arising or worsening, and prevent babies and young children developing mental health problems in later life. This might include support for mothers in pregnancy, working with parents to promote attachment to their children and recommending parenting programmes in the early stages—many of the things that the noble Baroness, Lady Hollins, talked about. I very much hope that family hubs will develop such services so that they are available wherever people live. Could the Minister say whether this is the case? I fully endorse the calls today for the family to be supported as the primary source of emotional support and well-being.

I turn next to early intervention services. Again, we have heard today how crucial early intervention is to stop problems escalating. In other words, the earlier a young person can get support for their mental health, the more effective it is likely to be. That is why I have been a strong backer of the early drop-in support hubs for 11 to 25 year-olds. They are on a self-referral basis, which I think is exactly what is needed, and are embedded in the community. They have been championed by YoungMinds and many others. I very much welcome the £5 million announced by the Government last month for 10 existing hubs and I strongly support the call for a national network of hubs to support young people who do not meet the threshold for CAMHS support.

I move on to schools, which have an absolutely vital role to play, as my noble friend Lord Storey set out so eloquently. I have always supported the creation of mental health support teams in schools. I was struck by research evidence earlier this year from Barnardo's, which delivers 12 such teams. The research found that the teams are effective at supporting children and young people with mild to moderate mental health problems. They improve their outcomes and, critically, are cost effective; they say that they save the Government £1.90 for every £1 invested. But, as we all know, the problem has been the frankly glacial rollout of this programme.

The high demand and long waiting lists for CAMHS that I talked about earlier place real pressure on these mental health support teams, which were not really set up to deal with the more severe issues. The Barnardo's research identified a gap in the current model to address the needs of children with moderate or more complex needs, children with special educational needs and younger children. It recommended that the rollout should include school counsellors to fill this gap. I support this recommendation and am delighted that next Monday I will be introducing my Private Member's Bill, which is designed to ensure that every school has access to a qualified mental health professional or school counsellor—a key Lib Dem policy, as we heard earlier. I hope that this will provide a much-needed boost to ensure that all schools are able to provide their pupils with the mental health support they need.

I turn briefly to CAMHS services. As the Children's Commissioner pointed out in her annual report, the stark reality is that too many children still face high access thresholds, rejected referrals and long waiting times. Children's mental health was looked at by the Lords Select Committee examining the implementation of the Children and Families Act 2014, which I had the honour to chair. We were shocked by the results of a survey we commissioned, which showed that in many places CAMHS had reached crisis point. I vividly remember one mother, who told us:

“Having had a seven-year-old son who was so dysregulated he was trying to throw himself out of windows and grabbing knives, there was no support for him (or us). The GP, after two failed CAMHS referrals as he ‘didn't meet the threshold’ told us, if we could at all afford it, even if it means borrowing money, to find support privately. That CAMHS will not accept a child unless they have made two viable attempts on their own life”.

I join my noble friend Lord Russell in asking the Minister what plans the Government have to implement the four-week clinical access standards for children and young people's community health services, which have already been piloted? What have those pilots found? Will a fully funded plan be introduced to reach those standards?

In-patient care is another key area of concern that has come up today. It is estimated that some 3,500 children under the age of 18 are admitted to mental health in-patient facilities. As my noble friend Lord Allan said, despite the commitment to eliminate out-of-area placements, too often children are still being admitted to places far from home without a clear understanding of their rights and subject to restrictive interventions and inappropriate care. The right reverend Prelate the Bishop of St Albans made that point compellingly.

The transition to adult mental health services is just not working for too many young people. The NHS long-term plan set out an ambition to move to a nought to 25 model for young people. I supported that, but it is not clear what progress has been made towards it. Is the Minister able to say more about this? There is significant variation across the country in the age at which young people are expected to move to adult services. This transition is often abrupt and based on a person's age rather than their readiness. Differences in threshold also mean that young people getting support from CAMHS may not meet the threshold for support for adult services, so yet again they fall through gaps.

[BARONESS TYLER OF ENFIELD]

I finish with a number of questions for the Minister. I ask him to write to me if he is unable to answer them now. What plans do the Government have to expand access to mental health support teams to children and young people across all schools and colleges in the country as quickly as possible? How do the Government intend to tackle the major regional inequalities in spending and wait times for CAMHS? Given the Government's regrettable decision to roll back on previous plans to publish a stand-alone 10-year mental health plan, can the Minister say how the Government will ensure that the inclusion of mental health in the forthcoming major conditions strategy will properly tackle the huge challenges in children and young people's mental health? Given the recent funding for the 10 innovative early support hubs, can the Minister clarify when this programme will report, what the evaluation will entail, and whether Ministers will commit to a rollout if findings are favourable? Given the postponement, yet again, of the long overdue reforms to the Mental Health Act, what immediate action are the Government taking to improve the plight of under-18s admitted to in-patient care units to ensure they and their families are aware of their rights and receiving appropriate care?

Today's debate has shown that there is a lot of consensus on what we need to do. I hope the policymakers will listen to us so that we can make real progress.

1.22 pm

Baroness Wheeler (Lab): My Lords, this has been an excellent debate, with the knowledge and expertise we expect from across the House and from the very moving and comprehensive introduction from the noble Earl, Lord Russell, in particular on the consequences of family poverty for children's and young people's mental health. I too I congratulate the noble and learned Baroness, Lady Hale, on her powerful maiden speech. This is an appropriate debate for her to make her first Chamber contribution to the work of the House. We fully understand the reasons for the long wait to hear her.

As we have heard, this debate is taking place in the context of deep concern over the realities and consequences of the Government's failure to provide for the genuinely "oven-ready" update of the Mental Health Act in their legislative programme for the rest of their time in office. We are also considering the mental health of children and young people, with the timely report from the noble Baroness, Lady Hollins, on the impact of the long-term segregation of people with learning difficulties and autistic people in mental health settings and in assessment and treatment units in the forefront of our minds.

The updated Bill provides clear provisions for improving recognition of and information on the legal rights of detained children and adults in terms of treatment choices and information that must be provided to them, their parents, carers and families. Patients' choices would have been given greater weight and it would have been easier for people with learning difficulties and autism to be discharged from hospital. As we have heard underlined by the right reverend Prelate the Bishop of St Albans, the discrimination

and inequalities that leave black people four times more likely to be detained under the 1983 Act would have been addressed.

I look forward to hearing from the Minister how these and other steps can be implemented in the absence of the framework of the new Bill and within the continued constraints, approaches and outdated attitudes in the current 40 year-old Act. How will care and treatment of people detained under this Act be "improved" by the "non-legislative commitments" that Ministers promised in the King's Speech and in response to the continuing concerns raised by noble Lords about the impact and consequences of the Government's decision?

The noble Baroness's report is the subject of the short debate following this one, so we will revisit this later. I welcomed the Minister's promise last week during the Oral Question on mental health to meet with the noble Baroness, my noble friend Lord Touhig and others from these Benches, including me, on this very serious issue.

As the House will know, Labour, if it wins the next election, is firmly pledged to reform the Mental Health Act in its first Session of Parliament in the King's Speech. We have had the expert pre-legislative scrutiny by a Joint Committee on the draft Bill that should have been laid before us—the result of a huge amount of valuable and informed cross-party work and wide consultation among stakeholders. The Government have run out of time on this, and we stand ready, if elected, to meet this pledge, to recruit the thousands more mental health professionals to cut waiting lists and ensure more people can access treatment, and to guarantee treatment inside four weeks for anyone who needs it. We will create an open access mental health hub for children and young people in every community and expand mental health support in schools.

Many noble Lords have rightly underlined the importance of the workforce and the need for more staff across the range of CAMHS, including nurses, psychologists, therapists, social workers and other professionals who specialise in working with children and families. The CQC's recent annual *State of Care* report identifies that almost one in five mental health nursing posts is vacant, and that this contributes to an overuse of restrictive practices in mental health settings and ATUs, including restraint, seclusion and segregation.

We have heard how the Government's failure to honour their pledge on the mental health Bill has caused widespread consternation among key stakeholders, parliamentarians and the wider public—all of us expecting, after such a long wait, the Bill to be a key part of the King's Speech. As the mental health charity Mind summed it up, the Government have missed the chance to

"overhaul the way the system works when people are in a mental health crisis"

and to

"prevent people being stripped of their dignity, voice and independence when they are sectioned".

What are the Government's plans for their formal response to the Joint Committee, which is still awaited? Will they detail exactly how the Bill's provisions will be taken forward and implemented without new legislation? How, for example, will the proposed new duties on ICBs, local authorities and commissioners

to strengthen community provision and services, the new powers for mental health tribunals to direct services in the community, and access to independent mental capacity advocates to support people with autism and learning disabilities, be acted on and enforced?

Emphasising the very serious consequences of the delay is important because the Bill is essential to help reset the culture, tone and attitudes that are needed right across the provision of services in NHS mental health settings, ATUs and local authority education and social care. The CQC's annual report is the latest of many acknowledging the depth of the crisis in mental health. The continuing impact of the pandemic on the mental health of children—highlighted by every speaker today—the record number of urgent referrals of children to crisis teams, and the NHS Confederation's estimate that, in the next three to five years, 1.5 million children and young people will need new or additional support for their mental health, as the noble Earl underlined, all reinforce the CQC's warning that services across the country face one of their most challenging years.

Access to mental health services and the quality of care remain a key area of concern for the CQC, with providers struggling to keep pace with surging demand, alongside staffing shortages and a lack of capacity in community and in-patient care. Long waits for services for children and young people, and children presenting with more complex or specialist needs, are particularly emphasised as worse than before the pandemic.

This impact has been reinforced by speeches today addressing what is behind the huge numbers, with a unique set of pressures for a generation growing up: the pandemic, the cost of living crisis and ongoing global instability. A wide range of emotional and behavioural problems—*anxiety, depression, self-harm, eating disorders, bullying at school, and children embroiled in gambling*, as the right reverend Prelate underlined—are all in play at a time of ever-increasing demand for mental health services across the NHS and local government. In the last two years, the number of children and young people being referred for urgent support for eating disorders has increased by nearly three-quarters. The noble Baroness, Lady Hollins, spoke very movingly about the experience of a teenager she is aware of, and the noble Earl, Lord Russell, and the noble Lord, Lord Laming, both referred to this issue.

Under the circumstances, the crucial importance of early intervention in an individual's childhood and teenage years to avoid future mental health difficulties has been emphasised by all noble Lords. The report in June this year from the LGA and Children and Young People's Mental Health Coalition called for community-based early support hubs, along with a full national rollout of mental health support teams in schools and colleges. The recent Children's Commissioner's mental health annual briefing on early intervention is also an important contribution to charting the way forward on this; the noble Baroness, Lady Tyler, underlined that.

However, the LGA and the coalition warned that progress in expanding support provided to families, children and young people is at the risk of being undermined by

“a lack of coordinated vision and action both locally and nationally”.

Can the Minister tell the House what action, particularly cross-government, is being taken to address these concerns and to ensure that early intervention support will be provided?

Finally, earlier this year, the Government shelved their 10-year plan for mental health and well-being, with the focus instead on the major conditions strategy, wrapping up mental health with several physical health conditions. This was cited by the charity YoungMinds as having further delayed the Government's action for young people's mental health, which could have paved the way for reforms that support young people and reduce the prevalence of poor mental health. The noble Baroness, Lady Tyler, mentioned this important strategy, but the Government do not seem to fully understand the widespread concern across the mental health sector that abandoning the 10-year strategy has caused. Added to abandoning the mental health Bill, small wonder that they are questioning the Government's commitment to mental health as a key priority.

We have had the interim report on the major conditions strategy, but it remains very unclear how the full strategy will address and reduce the highest number of open referrals to CAMHS of children and young people undergoing treatment or waiting to start care—as we have heard, a record 466,250 referrals in May. When will the full strategy be published? Can the Minister explain how it will address the issues that were expected to be outlined in the previous mental health and well-being plan?

Labour's shadow Health Secretary, Wes Streeting, has stressed that Labour, if elected, intends to revolutionise mental health treatment in this country. We are determined to deliver on this and keep every promise we make. I look forward to the Minister's response to this excellent debate.

1.33 pm

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Markham) (Con): I thank all noble Lords for their contributions to this debate. Before replying, I add my congratulations to the noble and learned Baroness, Lady Hale, on her maiden speech. I am sorry that no one was able to add to the Yorkshire hat trick and, speaking as a Brighton boy, I cannot get much further away than that. I found the reasons for the delay fascinating; it was an education for me, as I did not quite realise her involvement in so many things. For me, it was well worth the wait, and it is a personal honour to be able to reply after such a distinguished and accomplished speaker. I invite her, along with all other speakers, to join—as the noble Baroness, Lady Wheeler, mentioned—the round table that I have organised with the Minister, Maria Caulfield, where we can follow up some of the themes brought out today in more detail. I would be delighted if the noble and learned Baroness were able to add her experience to that round table.

I also thank the noble Earl, Lord Russell, for enabling us to have this debate. He has heartfelt and personal reasons for the debate; as many noble Lords will know, I have my own personal experience and reasons. As the noble Lord, Lord Allan, said, it is normal. I had the misfortune of going to a funeral last week of one of my school friends, whose brother had mental

[LORD MARKHAM]

health issues. As we were talking on the way down in the car, we were updating each other on all our families, and we realised that every single one of our families had one of their children or someone in the household with mental health issues.

Is the reason for that Covid, as the noble Lord, Lord Laming, mentioned? Is it some of the online reasons, as mentioned by the noble Baroness, Lady Hollins, and the noble Lord, Lord Allan? Is it gambling? I have to say to the right reverend Prelate the Bishop of St Albans that the gambling aspect of it all was something that I had not probably thought through enough, but I found that fascinating as well. Is it the cost of living, as mentioned by the noble Baroness, Lady Tyler? Is it the increase in the number of ghost children—I apologise for using that phrase, but it is the easiest way to sum it up—as mentioned by the noble Lords, Lord Storey and Lord Laming? Is it eating disorders?

I always like these debates to result in substantive action rather than being a talking shop, so that really led me to take away an action point. I was proud to be titled the Minister of Follow-through by the noble Lord, Lord Allan, yesterday, so I will follow that up. I would like to see whether we have done any research, through the NIHR, to really understand what factors and causes are behind what is a massive increase in the number of young people requiring mental health support, as the noble Earl, Lord Russell, says and we all acknowledge. I have seen various figures; the one I was cited was that it had gone from one in nine to one in six. Whichever way you look at it, it is a massive increase. We really need to understand those reasons, because it is often only when you understand the causes that you can look at how to address them. I will do some personal work, but if the research is not there I propose—and I will speak to people about this—that this is something that the NIHR should do, because it is vital that we understand those reasons. As all noble Lords have said, prevention is of course key to this.

Obviously, I hope that many of the reasons are transitory—maybe many were caused by Covid so we are seeing a big jump up now but will see a reduction afterwards. But the reason for needing to understand it is that it goes to the long-term funding we might need. If they are not just transitory reasons, and this is now the new normal, so to speak, then we need to do exactly as the noble Lord, Lord Allan, said, and think about a whole provision of child services in the mental health space, in the same way we do in the physical health space. I think we all agree that we need to do that to a degree regardless, but it is the level of that. That goes again to the points made by the noble Baronesses, Lady Wheeler and Lady Tyler, about the long-term workforce plan and understanding how many mental health staff we need to make sure we are training and equipping. Specifically, while I mention that, I will write to noble Lords on the mental health dashboard and when that is being updated.

I think we are absolutely united on the need for early detection in all this. The noble Baroness, Lady Hollins, gave the example of Emma, in the autism space, but we have all said it in various guises. We have made good progress on mental health provision

and identification in schools, which has gone up from about a quarter to over a third of schools, with a target of over 50% in the next year to 18 months. However, I think we all agree that we need to go further and that it needs to be 100% of schools.

Also on early detection, I have been interested in some of the pilots in Bradford, which are starting to look at children's school results and how they respond to the SATs and other things to see whether that could be an early indicator of some of the issues. I recently saw a fantastic example in the Boston children's hospital, where they look at how children play online, digitally, on their iPads. With dyslexia, for example, the problem is often that it is only when children are five or six and have been taught to read that such things show up, but there they have started to see how children of two or three interact through pattern recognition, with blocks and other games devised for that. They look at their playing patterns to see whether those can be good early indicators.

I have personal experience of this. I am fortunate that my wife was an early years special needs schoolteacher, and she was able to identify very early on and make sure that our son had that early support. I firmly believe that that stood him in good stead in later life. So early detection starts with the parents. If I had not been so fortunate, 25 years ago, to have a wife who understood these sorts of things, I would not have known. As the noble Baroness, Lady Hollins, said, it starts with parenting programmes and making sure that the early support hubs are a good way into that. I echo and support our commitment to early detection.

You also need early support, as all speakers have said. The ICSs are the right place to do that because they look system-wide. As we know, schools are also a vital part of this, and the £2.3 billion of funding that we put into this space is designed specifically for 350,000 extra places for young people in the community—and I think we all agree that the community is the right place. Obviously, in the next debate, tabled by the noble Baroness, Lady Hollins, we will talk about some of the issues around in-patient treatment, but I think we all absolutely agree about the need for community treatment. My understanding is that these early support hubs are very much like mental health drop-in centres, as the noble Lord, Lord Allan, mentioned, and that is what they are designed to do. As the noble Baroness, Lady Tyler, said, the innovation programme looks promising, but we need to make sure that this is rolled out. ICB early support hubs are very much part of the first line of defence, for want of a better phrase. To me, the 350,000 extra spaces and the funding we are trying to put in are a very important part of that.

As the right reverend Prelate the Bishop of St Albans said, we have set up gambling clinics to try to address this from some of those angles. However—and this goes back to the research—we need to look at some of the wider angles. My noble friend Lord Evans was just saying that AFC Wimbledon has tried to get football clubs to remove the sponsorship of gambling companies, which a load of Premier League clubs have. Straightaway, that normalises gambling from a very young age. Those are some of the wider society solutions that we need to look at in all of this.

We have 70 eating disorder teams, and we need to look at whether we need to expand that, given what we know about the issues involved in a lot of eating disorders. This all comes back to the long-term workforce plan, which many Members mentioned, and making sure that we have the support there.

A couple of noble Lords mentioned the *Major Conditions Strategy*. My understanding is that it is not supposed to be seen as an either/or. It is about trying to understand that, because a lot of people have more than one major condition, instead of us approaching things as silos we have to look at a whole-person solution, and so we would look at their mental health as much as their physical health. I accept the perception that any major conditions strategy generally focuses more on the elderly, so I will take back that we need to make sure that it is not delivered in that way and does not prevent the sorts of things we need to do for young people.

The noble Baroness, Lady Tyler, asked about CAMHS. A lot of the funding I was speaking about and the 350,000 extra spaces are all about trying to make sure that we meet that four-week target. It is recognised that the sooner you can get people mental health support, the better; that is obviously even more important for a young person in that context. I will look into the points raised about support into adulthood, to make sure that that handover happens properly.

I hope I have given a flavour of what we are trying to do. As the noble Earl, Lord Russell, said right at the beginning, it starts with recognising that there has been a fundamental change. That needs to be reflected in our response. As I was saying earlier, I am attempting to try and understand what is behind that so we can get to some of the root causes.

I encourage all speakers to join the round table with the Minister, so I will invite people to that. I know I am never able to respond to all the points in my speech, so I will write to all the speakers, covering all the points raised in the questions. I thank the noble and learned Baroness, Lady Hale, for making her maiden speech, the noble Earl, Lord Russell, in particular for his words, and all noble Lords for their contributions. I have learned a lot from the debate and thoroughly enjoyed it.

My understanding is that we are going straight into the next debate, so I hope noble Lords will excuse me for taking a quick bathroom break beforehand.

1.48 pm

Earl Russell (LD): My Lords, it has been a pleasure to bring the debate to the House today. I thank everyone who has spoken. It is an immense privilege and honour to have heard the wonderful maiden speech from the noble and learned Baroness, Lady Hale, on which I congratulate her.

I am new to this place, but I have been struck today by the uniformity of feeling and desire for change and to work together cross-party, in the interests of helping our children and young people and of getting a better understanding of the causes of this rapid increase so that we can plan budgets and provide help. I thank the Minister for his response. I recognise him to be a deeply thoughtful and caring Minister. I appreciate his talking about his family experiences in the issues of

mental health. I welcome his offer of continuing this debate at the round table, and I welcome the fact that he will report back to us on the points raised today.

One thing that has not been mentioned that I would like to mention is the particular mental health concerns of LGBT+ people, and young LGBT+ people, of which there is increasing evidence.

It has been a privilege to introduce the debate. I hope that it helps to galvanise the Government into further action, and that some of that action results in further funding. I thank all those who have taken part.

Motion agreed.

1.50 pm

Sitting suspended.

Learning Disabilities and Autism: Solitary Confinement in Hospital *Question for Short Debate*

1.55 pm

Asked by Baroness Hollins

To ask His Majesty's Government whether they plan to expedite implementing the recommendations in the report *My heart breaks—solitary confinement in hospital has no therapeutic benefit for people with a learning disability and autistic people*, published by the Department of Health and Social Care on 8 November.

Baroness Hollins (CB): My Lords, I declare an interest as I have autistic family members and my son also has a learning disability. I am grateful to all noble Lords who have signed up to speak in this topical debate: all ideas on how to make progress are needed. I thank the Minister for agreeing to meet interested Members of your Lordships' House after the debate. My gratitude is also due to the panel of experts by experience and professionals who contributed to the report we are discussing today. The report is called *My Heart Breaks—Solitary Confinement in Hospital Has No Therapeutic Benefit for People With a Learning Disability and Autistic People*.

It is four years since the Secretary of State asked me to review the effectiveness of a new Department of Health-run programme of independently chaired reviews called ICETRs. The aim was to speed up discharges of people detained under mental health legislation in long-term segregation, following a CQC report that highlighted serious concerns about its use. We designed the review process to include each person's life story, the reason for their admission to hospital and to long-term segregation, any mental health diagnosis and the treatment plan.

People with learning disabilities and autistic people have a higher incidence of adverse childhood experiences, yet none of this information was routinely provided to admitting clinicians. Two phases of reviews took place, 191 in total, with 115 people found to be in long-term segregation at any one time. ICETRs ended in March this year. They were a good diagnostic tool but, disappointingly, the wider system initially failed to

[BARONESS HOLLINS]

make the changes recommended in the reviews, so two additional interventions were introduced: senior intervenors and HOPE(S). I shall come back to HOPE(S).

There is no therapeutic benefit to isolating people in long-term segregation and we would like to rename it “solitary confinement”, which is considered internationally to be a human rights abuse. I welcome the plan for the CQC to offer an ICETR to everyone detained in long-term segregation, but will the Minister tell the House when the CQC will recommence this programme? Will he commit to fund these reviews for as long as long-term segregation is in use in mental health hospitals, not just for the two years currently announced?

Equally importantly, will he commit funding to expand and extend the culture change programme HOPE(S), which has been running alongside the reviews and has been endorsed by the CQC as outstanding? Forty-seven people receiving support from HOPE(S) have progressed out of long-term segregation, following an average stay in LTS in that hospital of 441 days. Some of these people will have been moved in LTS across a number of services, so the real duration in solitary confinement will have been longer, and eight of the 47 were children and young people.

Examples of the very real differences delivered by HOPE(S) include someone hugging a brother for the first time in two years, having their first haircut in five years, eating meals at a table rather than on the floor or leaving hospital and having a full life in the community. I was pleased to see, in His Majesty’s Government’s response to recommendation 4 in my report, a commitment to help patients and families become aware of their rights. I look forward to seeing how that is going to be done.

With no mental health Bill in the gracious Speech, the panel’s recommended changes to the code of practice need to be achieved by different means. Minimum standards are urgently needed for the accommodation and care provided for people in an LTS. The pipeline of admissions continues; discharge is only part of the story. We estimate that there are still more than 100 individuals detained in LTS. Some are alone in rooms without any natural light, with just a mattress on the floor and without toilet or washing facilities. In quite a number of reviews, serious safeguarding concerns were raised about the manner in which people were being held. If clinicians and managers know that it is causing harm to an individual, does not its continued use become a patient-safety incident? The planned use of LTS, which is currently lawful, might not itself constitute a patient-safety incident, but should not the accommodation and care provided at least meet the minimum standards proposed? How does the noble Lord suggest that minimum standards can be legislated for and providers held accountable? Could CQC’s fundamental standards be used more rigorously to regulate LTS accommodation?

I have another suggestion: would it be possible to require the Secretary of State’s approval for the use of LTS in psychiatric hospitals, without needing primary legislation? There is a precedent for such approval for under-10s entering secure welfare, because it can cause

serious long-term outcomes for the child. The use of LTS in both children and adults has a similar potential to cause serious long-term outcomes. My proposal would introduce a limit of a few days for urgent use of LTS, and, after that limit was reached, an application to the Secretary of State would have to be made by the chief executives of the provider hospital and the commissioner. They would have to confirm that safeguarding referrals had been made and that commissioners had visited the detained person. This would be another way to make LTS notifiable and its use monitored. Seeing the reality of LTS for themselves would mean that commissioners knew what they were commissioning and hopefully would insist on compliance with minimum standards for the accommodation and care provided. I hope the Minister will consider this proposal very seriously.

Major concerns were the lack of accountability in the whole system for the outcomes for individuals, and a lack of project management and specialist advocacy. I suggest there is a strong case for a specialist central advocacy service for people with a learning disability and autistic people in mental health hospitals. This is something His Majesty’s Government could take forward in the absence of primary legislation, as they are doing in relation to culturally appropriate advocacy. It sometimes seems a bit like the old joke: there was an important job to be done and Everybody was sure that Somebody would do it. Anybody could have done it, but Nobody did it. Somebody got angry about that, because it was Everybody’s job. Everybody thought that Anybody could do it, but Nobody realised that Everybody would not do it.

Board-level oversight of the use of LTS should change the wrongful marketing of specialist provision when, in reality, a hospital has been offering little more than warehousing people who have been failed in the community. Discharging people is one thing. Preventing their admission in the first place is even more important, but this requires government commitments to deliver on the *Building the Right Support* action plan. There are examples of good practice. I do not have time to describe them, but internationally we could learn from what is happening in, for example, Trieste, and the START programme in the United States, which is now in 17 different states. They focus on working with people in the community and trying to prevent hospital admission, and keeping admissions short if they happen.

The point is that without reliable and respectful family-based and relational care in the community, we as a society are knowingly increasing the chances that autistic children and adults and those with learning disability will continue to be excluded, lonely and traumatised. We will increase the chances that they will become overwhelmed at moments of transition or crisis, such as a death in the family. They will be admitted to hospital as a so-called last resort, but often a first resort, because nothing else was provided. A number of them will then be detained in LTS in a downward spiral which could have been prevented.

It is too risky to expect wise local commissioning for minority groups with poorly understood needs without some decent minimum standards for care and

support to hold commissioners to account. I will end by repeating the demands of one of the experts by experience on my panel, the mother of a young man who had been traumatised by his time in hospital, including in solitary confinement. She is clear about what is needed: accountability, accountability and accountability. She reminded me that the Chancellor showed great concern about poor care in some assessment and treatment units when the right honourable Member was chair of the Health and Social Care Committee. We need the money now. I beg to move.

2.05 pm

Baroness Browning (Con): My Lords, I refer to my autism interests as listed in the register and to the fact that, as your Lordships know, I have a family interest in autism. I very much welcome the fact that the noble Baroness, Lady Hollins, has brought her report to the Floor of the House today. We are very fortunate in this House to have her expertise that she shares with us on this and on many other occasions.

As the noble Baroness has said, the report describes statutory confinement as being used to “warehouse” adults and children with a learning disability and/or autism. If I may, I would like to set the scene a bit on autism. It is of course a spectrum—a communication disorder that covers a wide range of intelligence, but because of the complexity of the condition, the report we are discussing can capture any of them. Failure in the community to provide appropriate support raises the risk that any one of them may be admitted and subject to all the horrors that this report exposes, particularly solitary confinement, which in every other context would be regarded as a punishment.

For many adults and children, autism-related anxiety is common. It can often be helped with medication, but that is complex. There is no one quick-fix pill. The advance of personalised medication will certainly benefit this group, but we do not have it yet. We need it. The anxiety can cause meltdowns and challenging behaviour. It is usually triggered by a build-up of anxiety. Of course, it is difficult to deal with, but it is not a psychotic episode. The triggers that create these meltdowns in autistic adults and children need to be understood. They will vary from person to person, from changing environments and many quite obscure changes. It takes time and experience to manage and support somebody who is having a meltdown. I know that it is not a psychiatric term as such, but I think we all understand, know and have probably witnessed what that means. Whatever the cause of a meltdown, to be met with solitary confinement will compound the anxiety driver, and too often, the use of the chemical cosh on top just puts off a repeat event until the next time. For many autistic people, just being physically touched will trigger a challenging behaviour.

In over 31 years in Parliament, I have been involved with medical practitioners in order to extricate autistic people from mental institutions, and I can certainly relate to the title of the report that is the subject of today’s debate, which begins with the words, “My heart breaks”. My heart has broken many times over some of the cases I have personally observed. One would have hoped to have seen more progress. Over

the years there have been high-profile cases, but the Government have made promises that have not been kept and targets have been widely missed.

In reading the response of the DHSC to the recommendations in the report by the noble Baroness, Lady Hollins, I would like to focus the Minister’s attention on the scale of the problem. In particular, their response to recommendation 6 says:

“Solitary confinement should become a notifiable event to CQC as well as to the ICB executive lead for learning disability and autism and the provider board. The notification should be made within 72 hours of a person entering solitary confinement”.

The Government’s response to recommendation 8 mentions the CQC. Although I support the training mentioned in that response, if there were notification of such confinement straightaway, or certainly within 48 hours, the CQC would not have to play “catch me if you can” in its ad hoc investigations of and attendances at these institutions. There is an urgent need for these cases to be identified when they happen and to explain why an action is taken. There is such a need for more action that the Government have a role to play here, rather than just saying, “Well, these are independent bodies who make day-to-day decisions”. That may be true, but what is behind this report is all the recommendation the Government need to make sure that the action in the field meets what we in this House would regard as humanitarian standards for this group of people.

I conclude by quoting a briefing that many of us have had from Mencap, which has great experience in this area. It says that the Government

“promised to reduce the number of people with a learning disability and/or autism in mental health hospitals by 50% by March 2024. Our analysis of latest NHS Digital Assuring figures ... estimates that the Government won’t hit their own target until 2029”.

It says that, of the 5,025 reported cases, in August 2023—just three months ago—the use of restrictive interventions in this one month included 1,140 reported uses of restrictive interventions on children. I say to my noble friend the Minister: surely, this is urgent.

2.11 pm

Lord Touhig (Lab): My Lords, I declare an interest as a vice-president of the National Autistic Society. I join my noble friend in thanking the noble Baroness, Lady Hollins, not only for securing this debate but for the commitment and dedication she and her colleagues have put into preparing the report; it is absolutely outstanding. It is a pleasure and an honour to follow my close collaborator on these matters, my noble friend Lady Browning.

“You must meet this young boy who has behavioural problems and is about to go to comprehensive school.” Those were the words of the head of a special school I visited a little while ago. The lad was autistic and, from time to time, had an emotional meltdown that could sometimes be violent and difficult to handle. His first words when I met him were, “You’ve heard I’ve got behavioural problems”. I said, “Yes, I know”. He said, “I’m, working hard to try and cope”. I said that was good. He added, “My brother is the same. He’s five and autistic. I’m helping my mum cope with him. You’ve heard I’m off to comprehensive school”. I wished him good luck. He said, “I’ve decided

[LORD TOUHIG]

on my career. I'm going to become a High Court judge. If you come up before me, you'll get a lenient sentence".

The point is that the head told me later that this young lad and his family had worked very positively and hard to try to overcome the behavioural problems that he and they were enduring. With the right support and encouragement, that young man has a future. However, that is not so for many children and adults with autism who have been locked up in mental health hospitals, sometimes for years. More than 2,000 are being detained under existing mental health legislation. They are separated from their families, isolated and often held in locked rooms, with their human rights ignored. We in Britain should be ashamed of this injustice.

The Council of Europe is our bulwark in defending human rights across our continent, and I once had the honour of serving as a member of that body. The council has twice in recent years taken a strong stand against the detention of people in mental health institutions, and our Government endorsed that view. Some of us were encouraged when the Government pledged to reduce the number of people with learning disabilities and autism in mental health hospitals by 50% by March next year—my noble friend Lady Browning referred to what Mencap has said about that. That begs the question everyone is asking: why did the Government not include a new mental health Bill in the King's Speech to put an end to this practice? Families of autistic people are devastated by that failure and are anguished for their children.

A young Japanese boy, Naoki Higashida, wrote a book, *The Reason I Jump*. In the book there are some 50-plus questions and answers from the point of view of someone who is autistic. Whenever I pick it up, I look at question 21, which was:

"Why don't you do what you're told to straight away?"

This was his answer: "There are times when I can't do what I want or what I have to. It doesn't mean I don't want to do it, I just can't get it all together somehow. Even performing one straightforward task, I can't get started as smoothly as you can, so I have to do three things. The first thing I do is I think about what I am going to do. Then I have to visualise how I'm going to do it. Thirdly, I have to encourage myself to get going. How smoothly I can do the job depends on how smoothly the process goes. There are bad times when I can't even act as I want to. I act badly. And when my body is beyond control—I don't mean I'm ill or anything like that—it is as if my body belongs to somebody else and I have zero control over it".

That is an inside view from a young autistic boy. Imagine being autistic and going through this experience when being told to do something immediately, or being detained in solitary confinement in a mental health hospital and being told to do this by a person who perhaps does not understand how difficult it is for you to act to do something they have asked you to do immediately.

The noble Baroness, Lady Hollins, speaks for all of us in the title of the report she wrote, *My Heart Breaks—Solitary Confinement in Hospital has no Therapeutic Benefit for People with a Learning Disability and Autistic People*. The Minister is highly regarded

on all sides of the House—that is genuinely felt by everyone here. All I can say to him is that only His Majesty's Government have the power to make this change. I can think of no greater act in what is perhaps the last year of this Parliament than to pass legislation that would put an end to this wicked and evil practice.

2.16 pm

Lord Addington (LD): My Lords, when you have been here a while and suddenly see a pairing of people coming up in front of you on a certain subject—and it is the noble Baroness, Lady Browning, and the noble Lord, Lord Touhig, on autism—the first thing you do is to listen hard. When you get a report that has been written with such authority, inspired by this subject, that is doubly the case.

Every time we hear about confinement and control—physical restraint, chemical coshes on groups—we are basically saying, "You have got a failure". Why have we got to that? Often because in getting to that point, people have not understood this bit of their client base; the report refers to that. The noble Lord, Lord Touhig, just put his finger on it but from what I know of autism, that would be one person's experience of it. There will be a series of traits gathered together that are complicated and different—never the same twice, so it is not easy.

It is difficult to tell a health professional, or any professional in any sphere, "By the way, your training doesn't cover this properly". We all have a series of reflex reactions which we go back to. We have to make sure that people on the way up to this point—or down, depending on how you want to look at it—have ideas about where they should have better interventions, or know whether they should make them or back off. If, as a mental health professional, you are confronted with somebody in an institution or in that process, unless you know not to behave as normal you will go into a pattern of behaviour because everybody does. You have put a reflex or bureaucratic pattern in place, so why would you break it? The only answer will be from the information about what you are dealing with.

Lots of things can go wrong in this process of identification and self-identification. I remember that once I managed to get myself into a totally unnecessary row with somebody who was on the autistic spectrum, because they accused me of not doing something in very aggressive terms. They probably did not mean to. I said, "Wait a minute—this is public", and started to defend myself. Then they had a minor meltdown and left. I know more about this than most people but still do not know anywhere near enough to understand what that person was going through. Everybody can make these series of mistakes.

My question to the Government is: what are you doing to ensure that everybody in that process better understands that normal responses will get negative results on many occasions? How can we get that idea into the system quickly? Long training programmes, the fact that we are making progress through them and the fact that we have targets: those will all come out because they will be in the Minister's brief—they always are. However, we need to know that an awareness that something will not respond correctly is required here.

Every time I have dealt with anything to do with autism, there has been this pattern of behaviour in the criminal justice system. To put it bluntly, autism is one of the most over-represented groups in society within the prison system. It can go horribly wrong everywhere. I take the example of the noble Lord, Lord Touhig, on the process of responding: when somebody is confronted with authority, suddenly there is a conflict there, without even trying.

How can people be trained and be made aware generally in society so that they can avoid getting as far as the medical facilities, and how can we make medical facilities aware that a different type of response will be required? I would like that big question to start to be answered. If we do not address that, we do not stand a chance of addressing it in the round because even if we train all the medical practitioners, they will still have a great flood of people coming to them—people who should not have been there.

The police in certain places have had a little more training, but usually after very bad episodes: some degree of conflict has taken place or somebody has been traumatised. We are asking the Government to give us a serious plan about building up a pattern of awareness within the institutions that people bump into. If there is a certain specialist pattern, you only get x number of people going into it. Somebody who is a high-functioning autistic or functions well with learning difficulties may bump into the system only occasionally. But if they do not have support and guidance, with somebody to say, “Yes, there is a different type of response required here”, those incidents will get bigger and more frequent, and we will have to deal with them at the acute level.

The same will apply to those who are discharged from hospital. There must be an entrance and a way down. Sometimes it will be specialist provision and sometimes it will be specially trained people, particularly when you are discharged having had some damage—let us face it, we have all had some damage. I would hope the Minister can give us some pattern for the first steps in making the institutions of government aware that a different way of responding is required. That is a necessary first step, meaning that people should at least ask others, “What do we do?”. If you have that, you will have a bit of hope, which is the least that we should take away from this debate.

2.23 pm

Baroness Watkins of Tavistock (CB): My Lords, I declare my interests as a NED at NHS England and as a qualified nurse. I commend my noble friend Lady Hollins on her thorough report on the current use of solitary confinement for autistic people and people with learning disabilities using in-patient hospital services. I remind people that the noble Lord, Lord Crisp, has written a book, *Health is Made at Home*, which argues that hospital should be for therapeutic intervention for short periods. This report clearly shows that that is not so for this cohort of patients.

The report raises key issues around the use and overuse of solitary confinement methods and outlines important recommendations for the improvement of care. However, rather than making my heart break,

this report made me angry in the same way that another report, *Sans Everything*—that report was about long-term care in mental hospitals—did 50 years ago. We need to turn the anger and broken hearts into positive action.

I wholeheartedly support the concept that there should be no long-term use of solitary confinement for autistic people and people with a learning disability. However, I wish to highlight the need for discussion to consider in more detail other patients’ safety and well-being when people are in relatively confined environments. In addition, nursing staff are sometimes put at risk in understaffed, outdated clinical environments when, due to an acute autistic episode or meltdown, an individual patient resorts to violence that is difficult to cope with, often because of the reasons just given about inappropriate responses. Such circumstances can be distressing for other patients and staff.

Additionally, this debate should acknowledge the challenges that staff face due to high patient-staff ratios, which make truly individualised, person-centred care difficult to deliver in many circumstances. Agency nursing is used because it pays better but such nurses often do not know the individuals well enough to know how best to respond.

I state my full support for recommendation 12 of the report. Funding is needed to deliver person-centred interventions in order to reduce the use of solitary confinement vastly. This needs to be accompanied by funding to support staff’s continued education, training and professional development.

Although I agree that it is necessary to have formal recording and notifying practices in instances where solitary confinement has been used, I question the feasibility and staff resource requirements in the details of recommendation 6, in particular reporting immediately to the CQC. An alternative proposal could be that notifications to ICBs should be made if solitary confinement measures have been used for an individual in two or more instances in a set period, for example for more than 12 hours on two occasions within 10 days. However, reports should also be made to the boards that are responsible for the delivery of care.

Recommendation 7, which recommends that clinical contracts be agreed before admission, may not always be achievable in a situation of acute crisis. Therefore, I suggest that it should be clinical policy that contracts are agreed within five days of admission as a maximum and that pre-admission contracts are always considered best practice.

Finally, with regard to recommendation 8, which aims to secure family visiting rights for autistic people in solitary confinement, we also need to secure the rights for the autistic person to refuse such visits. Family relations can be very complex and, in some situations, abusive; therefore, in extremely rare situations, unwanted visits can lead to increased distress among autistic people and people with a learning disability. However, I must stress that I am a firm advocate of the visiting options in recommendation 8, which would also require people being cared for much closer to home than many are at the moment in order to make regular contact achievable. Too many people are sent too far from home, often to private health facilities, with possibly 10 different contractors for just one or

[BARONESS WATKINS OF TAVISTOCK]

two patients. This makes it difficult to maintain good relationships between providers and purchasers and to oversee the quality of care that is being delivered.

I ask the Minister: do His Majesty's Government acknowledge that, although some of the recommendations may not be achievable without changes to the Mental Health Act 1983, many of them could be with additional financial investment to pilot programmes based on the suggestions in the report and to provide training for staff in order to ensure that they can safely deal with de-escalating crisis situations to reduce significantly the use of solitary confinement? We owe autistic people and those with learning difficulties more rapid change to the situation so ably outlined in this report. We would not stand for delay in introducing contemporary practice for people suffering from cancer or diabetes.

2.30 pm

Lord Allan of Hallam (LD): My Lords, on a good day we learn in and through debates in this place, as we bring a mix of different experiences. I was struck by the suggestion of the noble Baroness, Lady Hollins, that there should be Secretary of State approval for certain forms of solitary confinement. That made me think of debates that we have had in a different context around warrants for the interception of communications, where critics will say, "What is the point of the Secretary of State warrant? They will just approve it, rubber-stamp it". Of course, it is true that the Secretary of State is not sitting there thinking, "Does this particular drug dealer deserve to have their phone tapped?"

However, crucially, the instrumental part of it, the key functionality, is that the approval process then requires a group of officials to dig into the case, look at all the details and understand whether the warrant is justified. They do not want to send up to the Minister for approval something that is deficient. It made me think that if an official is willing to send to the Secretary of State a request to approve a confinement for 450 days in a windowless room on a mattress on the floor, then good luck to them, but if nobody is willing to put that forward, it should not be happening. This is a process that is well worth considering. Who ultimately signs off and takes ownership of this? Also, the process by which it is approved is critical. It should not be left to the decision of, as the noble Baroness said, a private provider somewhere who just has a problem to resolve and feels empowered, with no further external approval, to make such a fundamental decision that will have such an impact on an individual. That was interesting. I hope that the Minister will respond on it.

The other part of the report that I found helpful was the four-stage failure that is described in annexe B, which appeals to my analytical brain. There is a notion that the first failure is the community-based failure that leads to someone going into hospital, then the failure of the treatment in hospital, which then leads to solitary confinement being considered, the failure of the solitary confinement, then the failure properly to assign responsibility and ownership, which is wrapped around all this. This was really helpful from an analytical point of view.

I hope that the Minister can confirm that there will be published data on all those stages. There are certainly recommendations for there to be reporting on the use of the solitary confinement mechanism, but it is really important to understand how many people are being treated in the community and how many failures there are of that treatment which then lead to hospital treatment and how many failures there then are in the hospital, so that at each stage we understand the number and types of failures that are occurring. That will inform our ability to hold the right bodies to account and resolve that fourth failure, that of accountability. It is only through that relentless scrutiny that we can address the issue of accountability—and that relentless scrutiny depends on the data.

I want to ask the Minister about the federated data platform in this context, although today is not the day to talk about this. For noble Lords who are not following this closely, this is the new all-singing, all-dancing thing that will pull together all NHS data. It seems to me that is very much acute focused—which is a good thing—as it is very much about ensuring that we get the flow-through in hospitals, but it seems to me that the same kinds of tools and disciplines are needed for what we are talking about here, for understanding where people are in the system including, crucially, across different providers. However, it is not clear whether the hundreds of millions of pounds that are being spent and all that effort will yield any benefits in this area where, as the noble Baroness, Lady Watkins, pointed out, you are dealing with multiple providers of services and multiple commissioners, and it seems that a lot of them have very un-joined-up systems. It may be that the federated data platform is not the answer, but the tools, practices and data models that are developed could potentially all read across very effectively to the world that we are describing today, in which we face similar challenges about understanding where people are, how they are moving through and, critically, whether those failures occurred at any point when they moved from setting A to setting B either between or within institutions.

I ask the Minister specifically: is there a group somewhere in NHS England that is working on this, looking at the data flows in mental health care, so that we can understand and benefit from all the investment that is going in, rather than potentially facing a scenario where acute medical healthcare gets the investment and mental health care is the also-ran, poor service which will only benefit at a later stage?

I am extraordinarily grateful to the noble Baroness, Lady Hollins, for the report and for analysing the problem so well and so effectively. It is a short report, which is great: there is no excuse for anybody not to understand the problem with a report that size. I am also grateful to her for providing this very clear set of recommendations, and I look forward to the Minister explaining how he will be accepting all of them without reservation.

2.35 pm

Baroness Wheeler (Lab): I too congratulate the noble Baroness, Lady Hollins, on securing this debate, which is a welcome opportunity to listen to the detail of her excellent report, following on from this morning's

wider mental health discussions, and to the hear the Minister's full response to the report itself. It is also a good opportunity to focus on the long-term segregation of autistic people and people with learning difficulties, with help from the usual important and insightful contributions from my noble friend Lord Touhig and the noble Baroness, Lady Browning, who are always such strong advocates for improved services for this vulnerable group of people.

It is worth noting that some of the speakers today, including myself, were all participants in the then Mental Capacity (Amendment) Bill 2019, which replaced deprivation of liberty order with liberty protection orders, and along with it all expressing many concerns and reservations about how any new system would operate or could lead to substantial change. As we know, implementation of LPOs was subsequently deferred earlier this year, presumably because of the expectation that even the Government had then that a new mental health Act would be in place this year or next.

I welcome the Minister's promise in last week's Oral Question to meet on this matter with the noble Baroness, Lady Hollins, and others, including myself, from these Benches. An urgent meeting is certainly much needed. He mentioned in the earlier debate a round table on mental health. My understanding was that there would also be a separate, smaller meeting specifically on the report from the noble Baroness, Lady Hollins, so perhaps the Minister can clarify this.

The noble Baroness, Lady Hollins, has spoken powerfully about how the 40 year-old Mental Health Act results in autistic people, with often misunderstood and challenging behaviour, remaining stuck in mental health settings and assessment treatment units for long periods of time, where approaches do not fit their individual needs for care and support, including their sensory and communications needs. Understanding and support for autism has thankfully changed substantially since 1983, especially on being clear about what an autism-friendly environment looks like and should be. It is certainly not one that is often found in the mental health settings that autistic people are mostly currently held in. Can the Minister tell the House whether the Government's decision to abandon the new mental health Bill in this Session of Parliament included an assessment of the impact this would have on patients and patient safety?

The report from the panel of experts led by the noble Baroness, Lady Hollins, highlights deep concerns, including a lack of any therapeutic or rehabilitative benefit from the use of long-term segregation for autistic adults and those with learning difficulties. It calls for the introduction of rules which would radically reduce and place a time limit on the use of long-term segregation and to ban it for children and young people as a serious "never event" that prompts an investigation. These and other key changes are proposed to the existing Mental Health Act code of practice, which will now not be considered until the Bill is before us.

To repeat what I said in the previous debate, it is very hard to understand how the Government envisage that the care and treatment of people detained under the current Act is going to be improved by non-legislative commitments, as promised by Ministers in last week's

King's Speech debate and ever since. I am not sure whether the Minister covered the issue in the previous debate, but can he explain exactly which significant changes can be implemented in the absence of the framework of the new Bill and with the continued constraints, approaches and outdated attitudes contained in the current Act and the code of practice that the Government have no plans to review, or how the real accountability that the noble Baroness, Lady Hollins, has called for can actually happen?

The report's description of long-term segregation as one part of a four-stage failure forcefully underlines this, as was stressed by the noble Lord, Lord Allan. The first failure is a lack of community-based support, which prevents a person being taken out of school or away from their family and admitted to hospital. These are major failings in adult social care. The second is the hospital's failure to provide the learning disability and autism-friendly support that is needed, meaning more trauma, disorientation and restrictions for the patient. The third is the use of restrictive practices, including solitary confinement, and the fourth is a lack of clarity about responsibilities for commissioning and funding the skilled support and case management needed in the community, which goes back to the accountability issue.

The treatment of people with autism and learning disabilities under the current outdated and discriminatory legislation disgraces our society. The need for mental health reform is why Labour, if elected, has pledged to reform the Mental Health Act in our first King's Speech. It is an urgent priority for us. The current law is not fit for purpose and must change. We want to see the Act updated following the excellent work undertaken by the mental health Joint Committee. The code must also be updated to meet the aspirations outlined today and to reflect the learning and culture change we all want to see in how autistic people and those with learning difficulties are viewed.

I have a quick question, finally, on the timetable for the CQC to commence delivery of ICETRs on long-term segregation. When will the guidance on their role and responsibilities be available? The aim is noted—to make sure that, within 48 hours of a person being put into segregation, the CQC is ready to start an investigation of its suitability—but the process needs a great deal of thought and preparation, and the minimum standards criteria of the place need to be clear. How is Parliament going to be involved and what is the process to review the CQC's role?

2.41 pm

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Markham) (Con): I add my thanks to the noble Baroness, Lady Hollins, and other noble Lords for their moving, personal and passionate—especially in the case of the noble Lord, Lord Touhig—contributions, from which I have learned a lot. When the timetable came out and I saw two mental health debates together, I must admit to thinking, "That's going to be a long day. How wise is it to timetable them together?" Actually, having the debates back to back has worked really well, and there has been a real synergy of subjects. It worked and it has added to my education.

[LORD MARKHAM]

I understand the point raised by the noble Baronesses, Lady Wheeler and Lady Watkins, and others, around the delay to reforming the Mental Health Act and their disappointment. I would like to respond to some of those points with things that I hope we can do. This will very much be a feature of the follow-up round table. To answer the question from the noble Baroness, Lady Wheeler, on how we design that, to be honest, it is up to us, and I will happily chat to her afterwards about how we want to use those forums. I definitely have a commitment from Minister Caulfield to part of that, so we can go into the detail afterwards.

I echo the point that the noble Lord, Lord Addington, made on prevention. This struck a chord with me, as I learned early in my personal experience that a normal response often gets a negative reaction. If something happens, people generally respond in a certain way, but with autism we learn that we sometimes have to completely rewire the way that we respond. We know that what we think of as a normal response can have adverse consequences.

I will resist the temptation to trot out the statistics, as the noble Lord, Lord Addington, said, but I will say that there is a recognition from the increase in the numbers of people trained in schools that it is vitally necessary. There has been a lot of growth in it, but I accept that there needs to be more and that it needs to be across the board, as the noble Lord said. A million people have taken the Oliver McGowan training, but there are next steps in that. It needs to be across health and other settings, such as education, as I mentioned, and the police.

We spoke about early support hubs in another debate, and there is a vital role for communities there. I was asked a Question last week about black and ethnic minority people being far more likely to find themselves in segregation or these sorts of circumstances. As it was explained to me, a lot of that is because they do not feel that the early support hubs are suitable for them. For whatever reason, they are not going to them. We need to do a lot of work, and in the community as well, to break down that resistance and some of the reasons that they do not go there, because those early support hubs are a key part of any prevention.

I will directly address the points about how, where there is that circumstance of solitary treatment, we can try to minimise it and really respond. The first thing that came to me, from the noble Baroness, Lady Hollins, and others, is that we really need to increase the barriers to entry, for want of a better phrase, and make them as high as possible, so that it really is a last resort. I personally like the idea of the Secretary of State's approval. There are some logistical issues there, such as if it is out of hours or whatever. The suggestion was made of the Secretary of State's approval being needed if it is beyond 48 hours, at which point I can see practically and logistically that you could make that work a bit better. Having the Secretary of State's approval before someone goes in could be hard logistically, but having it beyond 48 hours allows for that planning.

I was toing and froing with the team during the debate, and I think we can have a productive conversation around it, particularly on the point that the noble

Lord, Lord Allan, made. I have had some personal experience of this: in the department, I sign off all consultancy agreements on the use of consultants, contractors and everything else. I normally sign nearly all of them off, but the main point is that a lot of them probably never come to my door, because the DGs and managers who are putting them up know that they must be absolutely watertight in their cases to do it. I believe that this would be a similar mechanism of prevention, so I will definitely take it away.

On the reviews and the CQC, we want to have it all up and running next year, obviously as early in the year as possible. I will come back to be more specific on that timing. The funding, as mentioned, is for two years, but I like the suggestion that we all know that, as long as solitary confinement is happening, we will need something like this. First, we need to increase the barriers to entry but, secondly, where solitary confinement is needed, we need to increase the review process. That is the role of the CQC and the ICETRs, but it is also about the use of the data, as suggested. I do not know how much the FDP can be used in this, but I saw an example this morning of it being used quite well in the discharge space, where it is linking in with social care and the local authorities. There are some good grounds there, and I will definitely pose the question.

There is acceptance that people sometimes need to be treated in solitary confinement. If they do, it is all about reviewing and accountability, as the noble Baroness, Lady Hollins, said. On that, as my noble friend Lady Browning and the noble Baroness, Lady Wheeler, said, it is about making sure that the CQC is notified within 48 hours, so that it is on the case and reviewing it. That is another vital cog in accountability.

I was told that they plan to enter into a consultation on that as quickly as possible. I was told that they thought the timing for that was January 2025. Quite honestly, I have gone back and said two things: do we really need to consult and, if we do, does it really need to be as long as January 2025? Again, I will come back on both of those things and maybe these are some of the things we can talk some more about in the round table.

Thirdly, if we are in the circumstance whereby solitary confinement is deemed to be the right treatment method, obviously we come on to quality, and the point was made there about making sure that the quality is right, in that circumstance. Obviously, the CQC has a role in that and the Health Services Safety Investigations Body, or HSSIB, clearly has a vital role to play in all of that. We do understand that there was a feeling that the Government were not acting quickly enough in our response to the paper written by the noble Baroness, Lady Hollins, so, again, we will come back further on that.

I hope that reassures noble Lords to some extent that there are things that we can do, and plan to do, in the meantime—absent the mental health Bill—and, again, I want to use the round table to talk about that, explore it and make sure it is as actionable as possible. As I said, as ever, I will write to make sure that I have picked up all the points made in detail. I would like to end by again thanking the noble Baroness, Lady Hollins, and all other noble Lords for their contributions to what I found was another very good debate.

International Development White Paper Statement

2.52 pm

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con):

My Lords, with the leave of the House I shall now repeat a Statement delivered in the other place by my right honourable friend the Minister for Development on Tuesday 21 November. It is as follows:

“Since my Statement to the House on 18 July, the Government have consulted extensively to secure evidence and ideas that will transform our world. We drew on the sharpest and most expert minds from NGOs, academia, business, Governments around the world, and all political parties in the UK. I take this opportunity to particularly thank colleagues across the House for their contributions in shaping this White Paper.

As the whole House knows, development has helped transform the lives of billions. The UK can be immensely proud of our distinct contribution to this incredible success story. Two centuries ago, three-quarters of the world lived in extreme poverty. When I was born, around half still did. By 2015, when the world met the millennium development goals, the proportion of a much larger global population had fallen to just 12%. Evidence shows that development works, but it also shows that we now need to rethink how we do development.

After decades of hard-won but persistent progress, we live in a world facing a daunting set of challenges: a world which is seeing rising poverty; a world where the UN sustainable development goals are nearly all off track for 2030; a world where faith in multilateral institutions is fading, despite co-operation being desperately needed; a world facing a climate crisis, growing conflict and the prospect of further pandemics; a contested world, where unity and solidarity are increasingly important, yet ever more difficult to achieve. This White Paper sets out a road map to 2030, charting the path the UK must take to galvanise global attention and lead by example in the fight to end extreme poverty, tackle climate change and address biodiversity loss.

When it comes to international development, finance matters. The Government have been clear on our intention to return to 0.7% of GNI when the fiscal circumstances permit, but the White Paper makes it clear that we will not achieve the SDGs through business-as-usual official development assistance funding. We need a quantum leap in financing and investing, which only the private sector can provide. The private sector is an essential engine of development, giving communities the building blocks for economic independence. Self-sufficiency is development’s essential purpose, and our work with the UK private sector delivers back for taxpayers many times over.

British International Investment, formerly known as CDC, is already a core part of the Government’s offer on international development. It has an impressive track record, and now will go further and faster, investing in the hardest places. As was suggested by the International Development Committee, BII aims to make more than half of its investments in the

poorest and most fragile countries by 2030, while also enhancing its transparency, cementing its place as a world leader.

The White Paper presents our vision for much-needed reform of the international financial system, mobilising greater finance from the private sector and scaling up the lending capacity of the international financial institutions. The UK has already pioneered the use of climate-resilient debt clauses, enabling vulnerable countries to hold off on debt repayments following an extreme weather event. Together with Prime Minister Mia Mottley and other supporters of the Bridgetown initiative, we are driving reforms of the multilateral development banks so that they can scale up financing for low and middle-income countries. We will also work with institutional investors such as pension funds to plug the SDGs’ \$3.9 trillion annual financing gap.

International development and climate action are inseparable. Climate change and nature loss are being felt everywhere, and their impact will only intensify over the next decade. It will be most acute in developing countries, reversing fragile development gains, increasing food prices and compounding insecurity and instability. To meet this challenge, we must mobilise more—and more reliable—finance. We will deliver on our pledge to provide £11.6 billion in international climate finance in the five years up to 2026. We will ensure a balance between adaptation and mitigation financing and provide at least £3 billion to protect and restore nature.

The UK’s work on women and girls is paramount. We cannot understand development unless we see it through the eyes of girls and women. Increasing access to education, empowering women and ending sexual violence are central to economic opportunity and growth. Those rights are universal and should be non-negotiable. The White Paper extends this work. We will use research and diplomacy to end the preventable deaths of mothers, babies and children. We will deploy policy and investment to defend and advance sexual and reproductive health and rights.

Effective development is rooted in respectful partnerships of equals, but the Government will continue to stand up for our values. We know that individual rights, the rule of law and strong institutions are essential to achieving sustainable development. Take the work of the Westminster Foundation for Democracy, the UK’s leading champion of democracy globally. We are increasing our support for its work so that we can support fairer, more inclusive and more accountable democratic systems around the world.

We must also find better ways to anticipate and prevent humanitarian crises and the conflicts that often drive them. Conflict and instability are on the rise and hold back development: by 2030 up to two-thirds of the world’s poor will live in fragile and conflict-affected contexts. Humanitarian needs are at their highest since 1945, with twice as many needing assistance compared with five years ago. The resulting devastation is spreading across affected regions, as seen at present in the Sahel and the Middle East. The tragic events in Israel and Gaza bring home the humanitarian costs of conflict and violence, with women and children most directly affected.

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I am therefore pleased to announce today that we will create a fund dedicating up to 15% of our bilateral humanitarian spend to support resilience and adaptation alongside our delivery of humanitarian relief. When I visited families in east Africa suffering from the worst drought in 40 years, it was clear that the current focus on immediate relief comes at the cost of early thinking and engaging on building back better. This new fund will respond directly to that specific challenge.

Innovation is at the heart of our efforts to transform lives through sustainable growth. The wondrous creativity of science and technology can address problems that money alone will never solve. Only by sharing research and innovating together can we make the breakthroughs our world needs. The world has never been so intimately connected, nor our fates so closely entwined. While we can rightly be proud of all we have done to deliver international development, the UK and our global partners must redouble our efforts given the challenges that we face to achieve those goals.

We asked what the UK could do. We were told to make a new development offer based on mutual respect, powered by finance at scale, and supported by a more responsive international system. We have listened: this is what the White Paper will deliver”.

3.01 pm

Lord Collins of Highbury (Lab): My Lords, I thank the noble Lord for repeating the Statement. I also thank Minister Andrew Mitchell for his efforts in bringing knowledge and focus to this country’s historic role in international development. To be frank, we would not be in a position to consider a new White Paper were he not in post.

As my honourable friend Lisa Nandy said in the other place, not only do we need

“to have an honest conversation about where we are heading”, but we also

“need a frank assessment of where we have been”.—[*Official Report*, Commons, 21/11/23; col.197.]

One of Labour’s lasting achievements was to forge a new political consensus around development. To their credit, David Cameron and George Osborne sustained that commitment, keeping Britain on the path to 0.7% that Labour had set this country on. However, under the direction of Rishi Sunak, this Government retreated from Britain’s commitments, cutting our development target from 0.7% to 0.5%, and stripped billions from vital aid programmes in that process. I have repeatedly said that it is not only the amount and size of those cuts but the speed of their implementation that caused so much damage to the people who most needed it, and to this country’s reputation. The Government then undermined delivery, overseeing a bungled merger between DfID and the Foreign Office, deprioritising development, sapping morale and pushing out expertise. As I said to Andrew Mitchell last night, much of the agenda in the White Paper will have our support; there are lots of good things in it. The question is whether he will have the support of his Prime Minister to implement it.

The White Paper mentions the importance of multilateralism, but the FCDO’s action does not reflect that rhetoric; multilateral aid is projected to fall to just 25% of aid spending by 2025. Andrew Mitchell said that

“We go with what works and what is best”.—[*Official Report*, Commons, 21/11/23; col.199.]

Will the Minister tell us which of the funds is not working?

The White Paper is silent on protecting the overseas development assistance budget from raids from other departments, after 30% has been raided in the past year by the Home Office alone to pay for spiralling hotel bills and the cost of government chaos. Andrew Mitchell’s only defence for this in the other place was that

“every penny is spent within the rules laid down by the OECD Development Assistance Committee”.

He also mentioned the “ODA star chamber”, co-chaired by the Development Minister and the Chief Secretary to the Treasury, which he said has resulted in

“ratcheting up the quality of ODA”.—[*Official Report*, Commons, 21/11/23; col. 199.]

I hope the Minister can point to the evidence for this assertion, because that is not what is happening in the countries and continents where it is most needed. As I said, there is much to welcome in the White Paper, but access to finance for many of the most heavily indebted countries is ultimately unachievable. Andrew Mitchell appears to remain wedded to the existing ideas and strategies for debt restructuring options, despite acknowledging in the other place that we need to do “far more”.

The White Paper also refers to reform of the Security Council and specifically mentions permanent representation for Africa. Does the Minister agree that a broader review of the working methods of the Security Council, including looking at ways to amplify civil society voices, could also give the global south a greater voice?

As the Statement mentioned, and as my honourable friend Lisa Nandy pointed out, women and girls have been among the biggest losers from the decisions of recent decades. Empowering them is the biggest untapped driver of growth in the global economy, and there is no way of meeting the sustainable development goals without closing that gap. It should not be a few pages in a document; every single decision that comes across Andrew Mitchell’s desk must consider whether it does more to empower and enable women and girls to succeed, or less.

Lord Bruce of Bennachie (LD): My Lords, I welcome the Statement and the White Paper, which has the style and energy you would expect from Andrew Mitchell. During the 10 years I had the privilege to chair the International Development Committee, I worked closely and constructively with Andrew in opposition and in government. That said, reading the document, you would think that the UK had delivered a seamless and uninterrupted ascent as a leading aid donor from the creation of DfID, through the achievement of 0.7% development spending to the present. But, in reality, as the Opposition spokesman pointed out, our reputation in this field was trashed by Boris Johnson

and Rishi Sunak when the ill thought-through merger of DfID and the FCO was pushed through and aid programmes were slashed.

The appointment of the noble Lord, Lord Cameron of Chipping Norton, as Foreign Secretary brings back together the team that, with quite a bit of help from the Liberal Democrats and those across the House, delivered 0.7% and raised the UK's standing to global leadership in aid and development. The optimistic thrust of the White Paper gives some hope that there is a commitment to rebuild our reputation, but the loss of trust and influence will take years to recover.

At the time of the merger and the cuts, David Cameron said it would mean

“less respect for the UK overseas”,

and he has been proved right. Andrew Mitchell said:

“It's not right morally. It's not right politically. It's against the law”.

He had previously said that the Government will not “balance the books on the backs of the poorest in the world”.—[*Official Report*, Commons, 1/7/10; col. 1019.]

The UK's books have not been balanced, but the world's poor have paid a high price.

There are some things in the White Paper in respect of which I have to declare an interest and which I welcome. As a co-chair of the All-Party Parliamentary Group for Aid Match, I welcome the commitment to give more support to matching funds raised by NGOs. As a participant in the work of the Westminster Foundation for Democracy, I welcome the offer of additional support for its important and valuable work. As the chair of the charity Water Unite, I am glad to see recognition of the role that private sector funding can play in the delivery of aid and development projects. Through an agreement with the Co-op and other retail partners, we benefit from a levy on the sale of bottled water and soft drinks to support local businesses in poor communities across the world in delivering sustainable water, sanitation and plastic recycling.

But, while private finance can unlock funds for development, and the role of the reformed BII can and does make a difference, it is surely not the answer. I fear the White Paper may be relying too heavily on new financial instruments to deliver for the poorest communities. More to the point, after the damage of the last few years, the UK's convening power may not be what it was. Having Cameron and Mitchell at the helm may help, but I suggest that it will take more for other donors and, more importantly, development partners whose programmes were summarily scrapped or drastically cut, to trust that the UK is really back as a serious and reliable player.

What proportion and volume of humanitarian aid will go to poorer countries, especially in sub-Saharan Africa? Reducing poverty eases the pressure on population growth, migration and the climate, so what proportion and volume of the budget will go to sustainable, pro-poor development programmes in the poorest communities? I welcome the commitment to support for women's and girls' education and sexual health, including access to contraception and safe abortion and ending FGM and child marriage. Can the Minister provide an assurance that these programmes will be restored and strengthened?

Finally, the White Paper acknowledges the huge challenges the world faces to get the sustainable development goals and development back on track. If the UK had not abandoned the 0.7%, our development budget would be £17.5 billion this year. Instead, it is around £10 billion, and a big chunk of that is being spent by the Home Office in the UK on barges, hotels and the failed Rwanda project. If the rhetoric of the White Paper is serious—and I accept that it is real rhetoric—and if the Government really want to recover leadership of the field, they should restore 0.7% now. Or will the Government still consider cutting inheritance tax a priority over the needs of the world's poorest people? Credibility requires delivery. The White Paper is a start, but delivery needs to follow.

Lord Ahmad of Wimbledon (Con): My Lords, I welcome the welcome from the noble Lords, Lord Collins and Lord Bruce, for the White Paper. As someone who has consistently served under my noble friend Lord Cameron both when he was Prime Minister and now dutifully as one of his deputies, I, among many others, welcome his return in the light of his stature, insights and experience. As both noble Lords have acknowledged, he was himself very committed to the issue before us. I also join in the recognition of the role played by my right honourable friend Andrew Mitchell.

I share with noble Lords—I am sure I am not giving any secrets away—that one of the first things my noble friend Lord Cameron, the Foreign Secretary, read upon his appointment was the White Paper, in order to ensure that it reflected some of his own thinking and perspectives. To the noble Lord, Lord Bruce, I say it is good and right that we embrace the experience we have across our party on this important priority.

Reference was made to what has happened under my right honourable friend the Prime Minister's watch. It was he who appointed both the Development Minister and my noble friend Lord Cameron to their roles. That shows his conviction regarding the importance of these issues. On development and the Statement, I have already alluded to certain elements. For example, on the question whether we restore the 0.7%—as the noble Lord, Lord Collins, alluded to and the noble Lord, Lord Bruce, called for—I have never hidden my own belief that 0.7% was the right way forward for the programmes we were leading on. Notwithstanding the decision taken, as I have seen myself over the years, we still provide access and innovation in ensuring that we continue to support the world's poorest across education and health outcomes.

The noble Lord, Lord Bruce, talked about our convening power. Let me give one example which I know a great deal about, as the Prime Minister's Special Representative On Preventing Sexual Violence In Conflict. When I launched the International Alliance on Preventing Sexual Violence in Conflict in October, it was promising and heartening to see the number of countries and organisations that joined up very quickly. It was not just “west against the rest” or “north against the south”; other countries, including Jordan and the UAE, also joined.

I would also say that, as we look at innovation, which was an emphasis of the White Paper, we are looking at enhanced partnerships with some of our

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key partners across the world. We have been signing memorandums of understanding with, for example, partners in the Gulf, on supporting development outcomes on the ground. As my right honourable friend the Development Minister said in the other place, we must leverage private sector finance, which is going to be a crucial part of being able to deliver some of the SDG frameworks. All noble Lords who are seized of development know that, currently, only about 15% of the SDGs are on track. Yes, we must do more and we must do better.

The noble Lord, Lord Collins, asked what the UK is doing to help heavily indebted countries. The White Paper sets out the continuous work of the UK Government to tackle unsustainable debt and make future debt more sustainable. It commits the UK to being a leading voice in the upcoming review of the World Bank and IMF debt sustainability framework for low-income countries. The Statement talked of the Bridgetown initiative, and making sure that the voices of vulnerable countries, whether they are impacted through poverty or directly by climate, are also heard. Again, I acknowledge the vital work being done among small and developing states. In practical terms, we have shown that, when it matters, the United Kingdom has stood by those countries being impacted. That is why, when the Covid pandemic struck, we looked at the issue of debt and at providing the kind of relief that was needed at that time.

The noble Lord, Lord Collins, also talked about funds not working and evidence for the OECD assertion on ODA. Of course, there is a wide range of modelling and information, and we looked at funds in the multilateral system vis-à-vis the bilateral system. We want to ensure that every penny spent is spent in the best possible way. I fully accept that, when it comes to issues of conflict and conflict zones around the world, as we are seeing currently in the Middle East, in Gaza, we need to embrace and leverage the equities of each country but also understand that the multilateral system and the agencies that work on the ground—in this case, UNRWA—need to be fully supported and strengthened so that they can deliver their vital work. We deal directly, at point, both with the senior individuals within those organisations and, importantly, those within country.

The noble Lord, Lord Collins—I nearly called him my noble friend, but as we are inside the Chamber I will not—called for UN Security Council reform and talked about the role of civil society. I agree with him. He knows that, within the UN Security Council, the United Kingdom has been among the leading countries calling for civil society representatives, so that we can hear directly from people involved with initiatives on the ground. It is not just us; there are others across the Security Council who want to hear those voices and, practically, their solutions to some of the issues we are facing. I have sat at the UN Security Council and chaired the meetings, and I have heard that directly.

That is why the importance of women and girls cannot be overstated. Frankly, we must do more, collectively. There has been much achieved but, when you look around the world today, you see that there is

an underrepresentation of women—their talent and expertise is still not being implemented. Within the UN framework, we have the Women Mediator Networks of different countries, but we are not deploying those effectively enough. As I have said before from the Dispatch Box, I have been speaking directly to Dame Barbara Woodward, our ambassador—and it is great to see that our last two ambassadors at the UN were women—about how we insert within UN Security Council resolutions aspects which embrace directly and leverage women's expertise and insights. The evidence suggests that, by doing this, conflicts can be prevented or stopped and that any peace agreements reached will be more sustainable. If conflict is led by many of the issues within the White Paper, that is one reason why we should focus on that.

On the issue of access to finance, again I totally agree with both noble Lords. We need to make access to finance easier, but that also means giving technical support where necessary. For climate-vulnerable states such as Vanuatu or Tuvalu—Commonwealth partners—it is not just the money; they need to know how to work the structures and systems, and we need to assist in that respect.

The issue of the “star chamber” was raised. It is valid that we have the Development Minister looking at ODA funding. The noble Lord alluded to domestic spend, but, while being within the rules, that spend is trying to help some of the most vulnerable who have come to the UK. Of course it has an impact on some of our programmes, but it also demonstrates our commitment to ensuring that those who come to the UK for protection are given the opportunities they need to build new lives.

Although it will not resolve in an instant some of the challenges we are facing around the world, I am confident that the White Paper presents a real example of inclusive engagement. That is why I said in the Statement, as my right honourable friend did in the other place, that it demonstrates this Government's inclusive approach. I have always said to those within your Lordships' House and beyond that we must leverage the expertise of all, and I fully recognise the expertise in your Lordships' House when it comes to issues of development. I was therefore delighted when my right honourable friend the Development Minister told me about the direct input from many noble Lords in putting forward this White Paper. As the noble Lord, Lord Bruce, said, it is a paper; it is now important that, working together, with all insights and expertise, we provide the hope and vision that is intended by the White Paper to help the most vulnerable around the world.

3.20 pm

Baroness D'Souza (CB): My Lords, I welcome very much the repeat of the Statement by the Minister. I return once again to the issue of educating girls in Afghanistan. Circumstances in Afghanistan at the moment require that we seek out unconventional methods of delivering education, and indeed unconventional partners. I wonder whether the Government would be able to commit to funding secret educational cluster classes, which are growing by the day in Afghanistan. At the moment, these exist as the only possible means

in most parts of the country for girls above the age of 11 to receive an education which will enable them to go on to tertiary education in Afghanistan at a future date, we hope, or abroad.

Lord Ahmad of Wimbledon (Con): My Lords, I recognise the noble Baroness's work in this area and I agree with her. The noble Baroness will know directly about my commitment, as the Minister responsible for the very objectives she has outlined. Notwithstanding the takeover by the Taliban, and even in advance of that when we had the Covid pandemic, the United Kingdom sustained important funding to teachers in Afghanistan, particularly those focused on girls' education. We have also continued to work, albeit at times discreetly, to protect those agencies delivering girls' education in certain regions of Afghanistan, through both funding and technical support. I agree with the noble Baroness about innovative ways of delivery. Ultimately, whether it is Afghanistan, the United Kingdom or any other country around the world, a country will succeed only when it harnesses the true potential of every one of its citizens. Ignoring 50% of the population is no way to achieve progress.

Baroness Blackstone (Lab): My Lords, I welcome a great deal about this White Paper, but there have been massive cuts to the development aid to advance women's sexual and reproductive rights, as far as their health is concerned, since the aid budget plummeted from 0.7% to 0.5% of gross national income. I note that the White Paper is going to extend work in this area, and the Minister has said a little about that. Can he say how and where this is going to happen, and how much extra funding is going to be available? Can he also say whether it is going to cover safe abortion, which he did not mention? Does the Minister think that funding from the private sector, which he and the White Paper emphasised, is going to provide any resources for this area?

Lord Ahmad of Wimbledon (Con): On all the questions that the noble Baroness raises, what we have first of all done in terms of framework, without going into the specifics of country, is that for all posts and departments within the FCDO, the commitment is that UK ODA will ensure the delivery of 80% commitment by considering women and girls in every element of their different programmes. The Foreign Secretary recently wrote to heads of mission on this specific point to ensure that submissions that are put back to the centre on business plans reflect that every post is committed to that particular element.

The noble Baroness also talked about sexual and reproductive health within our women and girls strategy. That is a specific objective and priority, and is a key component, again, within my work on preventing sexual violence in conflict. I can give the assurance that we have instructed and have been looking at programmes with that framework. As for some of the programmes in specific countries, if the noble Baroness has particular countries she wants to follow up on, I will of course highlight where we are able to work in these areas.

I would go as far as to say that there has been, at times, regression in this area of women and girls' rights all over the globe, including sometimes among people you would expect more from. Part of our job is not just to speak about it but to deliver some of these outcomes. Let us not forget also that some of these outcomes about safe abortion also have great barriers nationally, so we must find the right delivery partners to ensure that women who want to make choices of their own are able to do so in a safe environment. That is why it is important that we identify local partners who can deliver these outcomes, supported by UK financing and support.

Lord Herbert of South Downs (Con): My Lords, I draw attention to my roles as chair of the Global TB Caucus, the Global Equality Caucus and the Prime Minister's special envoy on LGBT Rights—all, I should say, unpaid. I very much welcome this White Paper and agree with those who have commended the work of my friend and colleague, Andrew Mitchell, in this area. I think it is an excellent White Paper.

The White Paper notes that progress on human rights around the world is now at risk, and that is certainly the case in relation to LGBT+ rights. Therefore, I welcome the Government's announcement yesterday of a new £40 million programme over five years to support LGBT organisations. That will make a real difference to human rights defenders on the ground.

The White Paper also notes that the sustainable development goals are almost all off track. That applies also to tuberculosis. Sustainable development goal 3.3 says that TB, along with other major diseases, will be beaten in just six years' time. At the current rate of progress, tuberculosis will be beaten in 100 years' time. It is now, once again, the world's deadliest infectious disease, which kills 1.5 million people a year. Some three out of five people with drug-resistant TB are still not being reached. Will the Government continue in their important work to beat this terrible disease, which is quite unnecessarily claiming so many lives?

Lord Ahmad of Wimbledon (Con): My Lords, I first acknowledge and thank my noble friend for his important work in this area. He mentioned the term "unpaid"; well, what more can I say?

My noble friend is also quite right to draw attention—I alluded to this in my response to the previous question—to the regressive nature of some of the challenges we are facing on the world stage, including in multilateral bodies. As the UK Minister for Human Rights, I can say that we have seen that taking place across the piece, whether on issues of women and girls, LGBT rights or access to fundamental services. It is therefore right that a country such as the United Kingdom, with other key countries, continues not only to advocate but to strengthen our resolve and support. Therefore, I am glad that my noble friend has also highlighted the new commitment we have made on the issue of supporting the LGBT community. I also recognise that, at times, that community comes under particular threat and challenge in different parts of the world, and that is why I feel that diplomacy and development—their joining together was alluded to, but I am not going to

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reflect on experience—are two arms that need to work very much together. Sometimes, it is the discreet diplomacy on quite sensitive issues, particularly across the human rights element, that allows us to unlock some support and indeed progress in these particular areas.

I assure my noble friend that we will remain very much committed on the issue of tuberculosis, which he mentioned, as well as malaria. We have world-class research, and we are working with key partners such as India, as I said at the Dispatch Box. We are delivering some of the essential vaccines which are needed, so that we do not see those diseases that used to spread as a plague on many parts of the world returning again. That needs resilience as well as ensuring support and innovation in research. The United Kingdom remains very much committed in that respect.

The Lord Bishop of Sheffield: My Lords, those of us on these Benches also welcome the Statement and the renewal of the UK's commitment to sustainable development set out in the White Paper. In particular, we welcome the proposal to permit pauses in scheduled debt repayments in situations of crisis due to conflict or extreme weather events. However, will the Government acknowledge that piecemeal pauses to debt repayments are bound to prove insufficient to enable the progress now urgently needed if we are to achieve the SDGs by 2030? Is not something more comprehensive now needed?

Lord Ahmad of Wimbledon (Con): The right reverend Prelate is right. Quite often, the way out of a particular current crisis for countries in the developing world is further excess debt. Sometimes the leverage for that debt is eye-watering in terms of the indebtedness over the length of time. That is why, when working on initiatives such as the Bridgetown initiative and on reforms with the multilateral development banks, we need to look at both the current situation as it is and the medium and long term. As we look at innovative ways of financing, including leveraging the private sector, we must ensure that we do so for a debt that is sustainable and ultimately payable. That is also why I mentioned BII—the innovation of what was the CDC—and seeing how we can leverage private finance for long-term debt servicing in a way that is achievable and sustainable for the country in question.

Baroness Armstrong of Hill Top (Lab): My Lords, I understand and welcome the White Paper, and I am very grateful to the Minister for continuing his enthusiasm for development. He will not be surprised that I will raise the issue of volunteering. We have lost so much ground by not having an effective volunteering programme that could be used as widely as it needs to be in the last few years, particularly having lost the youth international volunteering programme, so I welcome that the Government are now committed to doing one again. Does the Minister realise that the new volunteering programme now has to work with volunteers from the host countries? One of the joys of continuing to watch what VSO is doing in straitened circumstances with partners such as the AU is seeing the number of national volunteers working on precisely the programmes that the Government say are their priorities, including

women and girls, and building resilience in local communities to climate change. This is urgent, and I hope that, within the next two weeks—before we come to International Volunteer Day on 5 December—the Government can be clear about what we will do, and how much money we will work with, to build up that sort of volunteer programme in those countries that need huge numbers of young people to develop skills and leadership in the future?

Lord Ahmad of Wimbledon (Con): My Lords, I agree with the noble Baroness that we need to harness the true potential, power, experience and insight of volunteers. Quite often, when we are dealing with humanitarian situations on the ground—and I am sure noble Lords across the House will join me in paying tribute on this—we need those people who bring their expertise, whether that is of educational or medical outcomes or of dealing with human-led or natural disasters, in a way that provides some degree of hope. I note what the noble Baroness said particularly about harnessing youth talents; if nothing else, they bring greater energy and are probably speedier on their feet than many of us in your Lordships' House. But, equally, that youth energy needs to be delivered by investing in countries, and that is why I am pleased, for example, about the support that we will be providing in Africa—the noble Lord, Lord Bruce, also alluded to this. We are already doubling our ODA in Africa, and that provides a huge opportunity to work with people there. That is going, I think, from £646 million-odd to over £1.3 billion on spend, including on vulnerable states such as the DRC and Ethiopia, where I have seen directly, through engagement with the youth, the importance of harnessing that talent.

Lord Hannay of Chiswick (CB): My Lords, I hope the Minister will receive very warm commendation for Andrew Mitchell for his work in producing a much better focus, and a much better sense of overall policy-making in this area. He will from me, certainly. Having said that, the reality still is that it is a sadly diminished aid effort that we are making because of the cut from 0.7% to 0.5%. First, the Minister defended the diversion of large amounts of our aid budget to the Home Office to pay for Ukrainian refugees. Is the FCDO rigorously disciplining that so that the one-year cut-off, which is permissible, is applied strictly, so that this robbing of very poor Peters to pay Paul will go down to zero?

Secondly, I mention my pleasure at seeing a reference to remittances and to the Government's desire to clamp down on the appalling rip-offs that occurs in them, with 35% being taken off by some of the operators. My heart lifted, because this House actually recommended this action five years ago in a report on sub-Saharan Africa, and absolutely nothing has been done since then. Alas, when I looked at the paper to see what was going to be done now, there were just generalities, frankly, with no specifics. Surely we have national means of clamping down on this practice through our competition policy. If firms are getting 35% of remittances, they are doing so by monopoly practices. Could the Minister say something about how we are going to deal with this in specifics?

Lord Ahmad of Wimbledon (Con): First, as my right honourable friend said in the other place about the spend in support of those who are seeking security in the UK, I repeat that we will work—and have done so—within the rules, but I recognise that the rules are quite specific on how that spend should operate domestically. The robustness of our approach is perhaps underlined by my right honourable friend himself, with one of the leading Treasury Ministers, overseeing the Star Chamber, as it has been termed, on issues of development.

I agree with the noble Lord's second point, about remittances. I very much agree with the outcomes of that report on Western Sahara. It is an appalling state of affairs, where remittances provide important lifelines for many communities in different parts of the world, particularly vulnerable communities. The fact that over one-third is taken by operatives needs to be looked at. Yes, there are generalities in the White Paper and the specifics need to be looked at. I will take on board the noble Lord's suggestion and perhaps talk to my Treasury colleagues to see what measures can be taken, because ultimately one would love for 100% to go back—I fear that commissions will not allow for that—but 35%, well over one-third, is frankly not acceptable.

Lord Boateng (Lab): My Lords, I declare my interest as chairman of Water & Sanitation for the Urban Poor, a not-for-profit public/private partnership for that area of development. No one doubts that the Minister's heart is in this document, or that Andrew Mitchell's heart is in it too. What is clearly lacking is the specifics, the resources and a recognition that if we are to put girls' education at the heart of international development, girls need safe toilets in schools. If they are to attend school, girls require to know that, when they are having their periods, there is somewhere where they can go and get the benefits of decent and safe sanitation. The only reference I can find to sanitation in this document relates to avoiding public spending on sanitation. There is no way that the private sector will be able to deliver safe toilets to girls in schools. Will the Minister at least commit to meeting with WSUP and other organisations in the sector to see how we can have some practical policies again to create safe, decent toilets for girls in schools?

Lord Ahmad of Wimbledon (Con): The short answer to the noble Lord is yes, of course. Part of the intention of the White Paper is to lay out the thinking—the heart, as he alluded to. With the heart, however, comes both the soul and the mind. We want to be focused. The reality of the financing, according to our estimates, is something in the region of \$98 billion—the stock of private institutional capital, which could also be leveraged in this respect. This is not about leaving the private sector to deliver; it is about government frameworks leveraging the financing that we have through ODA and working with the private sector to deliver the priorities not only in the White Paper but in our international development strategy, which is very much focused on girls and the issue of safe spaces for them. Frankly, speaking as a father of a daughter, you know what? I get it.

Ukrainian Holodomor

Motion to Take Note

3.41 pm

Moved by Lord Risby

That this House takes note of the case for recognising the Ukrainian Holodomor as a genocide.

Lord Risby (Con): My Lords, during the 20th century and indeed even more latterly, the world has witnessed grotesque acts against fellow human beings but, as one analyses the intentions of Stalin in Ukraine in 1932 and 1933, a common continuing theme emerges. In the eyes of Russia, then and now, the essential intention was and is the destruction of Ukraine as a separate sovereign entity. President Putin has openly declared his belief that Ukraine is an artificial construct and that the country is really an extension of Russia.

I have been to Ukraine, including Crimea, many times, as the former long-standing chairman of the British Ukrainian Society. Ukrainians have their own distinct history, and their own language, culture and identity, which they are today fighting passionately to defend. Absolutely ingrained in their collective consciousness is the Holodomor, with current events highlighting this horrific historic event more than ever. At the end of this month Ukraine will be commemorating the 90th anniversary of the Holodomor, and indeed tomorrow I shall attend a special commemorative service in Westminster Abbey.

In my view today, restoring historical justice and honouring the memory of millions of innocent victims is more pressing than ever. The Holodomor was a manmade famine implemented by the communist leadership in Ukraine, but initiated and engineered by Joseph Stalin—and indeed the word “Holodomor” is derived from the Ukrainian words “death by hunger”. Estimates suggest that up to 10 million Ukrainians died. Ukraine is agriculturally very fertile, but at that time the country's self-sufficiency was deliberately wrecked by the confiscation of food. The food was then directed towards Soviet industrial centres and armed forces, to fill government grain reserves, and to be sold abroad. The rules were ruthlessly applied. A grain procurement quota for Ukraine was introduced at such a high level to make supply impossible—thus the deployment of brutal force, repression and total seizure of grain and grain reserves took place. There was specific targeting of district farms and communities, making it impossible for people to leave these areas, while implementing full confiscation of any foodstuffs and banning trading activities. Armed groups instituted constant searches to enforce all this. Family pets, dogs and cats were the first to suffer.

The depth of the dehumanisation reached grotesque levels. The ultimate goal of the resulting artificially induced famine was to break the spirits of independent Ukrainian farmers and force them into collectivisation. Not one single village could meet the impossible quota. Soviet law made it clear that no grain could be given to feed people until the quota was met. Of course people tried to hide food—driven overwhelmingly by the need to feed their starving children, above all—but Communist Party officials, aided by military troops

[LORD RISBY]

and secret police, ruthlessly sought out all possible hiding places. The result was indeed mass starvation. Desperate people sought to stay alive by eating tree bark, insects, weeds and leaves.

In August 1932, the Communist Party of the USSR introduced a law mandating the death penalty for what was designated “social property”—food, in other words. Some confiscated grain was exported to western markets. There are estimates that more than 3 million children born in 1932 and 1933 died of starvation. Some individuals tried to make their way to find work in urban areas to survive, but internal passports were introduced which stopped that. The military guarded the grain silos; horrifically, much food rotted. The winter corpses lined the roads. Mass graves were dug. Suicide was common. I dwell on the systematic and ruthless way in which that mass starvation was brought about simply because any ignorance of the full scale of the atrocities needs to be dispelled. For many, there is an echo of what happened then in the denial and confiscation of grain for political purposes that we witnessed after the invasion of Ukraine by Russia.

I have tried to describe graphically the horrors of 1932-33 in Ukraine and the grotesque system put in place to effect the inevitable outcome. Surely “genocide” is the only word that can describe what happened. The genocide convention is an international treaty that criminalises genocide and that has been unanimously adopted by the United Nations General Assembly. Article II of that convention defines genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”—specifically,

“killing members of the group ... causing serious bodily or mental harm to members of the group ... deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ... imposing measures intended to prevent births within the group ... forcibly transferring children of the group to another group”.

That aptly describes this unspeakable example of Soviet genocide, its longest and broadest experiment in Russification and, in so doing, the destruction of an independent nation.

It is worth noting that, for more than half a century, it was impossible to discuss this historic event openly. Indeed, under Stalin’s rule, even mentioning the famine carried the risk of execution or being sent to the gulag. Additionally, all evidence of the scale and true causes of the famine were hidden or fabricated. The statisticians who undertook the national census, which revealed the huge fall in the population, were killed. The Holodomor was written out of the Communist historical narrative; indeed, today, there is no specific recognition of this unique event in Russia.

In his book *Proletarian Journey*, Fred E Beal wrote:

“In 1933, I had occasion to call on Petrovsky, the President of the Ukrainian Soviet Republic ... I said ... ‘They say that five million people have died this year ... What are we going to tell them?’ ‘Tell them nothing!’ answered President Petrovsky. ‘What they say is true. We know that millions are dying. That is unfortunate, but the glorious future of the Soviet Union will justify that. Tell them nothing!’”

A considerable number of other countries have recognised the Holodomor as genocide, as well as states in the United States, whose role in defending and

protecting the territorial integrity of Ukraine in the current conflict is to be fulsomely applauded. I attended the Holodomor genocide memorial ceremony in Washington DC in November 2015. Since 2006, the Holodomor has been recognised as genocide, starting with Ukraine, 33 other UN member states and the European Parliament; indeed, the Pope supports it too.

The Holodomor was indeed a calculated act of terror. The question is clearly: why should our country recognise the Holodomor as genocide? Surely now is exactly the right time. It is a clear message that we do not tolerate such cruelty and injustice. It would be received with jubilation by the people of Ukraine, whose gratitude and admiration for us is heart-warming, as in many respects we have done more than any other European country in supporting Ukraine in its hour of need. Also, so endearingly, this would be so well received by all the Ukrainians who are permanently or temporarily living in this country.

During a debate in May in another place, the Under-Secretary of State at the Foreign, Commonwealth and Development office said that the Government’s policy was to ensure that genocide determination should remain above politics, lobbying and individual political and national interests. However, he made it clear that the Government recognise the horrific nature of the Holodomor saga. The Minister indicated that His Majesty’s Government would recognise the event as genocide only if it was recognised by a court—for example, the International Criminal Court, the International Court of Justice or national criminal courts that meet international standards of due process. He confirmed the United Kingdom as part of the G7’s core group of nations looking at what additional mechanisms might be required to work alongside the International Criminal Court when it comes to countering crimes in Ukraine. He said that this was work in progress, so I hope that my noble friend the Minister can update us about that. In consequence, our Government have officially recognised only five instances where genocide has occurred: acts of genocide against the Yazidi people, acts of genocide in Srebrenica, Rwanda and Cambodia, and the Holocaust between 1933 and 1945.

I am grateful to have secured this debate. Although the rule is normally that debates cannot deal with issues from more than 30 years ago, it has been made possible by the clear relevance of the dramatic events in Ukraine today. Finding a way to accept the Holodomor as genocide would be a tribute to, and a remembrance of, all its millions of victims, underlying the terrible truth of this mass starvation. The time for recognition is now.

3.52 pm

Lord Alton of Liverpool (CB): My Lords, the whole House is deeply indebted to the noble Lord, Lord Risby, for initiating today’s debate, for the way he introduced it and for the work that he has done for the people of Ukraine over so many years. In reinforcing his speech, I will divide my remarks into two parts—first, why the Holodomor matters in understanding events in Ukraine today and, secondly, why and how the determination of what is a genocide is an issue that still has to be resolved.

I first heard about the Holodomor when I visited Ukraine in 1989 with a small jubilee campaign delegation. I have never forgotten the sheer courage and determination of pro-democracy activists whom I met on the streets of Lviv as they risked their lives to throw off the shackles and chains of the Soviet Union. We met people whose family, in the preceding generation, had lost their lives in the Holodomor, Stalin's mass starvation of Ukraine—the man-made famine that convulsed Ukraine in 1932 and 1933. As Stalin replaced Ukraine's small farms with state-run collectives and punished independent-minded Ukrainians, the Holodomor—a combination of the Ukrainian words for “starvation” and “to inflict death”—led to millions of people dying. The writer Alex de Waal described the Holodomor as

“a hybrid ... of a famine caused by calamitous social-economic policies and one aimed at a particular population for repression or punishment”.

In Ukraine, I visited Greek Catholic churches that Stalin had closed 40 years earlier and where, every day, fresh flowers were defiantly left at the doors to replace the ones removed earlier by Soviet soldiers. Religious belief was violently repressed. I met courageous people, such as Bishop Pavlo Vasylyk and Ivan Gel, a politician and dissident, a member of the Ukrainian Helsinki group and the Ukrainian Christian Democratic Party. Between them, they had spent 17 and 18 years in the Soviet death camp at Perm. I met a young priest who as a punishment had been sent three years earlier to Chernobyl, without any protective clothing, to clear radioactive waste.

Those people wanted this story known, and I was grateful to the BBC and the *Independent* newspaper for enabling us to do so. Stories matter, not least the story of the Holodomor, because we forget too easily the price that has been paid for our liberties. The stories matter because they illustrate why, even as we meet here at Westminster, Ukrainians are fighting to the bitter end to protect their hard-won freedoms, and why they will resist Putin's attempts to resurrect a Russian empire, which ultimately means the death of their nation. They will resist his attempts to crush democratic rights and sovereignty, to roll the clock back and reverse the gains made across Europe with the fall of the Berlin Wall in 1989. Putin's deluded idea that these brave people would line the streets with flowers, cheering the new imperial occupation and the reconquest of their country, simply beggars belief.

Since Putin instigated his illegal war, under the obscene pretext of protecting people from genocide, I have often thought about the people I met then and since, and about the courage and bravery of Ukraine's anti-Soviet, faith-led, pro-democracy movement. I have often thought about the price of political progress and the illegal demonstrations I attended where Ukrainians, in their thousands, proudly held aloft their blue and yellow flags of defiance, and how religious freedom had been so violently repressed. As I have watched the consequences of Putin's orders to destroy vast acres of arable land and their crops, to prevent grain reaching hungry people in the developing world, especially Africa, and to abduct and remove Ukrainian children, I have thought back to the conversations I had 35 years ago about Stalin's Holodomor.

Stalin's Holodomor, like Putin's today, was an entirely manmade catastrophe, leading to anything from 3.5 million to 5 million deaths, or possibly the figure that the noble Lord, Lord Risby, gave the House: as many as 10 million. However, motive not numbers is the issue in determining genocide. I will come back to that later, but many historians regard this technically, formally and properly as a genocide. The Holodomor was methodically planned; it was executed by denying the producers of the food the sustenance necessary for survival. It seems especially cruel and perverse to have used food as a genocidal weapon in the breadbasket of Europe. As Ukrainians resorted to eating grass and acorns—even cats and dogs, as we have heard—Stalin banned any reference to famine. His “Five Stalks of Grain” decree stated that anyone, even a child, caught taking produce from a collective field could be shot or imprisoned for stealing socialist property. In 1933, 2,000 people were executed. While people were starving to death in the terror famine, the Soviet state stole over 4 million tonnes of Ukraine's grain, enough to meet the needs of 12 million people in a year.

In 1997, I founded the Roscoe lectures, a public lecture series hosted by Liverpool John Moores University, and in 2009 I invited the writer, Anne Applebaum, to give one of those lectures. It was entitled *Hitler and Stalin: the 20th Century's Cruellest Tyrants*. Subsequently, in 2018, she published her magnificent *Red Famine: Stalin's War on Ukraine*. In it, she says the famine launched by the Soviet leadership was

“a disaster specifically targeted at Ukraine and Ukrainians.”

In harrowing testimonies, we hear from Tetiana Pavlychka, who remembered that her sister Tamara

“had a large, swollen stomach, and her neck was long and thin like a bird's neck. People didn't look like people—they were more like starving ghosts.”

Applebaum quotes another survivor who remembered that his mother

“looked like a glass jar, filled with clear spring water. All her body that could be seen ... was see-through and filled with water, like a plastic bag.”

Following the collapse of the Soviet Union, Applebaum was able to access previously unseen archival material, which she says

“backs up the testimony of the survivors ... Starvation was the result ... of the forcible removal of food from people's homes; the roadblocks that prevented peasants from seeking work or food; the harsh rules of the blacklists imposed on farms and villages; the restrictions on barter and trade; and the vicious propaganda campaign designed to persuade Ukrainians to watch, unmoved, as their neighbours died of hunger.”

She cites extraordinary statistics, which graphically illustrate the scale of the deaths and the lives cut short—the noble Lord, Lord Risby, referred to this. Applebaum says that females born in Ukraine in 1933 “lived, on average, to be eight years old. Males born in 1933 could expect to live to the age of five.”

Such terrible experiences were within the living memory of some of those I met in 1989. Others had been told the stories by parents and grandparents, who had vowed never to forget and to use every sinew to struggle for a free Ukraine. Lest anyone imagine that such shocking experiences can easily be expunged or erased, as the son of a native Irish speaker, I can say that my mother told me the stories of the Irish famine

[LORD ALTON OF LIVERPOOL]

which had occurred 100 years earlier. The deaths and emigration of millions poisoned British-Irish relations for decades afterwards.

What memories are being made in Ukraine today? In addition to the daily bombing of civilians, the appropriation of Ukrainian territory and mass displacements, Putin is a mirror image of Stalin and he is committing food terrorism by purposefully destroying Ukraine's agricultural infrastructure and stealing Ukrainian grain and agricultural machinery. I initiated the debate about this in your Lordships' House on 21 July this year. Since then, we have seen vivid footage of his militias setting fire to fields, scorching the earth and reducing crops to ash. There have been reports from eastern Ukraine of people drinking water from radiators and puddles, and even killing and cooking stray dogs to avoid starvation, as we have heard.

It is clear why memories of the past are so relevant in the present, yet most people in Britain have never heard of the Holodomor and that should not be the case. That the crime was committed by a communist regime does not make it any less bad than a crime committed by a Nazi regime.

I commend James Bartholomew of the Foundation for the History of Totalitarianism, which has been working to make the Holodomor better known. It has created a school assembly plan and two lesson plans, all of which are free to download from its website. It has actively promoted these resources to schools. It also recently produced a booklet on the subject and metal lapel badges. It held a competition to design a candleholder with "Holodomor" clearly displayed, so that on the appropriate day people can place a candle in their front window and passers-by will know why. The Holodomor should find more of a place in the national curriculum or the exams set by the various exam boards. I hope the Minister will comment on that proposal when he replies.

The noble Lord, Lord Risby, alluded to a second matter, which I also want to raise. Last year, Dr Ewelina Ochab and I published *State Responses to Crimes of Genocide*. I gave a copy to the Minister, as it challenges the long-standing policy of the FCDO on the determination of what is and is not a genocide. It builds on the all-party amendments passed by this House with three-figure majorities, and Private Members' Bills, the fifth and latest of which has just been selected again in this year's ballot for new Bills. I am particularly pleased to see my noble and learned friend Lord Hope of Craighead in the Chamber, because his expertise and knowledge was enormously helpful in framing the amendments to the Trade Bill.

Two recent Prime Ministers agreed with us that the determination should be made by the High Court of England and Wales, not by politicians. The FCDO prevented that change, while trotting out the repeated line that only a court could decide, knowing that no court is in a position to do so. A former Minister and Member of this House told me that it is a deliberate sleight of hand.

In the case of the Holodomor, the Canadian Government, Australian Parliament, United States Congress and others listed in the excellent House of

Lords note for this debate labelled the Holodomor as a genocide by Stalin's Soviet regime. In November 2022, the German Federal Parliament passed a resolution put forward by the parties of its coalition Government declaring the Holodomor a genocide, as did the European Parliament in December 2022.

As we heard from the noble Lord, Lord Risby, during a House of Commons debate in May, Leo Docherty MP, a Minister at the FCDO, said that the UK Government's policy would ensure that genocide determinations remain

"above politics, above lobbying and above individual, political or national interests".—[*Official Report*, Commons, 25/05/23; col. 518.]

In reality, however, the refusal to allow the English courts to make this decision means that genocide determination remains entirely political and subject to all the things that Mr Docherty says he opposes. It is an illusionist's conjuring trick worthy of Houdini. The new Foreign Secretary has the chance to put this right. Of course, the Chinese, who refuse even to allow a debate about reports concerning Uighurs at the UN, might not like it.

The Holodomor, like the Armenian genocide, which is also unrecognised by the FCDO, was about the targeting of a specific group of people. Ukrainians were subjected to mass starvation, exile and displacement, were sent to gulags and suffered grievously. This Soviet genocide was of a piece with other communist genocide in Mao's China and Pol Pot's Cambodia. As we watch the crime of starvation waged against the Ukrainians right now, we need to recollect that this is not the first time that this crime has been committed against them.

I draw the Minister's attention to the following, from Dr Ochab:

"A newly published investigation of the Starvation Mobile Justice Team, a team of experts supporting the work of Ukraine's Office of the Prosecutor General, has revealed evidence of starvation tactics used by Russian soldiers. As they said, the techniques were 'designed to break the Ukrainian people.' Their findings, published on June 2, 2023, indicate that they collected credible evidence of numerous incidents recorded in Chernihiv that help to establish a track record of 'repeated and/or coordinated attacks resulting in objects indispensable to the survival of the civilian population being targeted'".

Global Rights Compliance has called for the prosecution of the crime of starvation and says that it is crucial to explore the crime of starvation against the definition of genocide in Article II of the genocide convention. Is the Foreign Office involved in helping to do that? Global Rights Compliance says that

"mass starvation has long been described as a 'societal torture'"

and that

"when directed against—in the case of Ukraine—a national group, the concerted attack on the very foundation and fabric of such groups can be indicative of genocidal intent".

To end, recognising past and present genocides for what they are is a step to ensuring justice and accountability and a step towards deterring and preventing future genocides—a word which itself means the breaking of the human family, the crime above all crimes. That is why this initiative from the noble Lord, Lord Risby, is so important and so welcome.

4.06 pm

Lord Stoneham of Droxford (LD): My Lords, I thank the noble Lord, Lord Risby, for initiating this debate and for a brilliant, concise and clear statement of the case. It is always slightly difficult to follow the noble Lord, Lord Alton: as noble Lords know, he prepares extremely well, so you are always worried that he has used most of the arguments that could be thought of in a debate such as this. But I am very pleased to join him.

I carry with me the apologies of my noble friend Lord Purvis, who would have been here but is on a parliamentary delegation to the Falklands. I very much hope that he comes back with the rest of the delegation and that they are not the first line of defence against the new Argentinian President. I am not simply standing in for my noble friend: I have had a long-term interest in Russian economic history, which was one of the formative studies of my life that made me a social democrat—even before being a Liberal Democrat.

As we start this debate, it pays us all to think of the families in our country who have done so much over the last year to look after families from Ukraine. I know a number in Winchester and where I live. It is a remarkable tribute to those families that they have done that, and, if I may say so, to the Government for the firm support that they have given, consistently with the rest of the country, to the people of Ukraine.

The war has revived the names of Kyiv, Kharkiv and Odesa, which all featured so closely in the story of the famine of the 1930s. It is a fact that so much of the current situation in Ukraine stems from that experience of the 1930s and of Soviet colonialism. The noble Lord has already mentioned Anne Applebaum's writing. She talked in her 2018 book about the consequences of that experience in Ukraine. It allowed or encouraged a tolerance of corruption; it caused a great wariness of state institutions, even democratic ones; and she even talked, slightly surprisingly, about what she called the "political passivity" of Ukraine as a result of that experience. If she were writing now, I would hope that she might have a slightly different view about that since February 2022.

The other quite interesting aspect of recent history is obviously Russia's attempt to systematically eliminate diversity, language and culture in Ukraine in the 1930s. It is a sequitur of that that Russians still see Ukraine not as a separate state but as part of their own nation.

We have not mentioned this, but the inventor of the word genocide comes from the Polish-Jewish Ukrainian city of Lviv—Raphael Lemkin. I will have a little bit more to say about him in a moment, because I think it is relevant to the story.

First, I will make a few points about the famine. There is no doubt that it was the breakdown in the system of the mixed economy that the Soviet Union was experimenting with in the 1920s that led to the full state industrial policy of the late 1920s and the need for wheat exports to feed the growing urban population in the Soviet Union and also to provide revenue from exports for its industrialisation. Ukraine was probably the most advanced agricultural area in the Soviet Union at that time, but it was also the most difficult

for Stalin. Modernisation and collectivism would stimulate, inevitably, resistance from peasant communities and stir national sentiments—which is exactly what happened. The remarkable thing is that, and I think this was mentioned in an earlier speech, there were sufficient exports of grain going out of the Soviet Union that could have fed 5 million—the noble Lord talked about 12 million—and would have been enough to stop the starvation of the 4 million or so people who are said to have died.

We must remember that the 1930s was not a world of mechanised, computerised combine harvesters and even fertilisers. Land was largely manually farmed. Livestock was important for providing transport and movement. The central planners in Moscow had little appreciation of the importance of climate for individual harvests, or that crop yields did not necessarily rise year on year. The skills, motivation and knowledge of the kulaks were not replicated, as they were deported and extinguished by the Communist Party purges. Once the rural rhythm of rotation of crops, providing fodder for livestock and fertilising the ground with animal manure was upset, poor harvests followed and famine was a result. Soviet planners became more frustrated and, with the peasantry alienated from the collectivisation system, the result was that the Soviet authorities sought to impose their will through unrealistic quotas, deportation, resettlement, travel restrictions and purges on farms and villages.

Paralleling this were the purges not just of rural areas but of party officials in Ukraine and of the energetic cultural leaders of the country who were questioning the policy of the Soviet state and were likely to cause trouble to Stalin. The crackdown on the so-called hoarding of grain by the peasantry diminished stocks for the human population and for the animals needed to provide movement, traction and transport. One of the saddest stories is the 200,000 registered arrests—there were probably more—for gleaning grain from the harvests in the fields. It is like the miners going through the coal tips in the General Strike.

The forcible removal of food from people's homes followed the ill-fated decree by Molotov and Stalin in 1932. Those very names send a chill through one's back. In the next 12 months, millions died. Some died even when the spring crops came—people starved because their bodies were overwhelmed by the availability of this food, just like the inmates initially experienced in the concentration camps at the end of the war.

Was it genocide? Here I return to Raphael Lemkin, because, by the narrow definition of genocide agreed by the UN after the war, under the Soviet influence, it is not strictly genocide. This is one of our problems. However, Lemkin himself, who coined the term genocide, said in an essay in 1953, *Soviet Genocide in Ukraine*, that the USSR attacked Ukrainian elites precisely because they were

"small and therefore easily eliminated, and so it is upon these groups particularly that the full force of the Soviet axe has fallen, with its familiar tools of mass murder, deportation and forced labour, exile and starvation".

We know that, after the war, the Soviets wanted to have a narrow definition of genocide because of their own culpability. This came to mean the physical elimination of an entire ethnic group in a manner

[LORD STONEHAM OF DROXFORD]

similar to the Holocaust. The definition that is used legally for genocide is quite narrow, and the Holodomor does not actually meet this interpretation: it did not eliminate every Ukrainian. Sadly, we also have to accept that some Ukrainians were complicit in the Soviet actions. It is not surprising that the Soviets stopped the wider definition that could have applied.

Anne Applebaum notes that, during this part of the century, since the opening up of Ukraine and Russia, there had been quite a push to get people to recognise the famine in Ukraine in the 1930s as genocide. In 2018, she said that she thought it had probably had its moment and that the attempts had not got very far. She would almost certainly think very differently now. The current war has revived the concept that we should refer to this as genocide. As speakers have already said, it is important to the Ukrainian narrative, and to avoid its assimilation back into Russia, that we revive this concept. Russia's complicity at the end of the Second World War in its defining of the word genocide makes an even stronger case for us to look at this definition again. I ask the Minister: can the British Government provide a lead now? If they cannot recognise it immediately, can they start discussions so that we can look again at whether the term genocide can apply to the Ukraine famine, as so many other countries have started to do?

There are two other conclusions to draw from this history and the relevance of today. One is that state power has to be subject to democratic checks and balances. A democracy is very complex and it is not always a straight line, but it is incredibly important where state power can create these sorts of tragedies. Ukraine will need a huge amount of help, both economically and politically, to strengthen these checks and balances. That is one of the problems of its history. However, when we look back on that history I hope we will challenge ourselves to ensure that it never happens again.

I have one final thought. The incredible realisation from going through the story is the question of how Putin ever thought he could easily overcome Ukraine and then rule it. He might have been successful in the short term but in the long term it would have been impossible. With Ukraine's history, culture, language and resilience, which it is now showing, it would have resisted, as it did in the 1930s and as it will in the future. We wish Ukraine well. I hope we can give an encouraging sign by seeking to move this debate onwards.

4.19 pm

Lord Collins of Highbury (Lab): My Lords, I thank the noble Lord, Lord Risby, for initiating this debate. The consensus and resolve across this House, and the commitment of the United Kingdom more broadly to support Ukraine, is driving back Russia's barbarous war machine. It has never been needed so much as today. The war in Ukraine is, of course, entering a critical stage. Freedom must win out over tyranny, and Putin's aggression must fail. As Ukrainians continue to defend themselves and prepare for the critical offensives they have been launching, it is crucial that they know that nations around the world will support their fight without wavering. I know the Minister has heard me

say this before, but the Opposition are at one with the Government in giving firm support to Ukraine for as long as it takes.

We will continue to support Ukraine's brave defenders and its people in their quest for freedom, peace and justice. That is absolutely essential. In the light of this debate, we must also continue to reflect on the immense historical suffering that Ukraine has endured, as well as the remarkable courage and resilience of its people and the progress that has been made over the years, which has sadly been pushed back in so many areas by Russia's barbarism. This debate has brought home the fact that today's illegal and cruel war comes after a history of Ukraine being subjected to immense brutality, especially in the terrible events of the Holodomor: one of the most atrocious instances of man-made famine in European history and which, as we have heard from all noble Lords, culminated in the deaths of millions of people.

The National Museum of the Holodomor-Genocide in Kyiv contains evidence that is incredibly moving and shocking. Everybody should recognise the reality of what happened to the Ukrainian people. It is very sad that some of the exhibits in that museum have been removed for safety reasons because of the current conflict.

It is clear that Stalin's role in catalysing enforced, man-made, widespread starvation, particularly in 1932 and 1933, understandably and rightly lives on in the Ukrainian national psyche and among Ukrainians worldwide. The barbarism we saw 90 years ago carries as much salience today as ever, particularly given what we have seen since. It is a tragedy that today we can again hear terrible stories of atrocities being committed. As with the war today, there was a clear perpetrator behind the famine. Stalin's motivation to transform and mould the Ukrainian nation in his own image at any cost is mirrored in Putin's warped, imperialist world view, the consequences of which continue to devastate the lives of Ukrainians.

A great deal of what we know about the Holodomor came to us thanks to the bravery of a Welshman called Gareth Jones. Certainly, I think many noble Lords in the Chamber will have heard of Gareth from the excellent and moving feature film from 2019 called "Mr Jones". Of course, many noble Lords will be aware that it is suspected that he was murdered by the Soviet NKVD in 1935. So little changes, of course.

In a letter to David Lloyd George, the then British Prime Minister, Jones wrote:

"Dear Mr. Lloyd George, I have just arrived from Russia, where I found the situation disastrous. The Five Year Plan has been a complete disaster in that it has ... brought famine to every part of the country. I tramped alone for several days through a part of the Ukraine, sleeping in peasants' huts. I spoke with a large number of workers, among whom unemployment is rapidly growing. I discussed the situation with almost every British, German and American expert ... The situation is so grave, so much worse than in 1921".

Of course, Jones defied Soviet attempts to censor him and reported the truth of the Holodomor to millions. In another echo of history, the Kremlin continued to deny the existence of the famine and launched a mendacious campaign against Gareth Jones, trying to silence him. But it could not.

The parallels with today are striking. Journalists, correspondents and reporters from many countries, not least Ukraine itself, are putting themselves in danger to expose the true extent of Russia's barbarism and war crimes. We have seen concerted attempts by Russia to lie about food supplies to the rest of the world and weaponise them. In a dreadful parallel of the way it used food as a weapon of war in the Holodomor, it is now doing so with the rest of the world. As I know the Minister has responded to, the impact on Africa in particular could be horrendous.

I hope the Minister will be able to update the House on the steps being taken to support the rebuilding of Ukraine, particularly its agricultural capacity and ability to thrive economically in the future. June's reconstruction conference represented a critical moment in our support for Ukraine and the diplomatic coalition trying to achieve that. The Minister has heard me say this before, but I will repeat it: one area that was missing from the King's Speech, given the Motion that was passed unanimously by the Commons, is legislation on the seizure of Russian state assets to repurpose them for reconstruction in Ukraine. The Commons Motion was for legislation to be passed in 90 days, and the King's Speech would have been an apt opportunity, albeit a little late, to reassert the Government's plans for that. I hope that the Minister will be able to give us some positive news on what we will do to repurpose those state assets and to hold Russia's Government and leader to account for what they have been doing.

Historically and today, the price that Ukrainians have had to pay for their freedom is immense. The events of 90 years ago are an anguishing and chilling reminder of the consequences when tyranny runs without constraint and imperialism without restriction. We are tragically unable to undo the horrors of 90 years ago, but we can and we must, as the noble Lord, Lord Alton, so eloquently put, take resolute steps to prevent them happening again today.

Given the comments that have been made today, I have a fundamental question, and I suspect I know what the answer will be. It is clear that these were appalling historic atrocities in the Holodomor and that they deserve proper recognition. As we have heard, on 25 May, the Commons resolved:

"That this House believes that the Holodomor was a genocide against the Ukrainian people".—[*Official Report*, Commons, 25/5/23; col. 520.]

I hope the Minister can tell us the Government's response to the elected Chamber and this debate. I am sure that the Minister will repeat the legal defence that the department makes, but this is a political issue and something that we need to respond to. It is the wish of the House of Commons, and I hope that the Minister will be able to respond positively this afternoon.

4.29 pm

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, first, I am grateful to my noble friend Lord Risby for securing this debate and maintaining a spotlight on the horrors inflicted on the Ukrainian people during the Holodomor. As all noble Lords have alluded to, who would have thought that the tragedy from that time, death by hunger, would be a

reality not just for people in Ukraine but—because of Russia's actions in Ukraine, the food basket of Europe, and the impact on food security—for half a billion people around the world today in 2023?

I recognise that this has been a short and limited debate in terms of contributions. That does not take away from the quality and depth of the contributions made. I of course welcome the noble Lord, Lord Stoneham, to his role. He said in his opening remarks that he would be more than just a stand-in for the noble Lord, Lord Purvis, and his contribution demonstrated just that. I recognised much of the insight and details he has brought to this debate. He mentioned that he followed the noble Lord, Lord Alton, who comes very well prepared. I agree, but the noble Lord, Lord Alton, is not just well prepared; he knows the subject of human rights and issues of genocide inside out, if I could put it that way. I share the noble Lord's comments and also recognise the experience the noble Lord, Lord Alton, brings, along with the expert way my noble friend Lord Risby introduced the debate.

I agree with noble Lords that we must never stop learning from those events, nor allow the millions who perished to be forgotten. Therefore, when my right honourable friend the Prime Minister visited Ukraine, he lit a candle in memory of those who lost their lives in that awful event. There is universal agreement that the Holodomor was one of the darkest chapters in Ukrainian and European history. As my noble friend Lord Risby said, it was a vast and horrific man-made disaster that killed millions of innocent women, children and men.

The calls that I have heard again today from my noble friend and all noble Lords on the issue of genocide determination are wholly understandable. However, as the noble Lord, Lord Collins, pre-empted, my response reflects the fact that the Government's position on genocide determination has not changed: it remains legal rather than political. The Government's long-standing position—indeed, the position of successive Governments—has been that any judgment on whether genocide has or has not occurred is a matter for a competent court, after consideration of all the evidence. The approach also ensures, I would add, that our genocide determinations are independent of politics and above perceived political or national interest. It is my belief that it also allows, importantly, for legal legitimacy and underpinning.

The noble Lord, Lord Alton, asked various questions. Having done various debates in this respect, and particularly when we were looking at the Trade Bill, for example, I would say that progress has been made on this issue, at least on certain elements, though not in terms of this particular issue. Looking forward, some of the trade elements and the scrutiny of Parliament, which the noble Lord, Lord Collins, also spoke to, are important parts of holding a Government accountable as well.

I assure noble Lords that, notwithstanding what I have just said, it does not detract from our recognition of the appalling events of the Holodomor, nor from our recognition of the brutality, which the noble Lord, Lord Stoneham, among others, talked about, of Stalin's policies and regime. Nor does it in any way dilute our

[LORD AHMAD OF WIMBLEDON]

determination to remember the victims of the Holodomor, as my right honourable friend did in his visit. Our ambassador in Ukraine and other members of our diplomatic team regularly participate in events to commemorate those tragic events. Today, we stand firm in our support for Ukrainians, amid the current appalling atrocities committed against them by the regime in Moscow, as Mr Putin continues to wage his illegal war.

The noble Lord, Lord Alton, mentioned various studies, including one, if I heard him correctly, to which he also contributed. If I may, I have not had a chance to look through all of that, but I promise I will write to the noble Lord on the specifics of that report. It is true—I agree with all noble Lords who have spoken—that in the current invasion of Ukraine, which, let us not forget, started back in 2014, Russian forces have now killed thousands of Ukrainians. My noble friend Lord Risby is right that, since the full-scale invasion, it has impacted the whole of Ukraine's population: 50% of Ukraine's pre-war population, a total of 21 million people, have needed humanitarian assistance, either inside or outside Ukraine. Russian forces have attacked Ukrainian hospitals, schools and energy supplies and turned towns and cities into ruins.

In the areas of Ukraine liberated from Russian forces, they have tragically, as has been discovered, left mass graves. There is also, as I am acutely aware from my responsibility in leading on the issue of preventing sexual violence in conflict, evidence of rape and torture on a quite unimaginable scale. Last week, we invited noble Lords to the FCDO to hear first-hand testimony from Ukrainian survivors of Russian atrocities. I put on record my thanks to the Ukrainian NGOs SaveUkraine and Human Rights Centre ZMINA for the support they gave to four witnesses who shared their experiences. That is what is guiding us in our current approach to this conflict. I acknowledge once again the point made by the noble Lord, Lord Collins, which I know was appreciated by my noble friend Lord Cameron, about the full alignment of His Majesty's Opposition on the issue of our support for Ukraine, be it military, humanitarian, political or diplomatic, and of course on accountability, which I will come on to.

I think we are all agreed—and we have seen the issuing of warrants to that effect from the ICC—that there is one person who is ultimately responsible for the suffering of millions of Ukrainian, and that is of course Vladimir Putin. Since the beginning of Russia's full-scale invasion on 24 February 2022, there have been more than 250,000 casualties. As we speak, Russia is mounting its third wave of attacks on Avdiivka and again continues to flounder, at horrendous cost not just to Ukrainian lives but to Russian lives as well. It is very clear that Mr Putin has launched and started a war he cannot win. As winter approaches, I assure noble Lords that we continue to stand with the Ukrainian people as they resist this illegal invasion. In the last three months, they have pushed Russia back in the Black Sea and are opening vital sea trade routes for the Ukrainian economy and global food supplies.

I am sure noble Lords agree that Russia has faced a more united international response than it ever imagined. We will continue to work with our allies to ensure that

Ukraine gets the support it needs in this war against Russian aggression, secure a lasting peace and, importantly, bring to justice those responsible for war crimes and atrocities, in accordance with international law. In this regard, the UK is at the forefront of international support for Ukraine. Our military, humanitarian and economic support now amounts to over £9.3 billion. Last week, it was right that my noble friend Lord Cameron travelled to Kyiv, in his first overseas visit as Foreign Secretary, to make clear to the people and the President of Ukraine, through the direct insights he gained, that the UK and our partners will support Ukraine and its people for as long as it takes. Again, we have seen that message resonate in this important debate today.

Last week, my noble friend the Foreign Secretary also launched the new Unity facility between the UK insurer Marsh McLennan and the Ukrainian Government. This will also provide further support to the Ukrainians and provide affordable shipping insurance for grain and other food supplies from Ukraine's Black Sea ports. Seeing how topical this issue of hunger is, from the abhorrent events we saw in Ukraine many years ago, it is right that we seek to use innovative tools to ensure that grain and other food supplies from Ukraine's Black Sea ports can be assured. This past Monday we also hosted an international conference on alleviating global hunger, and I know that several noble Lords, including the noble Lord, Lord Collins, were present.

I will talk briefly about war crimes and genocide determination. While I have outlined once again the Government's position, I also want to highlight what we are currently doing. We are looking to the future and delivering justice for the Ukrainian people. In this regard, as noble Lords will be aware, we are supporting the office of Ukraine's prosecutor-general to help them investigate and prosecute alleged war crimes. Alongside the EU and the US, we have established the Atrocity Crimes Advisory Group to co-ordinate international support to Ukraine's war crimes investigations. As I have already mentioned, we welcome the step taken by the International Criminal Court to hold those at the top of the Russian regime to account, including Mr Putin. Noble Lords may be aware that in March we co-hosted, alongside the Netherlands, a Justice Ministers' conference in London, which delivered enhanced financial, practical and technical support for the ICC's investigations in Ukraine.

In May, the Prime Minister and other Council of Europe leaders signed an agreement in Iceland to create an international register of damage caused by Russian aggression against Ukraine. As part of that delegation, I saw again the strength of unity and support for Ukraine. The United Kingdom has now joined a core group of countries to explore options to investigate and prosecute the crimes of aggression committed in and against Ukraine, including a potential special tribunal.

We are also determined, as the noble Lord, Lord Collins, mentioned, that Ukraine has all the resources it needs to get back on its feet. It is a proud nation, with people rich in their outlook. We hosted the Ukrainian Recovery Conference in June, raising over \$60 billion towards Ukraine's recovery and

reconstruction. This included £3 billion of UK guarantees to the World Bank's lending, up to £250 million on new capital for British international investment, a £20 million UK investment to expand insurance for Ukraine and a new €50 billion EU facility. We are also helping to draw up more risk insurance schemes with European partners, which will provide the UK and other countries with the reassurance they need to play a full role in helping Ukraine to rebuild. The private sector has an important role and our summer conference reflected that.

To conclude, I thank my noble friend Lord Risby, who plays a very able role in supporting Ukraine—I regret that I was unable to join him recently for a dinner in this respect—not just for tabling this debate but in looking forward to focus on what can be done with Ukrainians on the ground, and businesses in particular. Turning to the key subject in front of us, the Holodomor and Russia's full-scale invasion of Ukraine are two of the darkest chapters in Ukraine's history. While our stance remains that any determination of genocide must be made by the courts, as I have mentioned, that does not detract from our recognition of the Holodomor as the most appalling chapter in the history of Ukraine, which resonates today—once again—in the shadow of Russia's aggression.

The United Kingdom is at the forefront of an alliance that will help Ukraine prevail over Mr Putin's forces. We are helping the Ukrainian and International Criminal Court investigators to bring those responsible for appalling acts of brutality to justice, and we share Ukraine's determination that Russia's illegal war there must fail and justice must be done. As President Zelensky said in May in the Hague:

“There can be no peace without justice”.

Our desire for Ukraine to prevail, and for justice to prevail, remains something that unites us across your Lordships' House. I remain confident that it will continue to do so and that we will continue to stand up for what is right. Slava Ukraini.

4.43 pm

Lord Risby (Con): My Lords, I thank all those noble Lords who have spoken this afternoon. I start with the noble Lord, Lord Alton, whose instinctive humanitarian feelings always resonate so incredibly powerfully in this Chamber. His experience of Ukraine and what he saw and understood was such a powerful message of support for the country, for all the right reasons.

I also thank the noble Lord, Lord Stoneham, who brings a considerable understanding of the Soviet system and its history. I thought his contribution was excellent in so many ways, although I would just very gently and politely mention, if I may, that there is a genocide convention. There is something which has been incorporated into the United Nations, and of course many countries, in addition to the European Parliament, have accepted the definition of genocide. It is up and running and I am sure that other countries will pursue it.

As for the comments from the noble Lord, Lord Collins, it is just so gratifying that in our Parliament, we have exactly the same view about the horror story that has descended on the Ukrainian people, echoing the barbarity that happened in the 1930s. However, the question politely posed by the noble Lord, given the views that have been forcefully expressed in another place, has an echo which requires closer thought by our Government at this time. I say to my noble friend the Minister, who, I know, is just part of the incredible committal of our country towards helping Ukraine: it is so gratifying to hear all the measures that are being put in place to deal with what happens post-conflict, not only in restoring the economy but in taking action against those who brought this brutality about. It is very gratifying indeed.

I thank all of your Lordships for their very valuable contributions. This has been an excellent moment to reflect on the parallel between what is happening today and what happened in those dreadful years ago.

Motion agreed.

House adjourned at 4.46 pm.

Grand Committee

Thursday 23 November 2023

Food and Biological Security: Agricultural Fungicide

Question for Short Debate

1 pm

Asked by **Baroness Bennett of Manor Castle**

To ask His Majesty's Government what assessment they have made of how the United Kingdom's current agricultural fungicide use will affect long-term food and biological security.

Baroness Bennett of Manor Castle (GP): My Lords, I am grateful to those who have joined this debate, to the Library for its excellent briefing and to the University of Manchester and the British Society for Antimicrobial Chemotherapy among others who have prepared additional material on a subject that may at first appear niche and specialist. I hope that by the end of this debate it will be much more familiar to this Committee and far beyond, with its status lifted up in Defra's and the Department of Health's agenda. I must also thank my BSAC intern, Lorna Flintham, who has played a major part in my preparations for today.

The severity and widespread impact of fungal disease and fungicide use are often greatly overlooked. Annually more than 150 million severe cases of human fungal infections occur worldwide, resulting in about 1.7 million deaths a year. Many of those deaths are because the drugs that once worked to cure now work no longer because the fungi are resistant. That is not solely or even primarily because of medical use of drugs.

First, I shall make a quick distinction. Antifungals are human medicines used to treat fungal infections; fungicides are pesticides used to treat and prevent fungal plant infections, particularly in food crops. Some 4,000 tonnes of fungicide are sprayed on arable crops annually, accounting for 38% of pesticide use. They are not used without reason. The Irish potato famine, African wheat blight and the way our world coffee industry now sits in South America, and not where it originated in south Asia, are all the result of fungi defeating human efforts. The problem is what these fungicides are doing to our environment, food security and biosecurity.

First, there is their direct killing action. To date no policy document has shown an appreciation of the state of the UK's soil microbiosphere and how it is being affected by biocides such as fungicides. We benefit hugely from mycorrhizal fungi and, indeed, many other fungi that break down materials that would otherwise literally cover our planet, but they are being eradicated by indiscriminate fungicide use in industrial agriculture in what is being termed a large microbial extinction event. Not only is this destroying environmental biodiversity but soils depleted of these microbes have lower crop yields. Some 80% of our

food is dependent on plants. Lower crop yields will push food security and supermarket prices only one way.

Then there is cross-resistance. Most fungi exposed to fungicides in a crop field will die, but some will survive and become inherently resistant to the fungicide due to natural selection. The fungicide will also stop working in the field. The key issue is that the fungicides that fungi are resistant to are extremely similar chemically to the antifungals we rely on to treat patients in healthcare. By developing resistance to fungicides, these fungi also develop cross-resistance to clinical antifungals. More and more patients are coming forward with resistant fungal infections that healthcare providers simply cannot treat.

Fungal diseases affect more than 1 billion people every year. For those billion people, antifungals are indispensable tools in fighting infection. Development of treatments for fungal diseases in humans is intrinsically more challenging than agricultural fungicides due to the shared characteristics of human and fungal cells—that is, it is very challenging to eradicate a fungal cell without also damaging the host, and therefore the utmost care must be taken to produce and protect effective antifungal drugs.

A new emerging antifungal drug, Olorofim, has been effectively trialled in the treatment of aspergillosis, a highly debilitating fungal lung infection with a 30% to 50% death rate even when the strain is not resistant to medication, which 20% of cases are. Olorofim could make a real difference to the patient population, but there is a big problem: its efficacy is threatened by ipfluenoquin, a newly developed agricultural fungicide. These two drugs use the same mechanism of action to kill fungi, a big problem considering cross-resistance and the spread of resistance from our fields to our hospitals. As a government priority, the approval of ipfluenoquin for use in agriculture and other commercial sectors should be paused pending further investigation into the cross-resistance risk. I hope the Minister, to whom I have given prior notice of all the questions in this speech, will be able to directly respond on that issue.

We should not allow the approval of a pesticide that could undermine decades of antifungal drug development and risk the well-being—the life—of thousands of patients who could benefit from it. There is an opportunity here to truly benefit physically vulnerable people, which most of the affected patients are, who are absolutely reliant on this new breakthrough medication, which is a spin-out from University of Manchester research.

Further, the Government need to assess the feasibility of ring-fencing certain mechanisms of action for human antifungals. Ring-fencing could prevent the fungi in our environment being exposed to similar chemicals that we use to treat fungal disease in healthcare, ultimately safeguarding effective antifungals for the future. In addition, to promote the safe deployment of novel fungicides, regulators should introduce new criteria when approving antifungal compounds for commercial use. Are the Government looking at that?

Our infrastructure could greatly benefit from developing a risk management framework to evaluate the likelihood of cross-resistance emerging between new agricultural

[BARONESS BENNETT OF MANOR CASTLE] antifungals and existing clinical agents before they are approved for use. This is a genie that, once out of the bottle, cannot be put back in. In doing so, we could stop the inevitable inefficacy of antifungals in future and allow our UK antifungal innovation to remain competitive.

Unsurprisingly, it has to be noted that the climate emergency will only increase the pressure to act. The *UK Food Security Report 2021* mentions fungal pathogens only three times in 322 pages, although it notes that:

“Warmer temperatures can also encourage fungal diseases such as potato blight”.

backing up what the science has told us in multiple directions—that the effect of the climate emergency on plant diseases, of which 80% are fungi-based, will lower crop yields. In humans, fungi such as the valley fever pathogen are known to thrive in warmer soils. More frequent severe storms, floods and hurricanes are also increasingly dispersing harmful fungi across hundreds of miles to human hosts, potentially causing infection outbreaks through what were previously rare diseases. Here in Parliament, we need to seriously consider how fungicide use will fit into the growing pressure from fungal diseases in a warming world.

I turn to broader issues. Increasing our fungicide use in agriculture is not the answer; in fact, we clearly have to massively decrease it. Innovation should not automatically mean new synthetic chemicals. Yes, we need to make further research funds available to replenish our antifungals and fungicides but, much more, we need to explore innovative agricultural practices that reduce our reliance on fungicides. The Minister has frequently expressed agreement with me about the need for agro-ecological practices. To put it another way, as does the Exeter researcher Jamie Lorimer, we need to use life to manage life—using mechanisms that have been around for hundreds of millions of years.

Our approach to agriculture is outdated and comes from a time when we were not aware of the environmental and human risks of pesticide use. In that vein, I strongly urge His Majesty’s Government to share their plans and ask the Minister when we will see the updated UK national action plan for the sustainable use of pesticides.

I acknowledge to the Government that striking the balance between prioritising our food security and safeguarding our clinical treatments is an impossible challenge, but it is an essential one that we have to meet as best we possibly can. Managing fungal crop disease has always been essential to our ability to feed the population, but we cannot afford a haphazard, piecemeal approach that will hurt our public health and our NHS. We need integrated, “one health” considerations of the impact of the climate emergency and responsible fungicide legislation.

Mitigating these risks will require the Government to work collaboratively with cross-sector stakeholders: clinicians, industry representatives from agritech and pharma and third-sector organisations in both those spaces, and farmers. Globally, as we are reminded by reports of a new disease outbreak in China, no one is safe until everyone is safe.

Are the Government working with the Quadripartite, the organisation that brings together the WHO, the FAO, the UNEP and the WOA, to look at the specific antifungal and fungicide issues I have outlined? Are they seeking mechanisms to reserve particular actions of chemicals for human drug use? Urgently, we need to delay the approval of ipflufenquin in the UK pending further investigation and to leverage international mechanisms to address the approval of this chemical worldwide. Ultimately, no one is safe until everyone is safe. I look forward to the debate and hope for urgent consideration of the issues raised.

1.11 pm

Baroness Walmsley (LD): My Lords, I thank the noble Baroness, Lady Bennett of Manor Castle, for introducing this important but niche subject. As a botanist, I have always felt that fungi are often underestimated and largely ignored, yet they play a major role in the natural environment, in particular in the soil ecosystem, where they break down organic matter and make it available to plant roots through the miles of mycelium under our feet. Without the fungi in a healthy soil, our crops would fail and our food security would be affected. However, as we heard from the noble Baroness, some fungi are regarded as pests that infect food crops and reduce the harvest, or even make the food inedible. The challenge is to control the one without damaging the other or, indeed, insect pollinators and our wild bird population.

The major tool for the challenge of these fungal pests is fungicides, controlled by our plant protection products—PPP—regime, now independent since the UK left the European Union. I am glad to say that it is true that the use of fungicides has fallen in recent years, partly because of more sensible and economical use of fungicides—what farmer does not want to save money on unnecessary spraying?—and partly through the development of resistant varieties of crops, in particular wheat, barley and oilseed rape.

What support are the Government providing for research to develop disease-resistant varieties of crops? What damage has been done to such projects since the Government’s protracted negotiation about joining the EU Horizon scheme, from which UK scientific research benefited so much for so many years?

I do not deny that there is a role for minimal pesticide use if we are to feed our country as much as possible from our own limited land area, on which there is so much pressure, and I look forward to the Government’s long-awaited land use strategy. However, there are other ways of skinning the cat, and sustainable farming methods can be just as productive and better for our damaged biodiversity. Practices that protect soil health and pollinators will give just as much benefit as widespread use of pesticides of all kinds, if not more, and still give farmers a living.

However, the briefing we received from CropLife UK, which made the case for the controlled and legal use of pesticides, noted that:

“The UK has one of the most rigorous regulatory regimes for PPPs in the world. Active substances and products must be safe for the environment and pose no unacceptable risks to human health”.

I underline that last phrase.

This brings us to the point of the noble Baroness's debate today, for she and the British Society for Antimicrobial Chemotherapy, which also briefed us, believe that we are in danger of just such a risk unless action is taken. The same fungi that affect crops can also affect humans, as she said, and are very dangerous to the most vulnerable patients. Nature is endlessly inventive, and clever fungi have developed resistance to the fungicides that farmers commonly use. But the researchers in bioscience are also very clever, and have developed a very effective treatment for humans. There is also a new treatment, developed by the University of Manchester, which is effective against the new antimicrobial-resistant strains of fungi when they affect humans.

So far, so good. However, a new product approved by the FDA in the US has now been developed for agricultural use and is effective against the antimicrobial-resistant strains of *Aspergillus* in the field—I will not try to pronounce the name, as the noble Baroness has already done so. You can therefore see the attraction to farmers. Yet there is a risk to human health because it uses, as the noble Baroness said, the same molecular mechanism as the effective human treatment. Scientists believe that, if it came into general use, it would both stimulate the development of more resistant strains of fungus in the field and jeopardise the effectiveness of the new treatment currently undergoing clinical trials.

I therefore support the noble Baroness, Lady Bennett of Manor Castle, in asking for a pause and a risk assessment before this product is licensed for use in the UK. If we do not do this, we will be constantly chasing our tails as nature develops resistance to our chemicals, and we then have to develop more and more chemicals to protect humans. Nature will always win in the end. That is why I support the further implementation of low-pesticide agricultural practices to protect our soils and reduce environmental selective pressure, which undoubtedly leads to more resistant strains emerging. Can the Minister therefore outline the environmental land management payments that are relevant to this sort of agricultural practice? Can he also say how successful uptake has been among farmers of all sizes, including tenant farmers?

1.17 pm

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Baroness, Lady Bennett of Manor Castle, for bringing us this debate today. We have heard a lot about how fungicide infections have an impact on humans—it is a huge global problem—and about the environmental impact of the use of fungicides.

The noble Baroness, Lady Walmsley, talked about the importance of protecting pollinators and soil, and the damage that can happen if we are not careful. Fungicides can affect the gut microbial fauna of invertebrates, and honey bees are a classic example of that. But we do not have enough information about the impact on other pollinators, so it would be interesting to know whether the Government plan to do any more research in that area. We have also heard about the difficulties of fungicide resistance and the resulting impact on infection in humans. I am sure that the Minister is very aware of the issues around run-off

into freshwater environments; we have had many debates about that, and fungicides and pesticides are part of that issue.

To think further about how pesticides affect people indirectly through the environment, farmers are not required by law to notify people when spraying is taking place. We know that this is best practice, and voluntary initiatives encourage it. Most farmers do it, but we also know that the health impacts from dietary exposures to pesticides are unclear. Again, it would be useful to know what the Government do to check how many farmers do not comply with that, given that it could have an impact on health. The European Environment Agency has looked at links between human exposure to chemical pesticides and increased risk of various chronic illnesses. I know that it comes more under health than Defra, but this is an important thing to be aware of.

The noble Baroness, Lady Bennett, went into some detail about the concerns that have been raised around serious fungal infections in humans—the noble Baroness, Lady Walmsley, talked about that—and the impact of potentially undermining the new research and new treatments if something similar is then introduced into agriculture. So it is important that the Government assess the feasibility of ring-fencing certain mechanisms so that fungi in the field are not exposed to the same types of chemicals that are used clinically—the noble Baroness put that point across extremely well.

I also support the noble Baroness, Lady Bennett, as did the noble Baroness, Lady Walmsley, on pausing the approval of ipflufenquin for use in UK agriculture until more research has been done on the implications for cross-resistance, for example. The noble Baroness, Lady Bennett, also talked about the importance of developing a risk management framework to evaluate the likelihood of cross-resistance, which again we would support—it needs to happen before antifungals are approved for use—as well as the importance of further research funds so that we know we have safe, effective treatments going forward for both humans and crops.

I want to ask the Minister about the UK National Action Plan for the Sustainable Use of Pesticides. We know that its review is a statutory requirement and that publication was scheduled for spring last year, but we have not had an update since December 2021. The Government have also said that the revised plan would have due regard to the environmental principles policy statement that was published following the Environment Act 2021.

In September the Government said that the UK was committed, as a party to the UN Convention on Biological Diversity, to meet a global target to “reduce the overall risks from pesticides and highly hazardous chemicals by at least half by 2030, as agreed at COP15”, and added that the Government would need to “update and submit its National Biodiversity Strategies and Action Plans by the 16th Conference of the Parties to the UN Convention on Biodiversity”, which is due to be held next year. It would be very helpful if the Minister could provide an update on what is happening in these areas.

Finally, the noble Baroness, Lady Walmsley, talked about the decreased environmental impact and the fact that usage is coming down. I want to ask the

[BARONESS HAYMAN OF ULLOCK]

Minister about integrated pest management—I thank CropLife UK for its briefing on this. CropLife has asked for the expansion of the adoption of the IPM—the integrated pest management strategy—and apparently it is expected in the upcoming national action plan. Again, it would be very useful if the Minister was able to update us on that.

1.23 pm

The Minister of State, Department for Environment, Food and Rural Affairs, and Foreign, Commonwealth and Development Office (Lord Benyon) (Con): My Lords, I congratulate the noble Baroness, Lady Bennett, on securing this debate and welcome the opportunity to respond on the assessment of how the UK's current agricultural fungicide use will affect long-term food and biological security. I thank her not only for the way in which she opened the debate but for giving notice of the very serious questions that she put; I will endeavour to answer them and other questions that have been put in this debate.

The noble Baroness is entirely right: fungal diseases can cause serious damage to crops and other plants. Potato blight, which was mentioned, and Dutch elm disease are well-known examples but fungal infections can affect all crops. Fungi can also leave poisonous chemicals, such as mycotoxins, in infected plants, with consequent risks to people.

Most of the food we eat here in the UK is produced here in the UK. While the diversity of our food supply chain, where domestic production is combined with imports through stable trade routes, ensures its resilience, we cannot underestimate the importance of British farming in delivering food security in the UK. A key component of this is the management of pests, weeds and diseases. Careful selection of crop varieties and attention to good husbandry will help to limit fungal infection of crops. However, fungicides will be essential in some situations to prevent or control infection.

I come to some of the points raised by the noble Baroness. She asked what was being done to address the damage done to the microbiosphere and soil fungi—a point also mentioned by the noble Baroness, Lady Walmsley. We know that agricultural fungicides can affect the structure of soil microbial communities, including beneficial soil fungi, of which there are many. We promote the use of integrated pest management approaches, including the use of cover crops, which are known to increase soil microbial diversity. Through our environmental land management schemes, we are encouraging, incentivising and supporting farmers to develop integrated pest management into how they farm, and the use of green cover crops, which is absolutely vital. I will perhaps come on to say a little more about that.

I come to the noble Baroness's specific point about ipflufenquin and whether its use in agricultural or other commercial sectors is right, pending further investigation into the risk of cross-resistance emerging. I am of the belief—and I am happy to discuss this further with the noble Baroness—that this is not an active substance that is currently approved in the UK, or one that the HSE, which regulates this area, has

received an application to approve. As and when it does, there is a very proper debate that the noble Baroness would be right in raising.

The noble Baroness also asked what work the Government were doing to reserve certain modes of action of antifungals for human medicine only, and about a risk management framework against cross-resistance development. The scope of the current regulatory regime extends only to considering resistance in the target pest, weed or disease, and therefore does not consider human pathogens. This is consistent with internationally accepted standards and guidance. However, we recognise the importance of understanding the broader impacts of resistance beyond single species. The new antimicrobial resistance national action plan, due to be published in 2024, will include a focus on plant health and will have commitments focused on better stewardship of antimicrobials in plants, as well as a call for a search on drivers of AMR in plants and the transmission routes of AMR through plants—directly responding to the very good point that the noble Baroness made—and on our greater understanding of the impacts of these fungicides in the wider contexts of the food we eat and the environment we seek to protect.

As with all pesticides authorised for use in Great Britain, fungicides can be placed on the market only after a thorough scientific risk assessment. That assessment and subsequent reviews consider risks to the environment and human health, as well as the efficacy of the fungicide. The assessment of efficacy is important in this context. To avoid excessive use, the regulator, the Health and Safety Executive, assesses the minimum dose of the active substance—that is the chemical that delivers the required effect—needed in the product. This will ensure that the product is sufficiently effective without applying more of it than is required, minimising the potential for resistance to develop. However, any pesticide must be used with care. We know that overuse of pesticides can have an impact on the natural environment but it can also lead to resistance, which costs farmers more and may cause further downstream impacts, including to human health, as the noble Baroness said.

The noble Baroness, Lady Hayman, asked about compliance. There is a very strict enforcement process, governed mainly by the Environment Agency, on the release of chemicals into the environment, particularly into watercourses. I do not have a figure for the number of cases that we have dealt with in recent years, but it is certainly available and I am very happy to provide it to the House.

Managing antimicrobial resistance, or AMR, effectively is essential for biological security in the UK and globally. Our understanding of fungicide resistance as an emerging AMR threat is still growing. We are currently reviewing evidence of the link between fungicide resistance in crops and transition to animals, including humans. This work will fit into the broader context of the action this Government are taking on AMR, which encompasses resistance to infections caused by fungi, bacteria and other micro-organisms. In 2019 we published our 20-year vision to contain and control AMR by 2040. This strategic vision is supported by

our current five-year AMR national action plan, running from 2019 to 2024, and a new action plan due to be published next year.

We have already made significant progress in combating AMR in agriculture. Our work on antibiotic resistance in animal agriculture has led to a 59% reduction in the use of antibiotic medicines in farmed animals between 2014 and 2022. It is a remarkable story, and there have been some staggering increases of way more than that. Alarming, last year there was a big spike of antibiotic use in salmon farming. We hope to see that continue to improve, but there are serious issues to answer there. Within this new plan, we seek to promote research into better understanding the transmission of antifungal resistance through the environment to humans and to encourage responsible antimicrobial use in crops by providing evidence-based guidance.

The noble Baroness asked what the Government are doing with the Quadripartite on these issues. Antifungal resistance is a subset of AMR and is taken into consideration in the UK and in global AMR strategies. I work with Ministers in other departments to make sure that the UK is absolutely at the forefront of these issues through our “one health” agenda. The UK is a leading member of the Quadripartite multi-stakeholder partnership platform on AMR, which is driving action on AMR across the sectors, including Governments, researchers, civil society organisations and funders.

A question was put about the national action plan on pesticides. We appreciate that noble Lords are concerned that the publication of the NAP has been delayed, and we will publish it shortly. We have not waited for its publication to move forward with work supporting sustainable pest management. Farmers can now sign up to new paid integrated pest management actions within the sustainable farming incentive scheme. We are really pleased with the level of interest in the new scheme, which includes integrated pest management, and we have had more people showing interest in the first month after the new actions were announced than we had in five months under the previous one. We are starting to see real buy-in to this. Feeding into that is a near doubling of the number of farmers in Countryside Stewardship, and our landscape recovery schemes are also taking place. This is moving into a good place, but there is much more work to be done.

We are also supporting research into pest management and IPM through the £270 million farming innovation programme, through which farmers and growers in England, with industry partners, can apply for funding to develop innovative methods and technologies to boost sustainable productivity in agriculture and horticulture. This work will help farmers access the most effective pest management tools available and ensure that we understand the changing trends in pest threats across the UK. It is really important that we see this grow and that research can be scaled here in the UK. Too often in the past we have seen really good ideas brought forward by unbelievably talented universities that have to go abroad to be scaled up. We want to see this investment here and this great new green tech boom exporting good practice and innovations across

the world. We have not waited for the new AMR plan to be published to take action on pesticide resistance, as I said. This Government are already supporting this in a variety of different ways.

This holistic approach carefully considers all available plant protection methods to ensure that pesticides are used only where they are needed. Alternative methods of prevention and control are encouraged, and decision-making tools and monitoring systems are used to track pests and understand when intervention is required. IPM therefore helps to minimise chemical intervention and diversify the techniques used for pest and disease management, which reduces input costs for farmers and growers. We are all pulling in the same direction here: it absolutely makes sense for a farmer to use fewer pesticides, fungicides, sprays and other interventions if they possible can. The added advantage is that, over time, that will increase their resilience and reduce the likelihood of resistance. This year we announced new IPM actions as part of the SFI. That is working holistically, seeing better results for food security, the environment and, we hope, our health.

Around 10 years ago, when people started talking about precision farming, it seemed to be the future. Now, precision farming seems a little analogue in a digital age, when we are starting to see technologies coming through that can treat individual plants using data that is in the tractor cab and available through satellite imaging and other tools. We are starting to see benefits to both agriculture and horticulture, which could mean a dramatic diminution in the amount of spray we use.

Finally, in 2021 this Government established a £19.2 million research programme called Pathogen Surveillance in Agriculture, Food and the Environment, PATH-SAFE. This programme, led by the Food Standards Agency, will bolster our understanding of AMR in the environment, including the importance of different sources and potential transmission routes. We expect the final details of this project to be published next year.

Baroness Bennett of Manor Castle (GP): Before the Minister concludes, I want to raise a couple of points that he has not covered. One thing that he alluded to is how this crosses over with the Department of Health. I have an easy question for him: will he please refer this debate to that department and make sure that it is aware of it? On the new AMR action plan, can the Minister ask the department whether we can have a meeting to talk about the specific issue of antifungals and make sure that it gets the attention it deserves?

I have two other questions that have not been covered. The Minister said that he does not know of any attempt to get ipflufenquin registered here. Of course, if it is being used in the US, it is creating resistance that will be imported here, which is where the issue of trade deals will come in. Can the Minister make sure that this is drawn to the attention of our trade negotiators?

Finally, the noble Baroness, Lady Walmsley, asked about the numbers in terms of the SFI and integrated pest management. I understand that the Minister may not be able to answer now, but can he update us in a letter on the numbers of people applying to that?

Lord Benyon (Con): I thank the noble Baroness for those points. I sit on a cross-ministerial committee with Health Ministers, and we are absolutely making the point that antimicrobial resistance is a matter not just for health but for Defra, and that we have an international role in different fora, such as the WHO, UNEP and others. We certainly take this extremely seriously. I will write to the noble Baroness with more details about when the AMR action plan comes out. I am very happy to connect her with the officials who will draw that up.

On trade deals, we have a write-round process in government and I can assure her that we take this really seriously. There is perhaps enough interest in the House on SFI that I could write and put a letter in the Library with up-to-date figures on the uptake of ELMS.

I am conscious of time, so I will conclude by saying that, as with many areas of environmental and health policy, there are connections and tensions between two priorities. We are bringing together expertise from across government to ensure that our policy, regulation and strategy strike the right balance, so that pests, weeds and diseases can be managed effectively, while reducing the impacts of resistance across society, our environment, the food we eat and our reliance on it.

The specific actions being taken on resistance through the AMR national action plan and pesticide-specific policies and regulation are only one component in this broader picture. The recently published *UK Biological Security Strategy* and next year's edition of the UK Food Security Report—a requirement of the Agriculture Act—showcase the UK Government's focus on these key areas and how we will ensure that this country remains ready to handle these challenges.

1.40 pm

Sitting suspended.

Mopeds, Motorcycles and Powered Light Vehicle Industry

Question for Short Debate

2 pm

Asked by Baroness Ritchie of Downpatrick

To ask His Majesty's Government what steps they are taking to support a safe and sustainable future for mopeds, motorcycles and the powered light vehicle industry.

Baroness Ritchie of Downpatrick (Lab): My Lords, I am pleased to have secured this debate. I hasten to add that I am not a petrolhead, and if anybody asks me to go on one of these vehicles I might run a mile. Notwithstanding that, there are certain issues that require debate.

There is a need for increased government promotion of powered light vehicles. The primary challenge for the sector, in the shape of the Motor Cycle Industry Association, is transitioning to zero emissions at the tailpipe. The powered light vehicle sector calls for granting large motorcycles more time to transition due to architectural, technical and consumer challenges—and I emphasise that I support the journey to zero.

The sector also stresses the importance of technology neutrality, supporting clean and synthetic fuels alongside electric options. It outlines steps for a safer and more sustainable PLV future, urging collaboration between government and industry.

The industry faces several challenges. The first, as I have referred to, is to phase out new non-zero-emission L-category options. In July 2021 the Government proposed phasing out all new non-zero-emission PLVs by 2035, subject to consultation. The Motor Cycle Industry Association engaged selectively with the consultation and officials and submitted a response in September 2022, to which the Government have not yet responded. Maybe the Minister can enlighten us about a possible response today.

It is important to note that, while the industry fully supports the net-zero agenda, any government agenda must not negatively impact this £7 billion-a-year industry and should recognise the diversity of PLV usage and energy capacity. The industry association asserts that focusing on a single-technology approach of zero emissions at the tailpipe does not reflect the complexity of the sector.

PLVs make a contribution to the economy, as we know, and the industry suggests that they contribute less than 0.5% of UK domestic transport emissions. In this respect, government action should be pragmatic, realistic and proportionate to emissions, minimal miles travelled annually and urban mobility benefits, such as reduced congestion and increased air quality.

PLVs face technical, architectural and safety challenges in transitioning to zero emissions. It is also suggested by the industry that all technologies should be supported with equal measure. Electric has proved a workable solution for lower-powered L-category vehicles, but that is not the case for high-powered ones. There is therefore a suggestion that a technology-neutral approach is needed.

The second challenge is having the ability to deliver on joint government and industry powered light vehicle action. Once the Government finalise the phase-out dates, it is crucial to establish the necessary policies and regulations to ensure the feasibility of these timelines.

To fully realise the potential of PLVs by harnessing opportunities and overcoming barriers, the Government should implement a series of recommendations. There should be a review of the existing L-category vehicle regulation to ensure that it remains fit for purpose and caters for the evolution of future PLVs, including assessing the potential for a new vehicle category. There should also be a review of the current grant and incentivisation structure in the PLV sector, including adopting learning from other vehicle categories, where the rollout of zero-emission tailpipe vehicles has proven successful. A public awareness campaign should be jointly led by government and industry to promote the existence, availability and benefits of zero-emission PLVs to consumers and businesses.

Central to all this is simplifying the existing licensing regime across all L-category segments to improve access to zero-emission PLVs for a wider section of the community, increasing access, uptake and adoption. This view is supported by the industry association. Motor drivers might take a slightly different position,

but I am inclined to agree that there needs to be a simplified licensing system. The present licensing process has failed to improve safety. A Licence to Net Zero will improve safety by removing provisions that disincentivise riders from receiving more training and becoming safe road users. Road safety is a main issue in all this.

I also recommend engaging with local authorities through the local authority transport decarbonisation toolkit to ensure that zero-emission PLVs form part of an integrated transport solution for the UK, and engaging with industry to ensure that zero-emission PLVs are considered and incorporated into the development of the EV charging infrastructure.

As a result of this, I would like the Minister to answer several questions; if he cannot do so today, perhaps he will write at a later date. What plans do the Government have to consider the whole life-cycle analysis of L-category vehicles in helping to get to net zero? The Prime Minister recently extended the phase-out for vans and cars as part of a

“pragmatic, proportionate, and realistic approach”

to reducing emissions. Will this be extended to the L-category sector? Will the Government conduct readiness checks ahead of phasing out L-category vehicles to ensure that infrastructure, technology and demand-side policies are all in place before deciding on the final phase-out dates?

Given the joint nature of the government and industry action plan, what assessment does the Minister make of the industry’s A Licence to Net Zero campaign? Will he commit to a full-scale review of the existing licensing regime? What plans do the Government have to progress the additional actions in the action plan for the rest of this year, next year and, perhaps, the future?

This is obviously a very important issue for the industry, which is seeking to do the right thing and progress to net zero, but it needs the necessary infrastructure and technology to enable it to do so. I look forward to the Minister’s answers, outlining what steps the Government will take to support a safe and sustainable future for mopeds, motorcycles and the powered light vehicle industry.

2.09 pm

Lord Moylan (Con): My Lords, I find it very difficult to follow the acute and comprehensive speech just made by the noble Baroness, Lady Ritchie of Downpatrick, in which she covered a wide range of detailed issues relevant to this topic. I shall say only that the questions that she raises are extremely important, and I hope that the Minister will be able to give comprehensive answers to them, if not today then appropriately in writing in due course.

I find myself, a little bit like the noble Baroness, slightly a fish out of water in this particular debate. Although, unlike her, I would very much like to ride pillion on a motorcycle, my one experience of doing so when I was a teenager was so terrifying that I have never actually repeated it. That has been my sole exposure to riding a motorcycle ever since then. Maybe, as I move into my dotage, I shall take up riding pillion, but I do not bring that particular experience.

What I do have experience of is working with people who are transport policy professionals. When I started working in the field of transport and was involved as a local councillor and later with Transport for London, I was surprised at the comprehensive hostility of transport policy professionals towards the motorcycle sector, which they dignified with the name “powered two-wheelers”, a bizarre distortion of the English language, or even “category L vehicles”. In my few minutes I shall refer to them as motorcycles generally because that is a word that more people understand. Transport policy professionals are very hostile to them and to any suggestion that there should be a privilege for them or special provision. Special provision for push-bikes is absolutely all right, but nothing at all to do with motorcycles. Any suggestion like that is pushed back.

Part of the reason is to do with their safety record. It is true that, if you are riding on a motorcycle and travelling at speed and you come off, you more likely to injure yourself than in other circumstances. That is part of the reason: it contributes to poorer road safety figures. However, it is also worth bearing in mind that motorcycles probably do less harm to other road users in collisions than cars do. When we look at the road safety figures, we do not always sufficiently take account of the fact that making it safer for motorists to drive a car often transfers risk to people who are not in the car—that is, to pedestrians and others who are using the road—because it encourages slightly riskier behaviour on the part of the motor car driver. That does not happen with motorcyclists as one sees them dashing through the traffic.

There is also a sense in which the market is getting ahead of the definitions that the department uses. It used to be clear what was a car, what was a motorcycle and what was a push bike, but we now have all sorts of intermediate vehicles, which are creating a sort of merger between different modes of transport that are increasingly hard to distinguish. We have e-scooters, which are encouraged by the department, at least to the extent that trials have been authorised in certain places to allow e-scooters to be looked at, although no final decision has been taken. We have electric-assisted push bikes, which help you up the hill, and so on, so we are getting this merger of typologies. Indeed, even in the motor car sector, you now see tiny cars that are basically little more than tricycles with a vacuum cleaner engine attached to them going through the streets. The department sticks to very old typologies, which are being set to one side.

In pursuit of that, the Government have their target of non-zero motorcycles by 2035, subject to consultation. I often wonder whether the Conservative Party, the heir to the Cavaliers, has adopted a puritan agenda. Even if one actually accepts that the large-scale destruction of much of our economic capacity is justified by the very serious threats of climate change, it is a net-zero target, not an absolute zero target—that is, it is accepted that there will be some carbon emissions going ahead. Given the very small contribution that this sector makes to our overall emissions, could my noble friend perhaps say when he answers that he is willing to cut this sector some slack?

2.15 pm

Lord Berkeley (Lab): My Lords, I am pleased to be able to contribute to this short debate and congratulate the noble Baroness on achieving it. We seem to spend a lot of time talking about this subject in the round at the moment. The noble Baroness and the noble Lord, Lord Moylan, also expanded on the complexity and the different types. There is the generic type, which is probably “a wheeled vehicle”, although I am not sure about that. However, there are more and more of them; we had a very interesting debate on pedicabs last night, and some of us thought that that legislation should be extended to scooters for various reasons that I will not get into now.

The important thing is that the Government, when looking at all these different types of transport and the regulations that inevitably go with them, do so on a consistent basis. As the noble Lord, Lord Moylan, said, some of that is to do with net zero, but some of it is also to do with things such as safety, which is in the title of the debate, and sustainability. You could add things such as parking, the electric power, regulation and what these vehicles are used for. We have talked about different types of motorbike today: there are big ones and small ones, and some noble Lords will say that some of them are hated by people and others are loved. However, they may also be hauling trailers taking kids to school. They may be doing all kinds of different things. The legislation must somehow cover all that.

One issue has not come up so far, which is the question of lithium-ion battery fires. I have been studying quite a lot of them in relation to fires on ships, which are a much bigger problem because obviously the vehicles are bigger. They have a habit of setting themselves on fire. That can apply to motorbikes or whatever we are going to call them, and to electric bikes, cars and everything else. All that needs looking at because it is a terribly important safety element.

The other issue which the noble Baroness mentioned was the consultation that has been going on for these L-category vehicles. I hope that when the Minister responds he will be able to tell us when we are likely to get some answers on that because we need them. I was, frankly, surprised at the Prime Minister’s statement on the delay in phasing out petrol and diesel cars. It is interesting that the *Financial Times* reports today that the Office for Budget Responsibility says that the take-up of EV cars has slowed, which it appears is the result of that delay, although we know that they are expensive. Clearly, the Prime Minister does not really mind too much about where they are manufactured and how many are manufactured, but he cares about people who want to go around in 4x4s emitting a maximum amount of pollution. We need to look at all these things in the round.

I remember, probably before most noble Lords were even in this House, moving an amendment to some Bill suggesting that 4x4s were the most unsafe vehicle if you were to hit a child outside. They are very safe inside for little Johnny but if you are going to hit somebody outside, they are very unsafe. Therefore I suggested that 4x4s should be banned for one mile

around schools during the school-run period. Of course, the Government did not like that. Is that surprising? We love the cars and nothing else.

It is important to take into consideration the special circumstances of the motorcycle industry—it is a very wide industry; my electric bike could well have been built within it—and for the Government to get the staging of net zero and any other regulation that goes along with it into a proper sequence. We will talk about automatic vehicles next week, and there is the same problem there. Given the whole-life effect, as the noble Baroness said, and the involvement of cars, vans, trailers and everything, there needs to be a consistent and comprehensive policy. Does the Minister agree? If so, when will the Government produce one?

2.20 pm

Lord Foster of Bath (LD): My Lords, I welcome the Minister to his new role and congratulate the noble Baroness on securing this debate. Like her, I am certainly not a petrolhead but should declare that I own a moped. I apologise that my contribution will be narrowly focused on the safety of powered light vehicles, echoing a point made by the noble Lord, Lord Berkeley.

Electrically powered micromobility, such as e-bikes and e-scooters, is increasingly popular as a greener, healthier and more economic form of transport. However, I entirely accept the point made by the noble Lord, Lord Moylan, that the categorisation system we now use is way out of date for what is happening in modern society. Last year, the e-bike market alone was worth £300 million and it is growing rapidly, but as demand for them increases, so too does the risk of battery fires.

Lithium-ion batteries store more energy than any other battery type, allowing longer use. Yet most people are totally unaware that a fully charged e-bike battery contains a similar amount of energy to six hand grenades and that they can be putting their lives at risk when charging them. If overheated, through damage, flawed design or using a substandard charger, lithium-ion batteries can create fierce fires—with temperatures over 600 degrees centigrade—that are not only difficult to extinguish but release toxic gas.

Helped by the charity Electrical Safety First, I entered this year’s Private Members’ Bill ballot with my “Safety of Electric Powered Micromobility Vehicles and Lithium Batteries” Bill. Sadly, I was unsuccessful, but I hope it will be taken up in the other place or perhaps by the Government, because fires from lithium-ion batteries in e-scooters and e-bikes have surged since 2020, with an estimated average of one every day this year. They have caused millions of pounds-worth of property damage and 48% of fires in waste facilities are from these batteries, also costing millions. They have caused more than 190 reported injuries and, tragically, 12 lives have been lost. I know the Government plan to consult on battery regulations—it would help if the Minister could update us on that—but, to save lives and property, a wider range of actions is urgently needed.

E-scooters, e-bikes and their batteries can currently be sold without independent safety checks, unlike other high-risk products such as fireworks. There are inadequate standards for charging systems and conversion kits for turning an ordinary bike into an e-bike, and no

regulations on safe disposal of these batteries. The Bill I mentioned would rectify all these omissions. It includes requirements for pre-sale independent safety checks, regulations for safety standards for conversion kits and charging systems and regulations for the safe disposal of lithium batteries.

The Bill is ready to go. It offers a pragmatic, life-saving solution, first outlined in Electrical Safety First's report *Battery Breakdown*. It is supported by fire and ambulance chiefs, insurance companies from AXA to Zurich, consumer groups, RoSPA and many others. To prevent further tragedies, we need the political will to tackle this issue head on. I hope the Minister will respond by saying that the Government will seriously consider taking up the proposed legislation and, if not, tell us what they will do about it.

2.25 pm

Viscount Craigavon (CB): My Lords, I am grateful to take part in this debate encouraging motorcycling in its regulation. I have been a motorcyclist for some years, largely in London, and have always felt that, with a few judicious pushes—or perhaps more than a few—motorcycling could become much more central to our whole transport system. I hope that if we, as well as the industry and the Government, get this right, we could now lay down markers for the future as to how all this develops, particularly in how we deal with decarbonisation and the fluctuating net-zero targets.

This is a useful debate, but what we have before us are slightly more technical aspects than can be readily resolved by a debate such as this one. Still, I am largely happy to support the direction of the briefing from the Motor Cycle Industry Association, for which I am grateful. The noble Baroness, Lady Ritchie, kindly outlined a lot of what it is putting forward, and she put to the Minister the questions that arise from that.

I am fully aware of the need for transitional processes to mesh in with what is possible in this important and significant industry, and I hope the department can carefully play its part in helping all interests, both short-term and long-term, to zero emissions in due course. I am also aware of the need to come up with standards that do not isolate us from international and continental practices and manufacturers. We have seen what the announcements about cars' net-zero timescales have made possible and achieved, but there is no direct read-across to the very different circumstances for motorcycles.

It is good to see that the promotion of low or zero-emission powered light vehicles—PLVs—could be the occasion to stimulate or drive demand in the market, and that there could be more public awareness of what would be achieved by lowering emissions. I would very much support a concentration on low-cost PLVs, with which the apparent move to rationalise the whole process of simplifying the licence acquisition for individuals goes well.

Those using the roads and pavements are aware of the profusion of personal and commercial battery-assisted cycles and step scooters, which should not be any substitute for traditional low-powered motorcycles. I declare my interest as a London owner of a succession

of Piaggio 125s. I hope I am not being out of order to suggest that, although I have a full motorcycle licence, their twist-and-go operation, not needing gears, should make life much more accessible to encourage novices into the motorcycle habit. Also, slightly beyond the scope of this debate, I believe that our more general access to use marked bus lanes might be becoming more possible.

Another aspect, also currently influenced by local government, would be a more sympathetic attitude to being able to park motorcycles more readily. Given the space that parked motorcycles take up compared to a car, that is another area that we, with the help of the department and local government, could try to change.

I believe there are many more ways in which we can make motorcycling more user-friendly. However, before us in this debate are more serious issues and changes that we should be supporting, and I hope that the Minister and the department can treat some of those with the urgency and importance that they deserve.

2.29 pm

Baroness McIntosh of Pickering (Con): My Lords, I congratulate the noble Baroness, Lady Ritchie, on calling this debate at such a timely moment. I also congratulate my noble friend Lord Davies of Gower on his new position and the noble Lord, Lord Liddle, on his position on the Opposition Benches.

I will focus on safety and a possibly tenuous connection to e-scooters and e-bikes. Like the noble Lord, Lord Foster of Bath, I too have a little Bill prepared on which I hope my noble friend and the Government will look favourably. It proposes to

“amend the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 to create criminal offences relating to dangerous, careless or inconsiderate cycling, in particular applying to a pedal cycle, an electrically assisted pedal cycle, and an electric scooter”.

I associate myself with all the previous remarks on batteries, but time does not permit me to explore that here.

I recognise that the majority of cyclists are responsible. However, they must have regard to other road users. I am appalled at the flagrant abuse of legislation by e-bikes, e-scooters and regular scooters from Deliveroo and others, particularly in mounting pavements. How long are these delivery scooters allowed to ride with an L-plate without passing a test to show that they are legally competent to drive? Not stopping for pedestrians at pedestrian crossings is an increasing problem. What fines have been issued in the last six months or year and what prosecutions have been made for the illegal use of such e-bikes and e-scooters?

Why have the Government extended trials of e-scooters to 2026? If the evidence already exists that there are issues regarding their safety, why are these not being addressed now and regulated? For what reason are e-cyclists and those on e-scooters allowed to ride without any insurance or a driving test as a prerequisite? Is it still the case that e-scooters, other than rented ones, cannot legally be used on public roads?

I took great heart from the fact that, in connection with the tragic case of Kim Briggs, who died from injuries caused when she was knocked over by a cyclist travelling at speed on a bicycle with no legal brakes at

[BARONESS McINTOSH OF PICKERING]

all, my noble friend's predecessor, my noble friend Lady Vere of Norbiton, wrote to her husband Matt Briggs on 23 March 2022:

"As the Secretary of State has already announced, we are considering bringing forward legislation to introduce new offences around dangerous cycling; we will do this as part of a suite of measures to improve the safety of all road and pavement users".

What has happened to that legislation?

The ABI is deeply concerned about the implications for the Motor Insurers' Bureau of a corresponding insurance requirement being levied on e-scooters in particular. Its key point is that legalising the use of e-scooters on UK roads should ensure that no additional liabilities are placed on the Motor Insurers' Bureau without such a corresponding insurance requirement. By what date does my noble friend intend that the Government will introduce that? The ABI also argues that enforcement against illegal use of e-scooters on UK roads should be increased; is it my noble friend's intention to do so? It also argues that the Government should share data on the outputs and results from trials to date to inform the public about ongoing discussions in this regard.

In conclusion, there should be space for cyclists, e-scooters and e-bikes, but only in so far as they are driven responsibly and with regard to the law. Are noble Lords aware of the superhighway to be built along Millbank, and that the iconic palm tree on the roundabout will be removed, enabling cyclists and e-scooters to travel at even faster speeds? That will put your Lordships at even greater risk when we try to cross the pedestrian crossing at Millbank. I regret that it may lead to more deaths and casualties of pedestrians and other road users.

2.34 pm

Lord Ranger of Northwood (Con): My Lords, I too congratulate the noble Baroness, Lady Ritchie, on bringing this debate forward and I welcome my noble friend Lord Davies and the noble Lord, Lord Liddle, to their roles.

It is a privilege to be able to speak, as I was not going to do so. I speak from a personal perspective as much as a professional one. I held the role of the mayor's transport adviser from 2008 to 2011 in this city. During that time, I had much chance to consider and look at the policies for different modes of transport as they applied in the city. One mode I was not part of then and did not use was motorcycling. I fixed that by learning how to ride a motorbike when I took on the role. I thought that, if we were judging policy on them, it was important to have the experience. I had to learn how to ride and not fall off, but it also taught me heightened awareness of the safety and security of not just me as a rider but all other users of the road network—pedestrians, cyclists, HGVs and everything else. It was a revolutionary experience, because you have a completely different perspective on what is happening and how you feel about your personal safety and usage.

It also took me into a very deep conversation about the benefits and the challenges. The benefits became ever clearer when asking the motorcycling and powered

two-wheeler community, as it was then—there were no electric mopeds at that point—about their usage. I must acknowledge the warmth of the community. It is very strong. Anyone who is a biker will know that it is a very good community to be part of. They see journey time reliability, flexibility and safety as vital parts of using this mode of transport. It brings benefits not just to them but to broader society and to the city.

London lags behind similar cities in the world that rely on powered two-wheelers as part of the extensive social mix. Cities in a number of European countries demonstrate that. There is something cultural that we have not quite got right there. I ask the Minister to consider in his deliberations the need to recognise the personal ability to use bikes and the benefits it brings for commuting, logistics and minimal impact on the environment. Enforcement must be considered with greater usage of motorbikes and powered two-wheelers in the logistics industry, but it is a growing industry that will only provide benefit to dense urban areas rather than be a hindrance.

2.37 pm

Baroness Randerson (LD): My Lords, I thank the noble Baroness, Lady Ritchie, for securing this debate, which is badly needed. As everyone is giving their bona fides on transport, all I can offer is that I spent my youth perilously on the pillion of the back of a 1952 Excelsior Talisman Twin motorbike—an antique even then.

This debate is badly needed because the Government consulted 14 months ago and we have still had no response from them on their decisions. Given the pace of technological change, this is a ridiculous delay. The Department for Transport seems to have been in hibernation while a technological revolution has taken place. Anyone who ventures outside their front door knows that electric bikes, motorbikes, mopeds, scooters and cargo bikes have proliferated in the past couple of years. I must congratulate the Motor Cycle Industry Association on the very effective campaign and detailed briefing putting its point of view and raising some very valid points on these issues. In particular, it emphasises the need for certainty and swift government decision-making if the UK is to retain its motorcycle manufacturing investors in future. When the Minister responds, I hope he will be able to give us some of that certainty.

It is also important to point out to that, inspired by their narrow victory in the Uxbridge by-election, the Government have changed their plans in the meantime on net zero for cars and changed their rhetoric in relation to cars versus alternative methods of transport: cycling, walking and so on. That was illustrated yesterday by the Minister in his answer to an Oral Question from the noble Lord, Lord Berkeley. In the light of that, the Government's original plans on PLVs on which they consulted are now somewhat out of kilter with the rest of the hierarchy—if I can put it that way—of vehicles. My own discussions with members of the automotive industry indicate that the industry is desperate for certainty. They were knocked sideways by the Government's change of heart, and they really need certainty in future.

I am an enthusiast about the benefits from electric bikes—the bikes that the noble Lord, Lord Moylan, referred to as a push bike—because they encourage people to extend the length of their journey or to extend their cycling career into older age. However, as other noble Lords have pointed out, there is an urgent need for clarity on the different categories. There is a great deal of confusion out there, and there is need for enforcement of the regulation for the larger categories of L-category vehicles. The noble Lord, Lord Moylan, also mentioned the concept of intermediate vehicles.

The police need resources to implement the regulations. I live in Cardiff, where noble Lords will recall that, tragically, two young boys were killed on an electric bike earlier this year. Following that, the police took action in the centre of the city, where they seized dozens of bikes that were being illegally ridden without the appropriate registration or licences. But it is not just the police. As my noble friend has said, the fire brigade needs additional resources because of the considerable fire hazard, trading standards needs additional resources, and we need to improve training and awareness in the supply chain and the repair sector of the industry.

Lastly, it is coming up to Christmas. Thousands of these vehicles are going to be sold as presents, some of them from very dubious sources of supply. We need a public information campaign to raise awareness of the dangers involved.

2.43 pm

Lord Liddle (Lab): My Lords, I thank the noble Baroness, Lady Ritchie of Downpatrick, for her intelligent introduction to this brief debate. I agree with many of the points that have been made by other members. The key points made by the noble Lord, Lord Moylan, about the merger of typologies and the diversity of what technical change is bringing are things that we have to take into account.

While the net zero dimension of all this is important, it is not the whole story. It is a net zero policy, as someone said, but we have to consider the whole issue in the context of the problems that emissions from these vehicles pose compared with those from cars. Is it proportionate to apply the same tests to them?

A dimension of this that not many noble Lords have referred to is that of industrial policy, which I am personally very interested in. We used to have a thriving motorcycle industry in Britain; it has declined, but there are still some firms that are now growing. What are the Government doing to promote that industry? Do they have a forum of regular consultation with the industry to see what can be done to help it to compete? Of course, that industry needs a clear regulatory framework for the future. That regulatory framework also has to align with what is happening globally, particularly in Europe, because people are not just producing for the domestic market. What is happening on the industrial policy dimension?

I have a couple of other questions for the Minister. Given that emissions from these vehicles, especially when viewed on an all-life basis, are often less than from cars, has the Minister considered taking steps in order to encourage drivers to switch? Have the

Government thought about that question? On another point, it has been reported that, increasingly, vehicles in this category are being used for food delivery services. What assessment have the Government made of this? Would promoting electric light vehicles be a good way of reducing emissions from vans that traditionally do this job?

Above all, I think that the simple point is that the Government are dithering on their policy. They have had lots of consultations, but they are not offering the sector any clarity. It is time that they did so. My direct question to the Minister is: are the Government planning to do anything that will give clarity to the industry between now and the general election?

2.47 pm

The Parliamentary Under-Secretary of State, Department for Transport (Lord Davies of Gower) (Con): My Lords, I am pleased to respond to this Question for Short Debate and thank all noble Lords for their thoughtful contributions to the debate before the Grand Committee today. Whether I will be able to answer all noble Lords' questions in the 12 minutes allocated, I do not know, but I will attempt to respond to as many questions and concerns as possible and, when I am not able to, I will certainly follow up with a letter.

The noble Baroness, Lady Ritchie of Downpatrick, my noble friend Lord Moylan and the noble Viscount, Lord Craigavon, talked about decarbonisation, net zero and the Government's commitment. We have a legal obligation to meet net zero, and the Government are committed to phasing out the sale of all new non-zero emission road vehicles by 2040. This includes ending the sale of polluting motorcycles and mopeds. The Government are committed to our net-zero ambitions and will continue to drive forward our work to cut emissions. The broad approach is one that is fair, affordable and pragmatic, easing the burdens on the British public.

Following a consultation last year, we are now analysing the responses to our consultation on when to end the sale of new non-zero emission L-category vehicles, including views from the industry, with which we have been engaging. We will respond in due course. Our approach will continue to account for technical and commercial feasibility and ensure that transition is affordable for consumers. The Prime Minister's announcement pushed back the end-of-sales date for new petrol and diesel cars from 2030 to 2035 by requiring 80% of new cars to be fully ZEV by 2030. The mandate will continue to require the most ambitious regulatory trajectory to 2030 of any country.

The noble Baroness, Lady Ritchie, talked about the end-of-sale dates for non-zero-emission motorbikes and mopeds. We consulted between July and September last year on when to end the sale of new non-zero-emission L-category vehicles, which was supported by a thorough programme of stakeholder engagement with manufacturers and the wider industry. The Government are analysing the responses and taking into consideration the wide range of views expressed. The consultation proposed two separate dates for the end of sale of new non-zero-emission L-category vehicles: 2035 for all L-category vehicles at the latest, and 2030 for L-category vehicles in the L1 L2, L3, L6 and L7 subcategories.

[LORD DAVIES OF GOWER]

The Government recognise that a one-size-fits-all approach to regulating emissions from road vehicles is not appropriate, as the technology pathway is not as clear for certain segments of the market. However, they will continue to engage with industry and the public to ensure that the final confirmed end-of-sale dates for new non-zero-emission L-category vehicles are feasible from both a technological and a commercial perspective. That includes ensuring that adequate infrastructure for the sector is in place and that the transition is affordable for consumers.

We are now analysing the responses to the consultation on ending the sale of new non-zero-emission L-category vehicles, including evidence provided on this issue, and we will bring forward the government response in due course. Analysis of lifecycle emissions is an important consideration as we accelerate the transition to a zero-emission fleet of road vehicles. While there is no internationally recognised method of measuring lifecycle emissions in any transport sector, the Department for Transport's energy model, published in 2018, and the externally commissioned lifecycle analysis of UK road vehicles, published in 2021, provide clear assessments of the relative environmental impacts of different road vehicle technologies and fuels in the UK.

The Government will consult on any future regulatory framework to deliver and enforce the end-of-sale dates for non-zero-emission L-category vehicles as appropriate. The Government keep all their regulations under review to ensure that they are fit for purpose and future-proofed. Policies are already in place to support the transition, such as plug-in motorcycle grants, and the Government recently made up to £350,000 of funding available for research and development projects to grow the zero-emission motorcycle supply chain in the UK. However, we appreciate that there are technology and infrastructure considerations for these vehicles as we transition, and we will continue to work with the sector to support and consider how best to overcome demand-side challenges, including the infrastructure needs of zero-emission L-category vehicles.

On the Motor Cycle Industry Association action plan, mentioned by the noble Baroness, Lady Ritchie, the Government are committed to continuing to work with the industry and other stakeholders to ensure that the sector is ready, ahead of decarbonisation. In February 2022, the Motor Cycle Industry Association published *Realising the Full Potential of Zero Emission Powered Light Vehicles: A Joint Action Plan for Government and Industry*. That was commissioned by the Government as a transport decarbonisation plan commitment and was delivered in partnership with the Motorcycle Industry Association. The document aimed to set out the 10 key actions that the industry believes are needed to support the L-category sector ahead of decarbonisation.

The Government are engaged with the industry to deliver the action plan where appropriate. Zero-emission vehicles offer an opportunity to create jobs, strengthen British industry, cut emissions and keep Britain moving. Phasing out new non-zero-emission L-category vehicles positions the UK as a world leader in L-category decarbonisation, driving innovation and creating a market for zero-emission vehicles.

The noble Lord, Lord Liddle, spoke about a plan for the future, as did the noble Baroness, Lady Ritchie. The Government are pleased with the progress made so far on the action plan and will continue to engage with the sector on it. For example, to address actions 2 and 3 on growing and developing the supply chain, as I said earlier, the Government made up to £350,000 of funding available for research and development projects to grow the zero-emission motorcycle supply chain in the UK.

The department is also working with the recently established powered light vehicle community to address action 9 on creating a formal L-category community. Additionally, the department is currently engaged with the MCIA's recent licensing review proposals to address action 6, to review minimum testing and licence entitlements for all battery, electric L-category vehicles. We continue to engage with industry to deliver the action plan where appropriate and will continue to do so.

The noble Lords, Lord Berkeley and Lord Foster of Bath, referred to the plan for drivers in as much as it applies to motorcyclists. Like drivers, motorcyclists will benefit from many of the measures in the plan, including around fixing roads faster, better traffic lights, and the right speed limits in the right place. Specifically, in seeking to make better use of bus lanes, we will refresh the technical advice for local authorities to make it clear that they should use their powers to ensure that bus lanes are open to motorcycles, and we will launch a consultation on allowing motorcycles to use bus lanes by default. The plan confirms that, to help riders make the transition to zero-emission vehicles, plug-in vehicle grants continue to be available for motorcycles.

The noble Lord, Lord Foster of Bath, asked a question about lithium batteries. There is no real evidence that electric vehicle fires are more likely to occur than petrol or diesel vehicle fires, and it remains safe to have them in covered car parks. The safety of electric vehicles and their charging is of course of paramount importance to the Government and is kept under regular review. Multiple safety systems are designed into electric vehicles to protect passengers, emergency services personnel and other users from harm. However, the risks are different and need to be understood and controlled. Fire prevention, fire detection and firefighting in electric vehicles is a developing area, and the Government review their guidance and regulations in step with the development of best practice. We continue to work with the fire services, industry and experts from across the UK on this, and before vehicles can be sold or registered in the UK, the manufacturer must supply evidence that the vehicle complies with international approval requirements. For hybrid and electric vehicles, fire and electrical safety is included in this assessment. The department is therefore working with the Office for Product Safety and Standards and other government departments to develop guidance on the safe use of batteries in e-cycles and e-scooters and will publish this at a later date.

The noble Baroness, Lady McIntosh, asked about cycle offences and dangerous cycling. Of course, dangerous cycling puts lives at risk and is completely unacceptable. Like all road users, cyclists are required to comply

with road traffic law in the interests of their own safety and that of other road users—that is of course reflected in the Highway Code. If they do not adopt a responsible attitude and if their use of the highway creates an unsafe environment, they may well of course be committing offences, which is a matter for the police to prosecute.

I think I have covered most of the questions that have been asked.

Baroness Ritchie of Downpatrick (Lab): Perhaps the noble Lord might say something about the simplification of the licensing scheme—and I welcome him and the noble Lord, Lord Liddle, to the Front Benches.

Lord Davies of Gower (Con): I will go back to the department and see exactly where we are on that, and I will certainly write to the noble Baroness on it.

Baroness Randerson (LD): Perhaps we might pursue very briefly the issue of fires, as raised by my noble friend Lord Foster. There are lots of statistics on this, and there is a very big difference between the record of electric cars and vans and so on, which have an extremely good record on fires—they are much less likely to burst into flames than, for example, petrol and diesel cars. However, my noble friend was referring to the issue of bikes and mopeds, and so on.

Lord Davies of Gower (Con): I take the noble Baroness's point and I will write on that issue in respect of motorcycles.

To conclude, the steps that the Government are taking, which I have set out today, provide a package of support for the motorcycle and powered light vehicle industry that will help this sector to contribute to a safe and environmentally sustainable future for road user transport in this country.

Air Travel: Disabled Passengers

Question for Short Debate

3 pm

Asked by Baroness Brinton

To ask His Majesty's Government what assessment they have made of air travel for disabled passengers.

Baroness Brinton (LD): My Lords, I declare my interest as a vice-chair of the All-Party Parliamentary Fire Safety and Rescue Group. I thank the House of Lords Library for its helpful briefing, as well as Transport for All, Disability Rights UK and Rights on Flights for their continuous campaigning to improve the service that disabled people receive when trying to travel by air.

I emailed the group of disabled Peers prior to this debate and am grateful to those unable to attend today for their comments and to the noble Baroness, Lady Grey-Thompson, for being here. Every single one of us has faced repeated problems, and our experience reflects that of the wider disabled community.

More than a decade ago, when I started using a wheelchair regularly, the noble Baroness, Lady Campbell of Surbiton, warned me that flying with a wheelchair was a fraught issue. A couple of days ago, she said to me:

“Until I gave up flying, I was regularly left on aeroplanes, sometimes for hours waiting for my power chair to be brought to the door of the plane. In the end I decided I simply couldn't stand the stress anymore after my power chair was smashed by the bag handlers at Heathrow. I didn't find out until we arrived in Canada and ... was unable to use the chair independently (my husband had to push me everywhere) for the entire holiday. We could not find any repairers near enough to our location who stocked the part needed. I was not compensated and only after several complaining letters did I receive an apology”.

What has changed since then? Not a lot. Disabled passengers are still having to fight for their right to be able to use a plane, travel through an airport and rely on their wheelchairs and mobility equipment not being treated as baggage. Not only is failing to provide a safe service in breach of the UN charter for disabled people but it is legally discriminatory in the UK, the EU, the USA and many other countries. Worse, every glitch in the journey is emotionally exhausting. This is not like losing a suitcase. Damage to mobility aids can mean that you cannot get around in the country you are travelling to, and the level of payment, set internationally, when damage is done on the journey does not recompense for the actual cost of repairing the mobility aid or the hiring of an alternative, if that is even possible, as the noble Baroness, Lady Campbell, told me.

The noble Lord, Lord Shinkwin, told me that he avoids flying whenever he can, because he feels he is treated like cargo, not a customer. Disabled passengers have to sit around and wait: check into the airport at least an hour before everybody else and wait on the plane, and wait on the plane while one's chair is, or more usually is not, brought from the hold. That reminds me of arriving at Mexico City Airport and waiting for my wheelchair to arrive in the baggage reclaim area. British Airways had put it in the special wheelchair container—I wish everybody used those—and through the glass window I watched staff remove it from that then try to put it on the moving conveyor belt. Unsurprisingly, it got stuck because the chair was larger than the hole it was going through. It fell off the conveyor was damaged. That was not a good start to being a UNICEF visitor followed by an international conference.

The noble Lord, Lord Blunkett, told us that it is the practice that we need to change, rather than just keeping stepping up enforcement, because enforcement is not working. Too many airlines send out messages that disabled people are just not welcome. He says that changing practice would ensure a win-win because smooth journeys mean an end to horror stories and a better reputation for the airline and service providers in the airport, even though it is only the airline that has responsibility under 1107/2006.

The noble Lord, Lord Blencathra, told our group that he has been left on planes twice this year when ground staff forgot about him. On one occasion the pilot took him off the plane and even through passport control. The pressure for that, by the way, is that the new captain and crew for the next flight cannot come

[BARONESS BRINTON]

on board until the last passenger leaves. There is no comparable pressure on ground staff. The noble Lord, Lord Blencathra, also talked about the ridiculous process we have to fill in for our wheelchair dimensions and battery details when booking the flight, then again when the airline confirms the booking, then again when you check in online to get your seat, then again when you arrive at check-in and again when you arrive at the departure gate.

My experience of three flights this year has forced me to reconsider whether I should fly at all. In May I flew from Gatwick to Stockholm with Norwegian. All forms were repeatedly filled in, and Gatwick and Norwegian accepted my lightweight travel chair with two lithium batteries, carried into the cabin by ground staff for safety as per IATA guidance. After my conference I returned to Arlanda Airport. I got through check-in, again repeating battery details, but when I got to the plane the ground staff told me that the pilot had refused to allow the lithium batteries to be brought into the cabin because under IATA rules they cannot be in the hold. I asked to see the pilot, showed him my outward ticket from Gatwick and said, “But your colleague flew me out”. At that point he said, “Well, on this one occasion you can fly, but not again”. Thank goodness I had flown out with the same airline.

In September I flew Wizz Air from Luton to Vilnius for the day to speak at another international conference. I checked in to be told that my lithium batteries were now too big. They were not, according to the IATA chart, but the ground services manager refused to come to talk to me directly, so I had to leave my chair at Luton and fly without it. I was in considerable pain, and not just for that one day.

In October I flew Wizz Air from Bucharest to Luton after speaking at another international conference, this time about the barriers that disabled people face. This time I took my regular dry cell battery wheelchair—this one—to avoid the row about lithium batteries. The ground services manager in Bucharest had got his battery types muddled and would let me on the plane only if I personally carried them both into the cabin. These batteries are old-fashioned bus batteries. They are bigger than old-fashioned car batteries. I cannot lift even one of them easily, and under IATA guidance they are designed to remain in situ in the hold with the electrics immobilised. He refused to allow me on the flight. It cost me €900 to fly back with British Airways as there was only one seat available over the next 48 hours. Worse, the Wizz Air complaints system does not work for this type of problem because the flight was not delayed or cancelled. The CAA has now kindly put me in touch with a senior Wizz Air manager, but I was in despair for seven hours at Bucharest Airport that day.

Here is the problem. The current systems allow too many tiers of staff to make ill-informed decisions that muddle up different regulations and different types of batteries. In my role as vice-chair of the All-Party Parliamentary Fire Safety and Rescue Group I recognise the importance of keeping batteries safe and getting it right. IATA has two sets of guidance: the *Battery-Powered Wheelchair and Mobility Aid Guidance Document* and

the *Dangerous Goods Regulations*, which sits with the International Civil Aviation Organization’s *Technical Instructions for the Safe Transport of Dangerous Goods by Air*. The latter, the DGR, is related to commercial freight and differs entirely from the *Battery-Powered Wheelchair and Mobility Aid Guidance Document*, but it is not clear.

My first question to the Minister is: when will there be one clear international flowchart with one set of common data relating to wheelchairs and mobility aids and one standard for service for disabled passengers? There is much confusion about what is or is not included, and I fear that is often an underlying problem when things go so wrong. There are moves for a universally accepted wheelchair passport, which would help, but it must be recognised by all the airlines, not left to the whim of checking staff or even the pilot.

There must also be a standard for training staff and for ensuring that disabled people are not handed on from person to person. On one journey at Madrid airport, I was handled by four different people before I could get to my own chair. At one point, I was literally just dumped in front of a concrete wall airside and told to wait for the next person to arrive; I was on my own for nearly 15 minutes.

There are plenty of talking shops. I have sometimes been invited to the industry/departmental meetings convened by the noble Baroness, Lady Vere, in the past, as have other Peers, and it is good that disabled people and organisations are involved, but until there are real changes nothing will change. The examples that I have given today are repeated every day when disabled people travel. Everyone is horrified when they hear what has happened, but there is no urgency to solve it. The noble Lord, Lord Shinkwin, said that if non-disabled people received this level of service it would simply be deemed unacceptable. Personally, I think there would be riots.

My last question to the Minister is: how can this Government get all the parties together to change what is happening? I do not mean just in the UK. This is a global problem that can be solved only by Governments, regulators and airlines coming together. It can and must be improved so that disabled people can travel and live their lives like everyone else.

3.11 pm

Baroness Grey-Thompson (CB): My Lords, I thank the noble Baroness, Lady Brinton, for tabling this debate today and asking such pertinent questions. Nothing that she has said has surprised me. This issue is close to my heart, and working on this speech has been relatively cathartic.

As an athlete, I was privileged to be able to travel extensively, and with that have come many interesting experiences. The issue with being a disabled traveller is that the bad journeys are so horrendous that it is easy to think that getting on and off a plane in a vaguely timely manner, not being forced to sit in a special little room—which is claimed to be better for us—and not having a damaged chair is fabulous, when actually it is just what non-disabled people take for granted. When your view of travelling is so skewed to expect it to be bad, it is easy to see why things are slow to improve.

I do not mind checking in early, getting to the gate early, having to give up my day chair and not getting off until the end. I understand that, being disabled, I have to do things differently, but, even with all that, we do not have equality. I shall take a few moments to recount some of my favourite disasters. If I had the whole hour, that would still not be enough to cover them all.

When flying with my then young daughter, the two of us had preboarded but I was told that I was not a responsible adult to fly with her and that I needed to find someone, literally anyone—in fact, a stranger—to say that they would take responsibility for her.

Over the years, both my racing chair and my day chair have been severely damaged and even lost. One time my day chair was put on a completely different plane to me, which was incredible, seeing that it was carried down the steps and the hold door was right next to them. I realised, thanks to the length of time that I was left on the plane when I arrived back in Birmingham, that there was something wrong, and my day chair did not arrive. I was asked whether I really needed it. That is potentially a fair question, as not everyone is a permanent wheelchair user and I might have been able to use an airport chair. I was asked if I could walk and I said no, I was paralysed. The next question was, “Have you ever tried to walk?” Clearly I was missing the obvious: maybe I had just not tried hard enough.

Later, I was excited to be told that my missing item was going to be returned to me. When it landed on my doorstep, it was two sleeping bags with another person’s name on them going to a destination that I was nowhere near. The individual who dropped them off queried whether I actually knew what I had lost. When I said it was a wheelchair, I was asked whether I was sure it was a wheelchair. My day chair was returned to me several months later pretty much sawn in half, and I was offered £200 compensation for a £5,000 wheelchair.

Disabled people are asked to preboard to give us more time to allow the use of an aisle chair, but on one occasion, when the team did not turn up to help me on, the airline had to start boarding the rest of the plane. When I eventually managed to get on, the pilot announced to the whole cabin that we were late because of me. I have to say that I was angry for being blamed. I was not even accorded the courtesy of being called a wheelchair user; I was called “the wheelchair”. That has happened so many times.

Another time, when I was refused my day chair at the gate, even though it had a gate tag on it, I was blamed for delaying the next flight. My daughter was two years old and by that age we did not use a pram for her; she used to sit on my knee for longer walks, and the distance from the gate to baggage was too far for her to walk. The airport would not allow her to sit on my knee in the airport chair because it was not insured to carry two people. It was suggested that, if she could not walk that far on her own, perhaps she could crawl.

I have also been refused boarding after checking in because the pilot told me, “We already have three of you”. I am not entirely sure what the three of us were. I was travelling with the British team, so we had to

work out which three of us should take the first flight to get to our destination in order to compete and which athletes could be left behind. On a different flight, I was asked whether I really needed my racing chair to compete. The answer was yes.

One airline told me that it had put me in a specific seat on the plane because if there was a problem it did not want me getting in the way of anyone else getting off and risking non-disabled people’s safety. In fact, in front of other people I was told that if the plane went down, I was not likely to make it off. I was clearly being told that my value as a disabled person did not exist. As disabled people, there are things that we know and do not need to be told, certainly not in front of other passengers. This happened when we were going off to compete in a major games.

Another airline sent me a form which asked me whether my impairment would cause offence to other passengers. When the airline then rang up to cancel my flight because it had decided my impairment was offensive—it told me that on the phone—I happened to have a TV crew at my house doing an interview about the competition I was trying to get to. That allowed me to get a full refund. The airline wanted to charge me for it cancelling my flight.

It is not just me. Wheelchair athlete Nikki Emerson said that when she flew to Australia for the Commonwealth Games airline staff told her she would “upset other passengers” by “climbing on the floor”. She had had to drag herself up the aisle after being told she would have to wait an hour to get to her seat from the toilet. I have also been refused access to toilets. I totally understand that the cabin crew cannot and should not assist inside the toilet, but because of the inaccessible nature of the cabin there should be a reasonable expectation of an aisle chair. The reality is that some airlines that run short-haul flights do not even have an aisle chair on board. Many might be surprised to know that “short haul” can include flights of up to four hours’ duration.

Victoria Brignell, who works at the BBC, was left on a plane at Gatwick for 90 minutes, and I despair of the number of times that Frank Gardner has posted about being abandoned. When I talk about train travel, I joke that I want the same miserable experience of commuting as everyone else, which I do not get, but I always hope for slightly better on planes. I know that Frank is not arguing for any special treatment, but if an airline cannot flag his name in the system and make sure that he gets on and off, given the amount he travels and his public profile, what hope is there for anyone else?

While airports and airlines call this unacceptable, change just does not happen. I commend Sophie Morgan on using her platform to highlight this issue using the hashtag #RightsOnFlights. Many are campaigning to ensure that disabled people who need to remain in their wheelchair, such as my noble friend Lady Campbell of Surbiton, are able to travel. I am really interested to see that some trials are now taking place that would stop people being discriminated against.

The reality is that we are always asked to be patient. We are treated as though it is the first time that it has ever happened when, quite frankly, it is not. Earlier

[BARONESS GREY-THOMPSON]

this year I met the CAA, which was very helpful, but, sadly, I am now of the opinion that financial penalties are perhaps the only way things will change. It has gone on far too long and it is far too distressing for many disabled people. The time for excuses should now have passed, and I look forward to the Minister's response to the questions asked by the noble Baroness, Lady Brinton.

3.19 pm

Baroness Ludford (LD): My Lords, I too thank my noble friend Lady Brinton for providing the opportunity for this important debate. Noble Lords will forgive me if I occasionally have to look over my shoulder; the only timer in the room is over there.

My experience of provision for people with disabilities when travelling is at one remove: my late husband, Steve Hitchins, had a leg amputated in 2015 to save his life from sepsis and, after a few months in a loaned wheelchair while the wound healed, was fitted with a prosthetic leg. This was heavy and unwieldy, given especially that the amputation was above the knee, so he could not walk very far and needed wheelchair assistance when travelling by air or train to get to or from the gate or platform. I learned a great deal about access problems in the four years before he died—of unrelated causes—in 2019. I came to the conclusion that provision for the protected characteristic of disability is not only 20 years behind that of other protected characteristics under the Equality Act but is flavoured too often with patronising pity rather than simple efficiency.

In the period that Steve used a wheelchair, he once found himself stranded inside the courtyard of Somerset House. It was the anxiety about how on earth he would get out, as much the inconvenience, that was so distressing. We took only a couple of flights, but my recollection is of quite a lot of toing and froing at the airport to check that the promised wheelchair assistance would materialise and anxiety as to whether it would appear in time. The problem is often the outsourcing of the service and lack of seamless communication. Because he was not taking his own wheelchair, Steve did not have the issues referred to by my noble friend and the noble Baroness, Lady Grey-Thompson.

The helpful Lords Library briefing tells us that, in their December 2018 consultation on the future of aviation, the Government noted that 70% of passengers who had requested assistance when flying in the previous 12 months were

“happy with the service provided”.

That is fine, but it means that 30%—almost one in three—were not. There seem to have been lots more consultation exercises and responses from both the Civil Aviation Authority and the Government than actual delivery of improvements.

In June last year, the CAA said that significant service failings were “unacceptable”. It warned airlines that they could face enforcement action regarding their legal obligations. What enforcement is actually happening? Perhaps the Minister can tell us. In June this year, the Government said it would seek to “legislate when parliamentary time allows”—

in the time-honoured phrase—on enforcement powers of the CAA. We have learned in this House not to hold our breath regarding such promises. Can the Minister give us a date for such legislation? What is happening in the meantime on enforcement?

Many passengers—including, as we have heard, colleagues in this House—have been left stranded on planes without their wheelchairs being returned to them or with wheelchairs and other mobility aids lost or damaged, and the ensuing fight for compensation. The noble Baroness, Lady Grey-Thompson, has spoken about poor experiences and said that disabled people are

“routinely ... told they are not allowed to fly on their own because of health and safety”.

To anyone who is, for instance, single or widowed, or for any reason whatever is travelling alone, for business or pleasure, this is a massive and patronising inconvenience.

The noble Baroness, Lady Grey-Thompson, had a documentary on the BBC World Service last night, entitled “Tanni's Lifetime Road to Disabled Equality”, about how not only in the UK but worldwide countries are still struggling with providing proper access for people with disabilities. One thing she highlighted—not about travel—was that 40% of the disabled people who lived in Grenfell Tower died in that fire. She campaigns on evacuation provision. As she said, the BBC security correspondent Frank Gardner, whose being stranded on a plane waiting for the return of his wheelchair hit the headlines, complained on the noble Baroness's programme about being treated as an “invalid” or “special person” instead of a service user like any other with particular needs. He wants common-sense practice, not “policy”, to guide service.

My main experience with my husband was of train travel, so I will say something about that, if I may—I think my noble friend Lady Brinton is permissive on this score. Provision for him was pretty hit and miss, with lots of pre-booking and checking up necessary. It arrived, more often than not, though often with a delay or with it needing to be chased by phone, but a majority of times is not good enough. I do not know if the situation has improved these days, with apps, but being stranded on trains is reported regularly. People's needs differ. I recall one hairy occasion at St Pancras when, getting off a Thameslink train, the only offer was a ramp, but that was of no use to Steve, by then on his legs. He could step down but the big gap between train and platform without well-placed grab rails was nerve-wracking. By the way, Steve found the grab rails in the new electric taxis not to be very convenient, but they are great otherwise.

In the programme I just cited, the noble Baroness, Lady Grey-Thompson, reminded us that step-free access to trains, once promised for January 2020, has been put back to—unless I misheard—2070. Can this possibly be true? Even if there is level boarding from platform to train, there remains the problem of reaching the platform. Disgracefully, it was proposed at one point that seven stations on the Elizabeth line would be denied disabled access for cost-cutting reasons. This was reversed after an outcry but, of all the things to cut, what a telling reaction it was that slashing disabled access was top of the list.

Lifts at stations are very often out of action, sometimes with a casual apology notice stuck on. I wonder if Network Rail and the train companies understand the devastation that can be caused by a broken lift. It means either a horrible struggle up the stairs with great difficulty, maybe with a suitcase, or simply being unable to travel. Breakdowns need fixing in a maximum of hours, not days—let alone weeks.

My worst experience with my late husband was on our last holiday abroad, in May 2019, to Amsterdam on a direct Eurostar train. It was ruined, despite Eurostar's promise in its website's "special assistance" section that:

"If you're travelling with a disability or reduced mobility, free special assistance is there to help you get to and from the train. At many of our stations, you'll be helped by our Eurostar Assist team; at some of our stations, you'll be helped by the local team. Although some local teams provide a slightly different service, we work closely with them to make sure everything goes smoothly".

When he arranged the service, my husband was not told that the Amsterdam station's "slightly different service" meant no loan wheelchair to meet him off the train, such as was provided at St Pancras to get on it. It provided a ramp only to passengers travelling in their own wheelchairs. Eurostar later claimed that we should somehow have known that

"free special assistance ... to help you get to and from the train"

did not include a wheelchair loan at Amsterdam, as it did at St Pancras, since we were reliant on a Dutch railway service. I pointed out that our contract was with Eurostar, not NS, the Dutch railways.

The train manager on the Brussels-Amsterdam section of the outward trip came to find us to say, "I know you are registered for assistance but there is in fact no wheelchair loan at Amsterdam". He clearly understood that we would not know about that and would be hearing it for the first time. We had been allocated seats in the end carriage of the outward train, which I had not thought was a problem, given that we were going to get a wheelchair to the door of the train. When we did not, my husband had the longest possible walk to the lift, which was a physical challenge for him with his prosthetic leg and distressing for me to observe. Even the memory of it distresses me. This was anything but the promised smooth experience.

I will spare you the details of the ruined weekend, with me making phone calls all over the shop to Eurostar and, when the company told me to, to SNCB, Thalys and goodness knows what—even though it was Eurostar's responsibility. I have recounted this tale at some length for the snapshot it gives of not only poor service and lack of communication but poor co-ordination between providers, disingenuous explanations and attempts to wriggle out of responsibility. That is common to all modes of travel. I expect the Government and/or regulators to stop all this.

I am sorry; I have gone on. The fact is that we have an ageing society where the demand for assistance from those with either disability or reduced mobility can only grow, so the urgent need is for all those access and assistance promises to finally be fulfilled.

3.29 pm

Baroness Randerson (LD): My Lords, I start by thanking my noble friend Lady Brinton for bringing us the opportunity for such an important debate. She has recounted some very sobering experiences. As the noble Baroness, Lady Grey-Thompson, spoke, I recalled the apparent progress that we made during the 2012 Olympics in developing public understanding, appreciation and awareness of disability issues. Paralympic athletes such as the noble Baroness became our national heroes. My thought was: have we forgotten so soon? Has our society moved to ignoring these problems and issues again?

Of course, a change has occurred. Statistics show that requests for assistance for disabled passengers have doubled for airlines in the past two or three years. Those requests, as people decided to go on holiday and travel again after years of Covid restrictions, were being lodged at a time when the aviation industry had huge problems with recruitment, but some of the problems are not just transitory. They are endemic in the system.

When I was preparing for this debate, I was trying to analyse the source of the problems. Meeting these needs is a combination of provision by the airport and provision by the airline. One thing that is very useful indeed is the CAA's annual survey and report on the record of individual airports. I am sure that the Minister will refer to this in this response. The CAA's report shows that there have been improvements since what can be regarded only as the complete nadir in 2022—things have improved somewhat.

That report is important for two reasons. First, it incentivises the airports to improve their achievements and service, because they are named and shamed. Secondly, it is a source of information for people using wheelchairs who wish to travel, because you can pick out a better airport. It used to be that you avoided Luton at all costs but it has improved lately. What gives me real concern is that Heathrow seems to have a consistently poor record. That is our premier airport; it has the numbers to be able to provide a regular service and I cannot see why it does not consistently do well.

The other part of the jigsaw is the airlines. International lists of good airlines dealing with passengers with disabilities do not feature British-based airlines very much and that is a matter of concern to me.

My noble friend Lady Ludford talked about her Eurostar experience. I have never tried to board a plane in a wheelchair, but I needed a wheelchair last year, soon after my heart operation, when I got on the Eurostar. I have to say that I was treated brilliantly; the staff were absolutely lovely. The whole process was smooth—but I was not, of course, using my own wheelchair. I was using Eurostar's and I could, with assistance, walk up a step, so it was not parallel to my noble friend's experience with her husband. I hope the fact that I was treated so well suggests that, over the couple of years since the incident she recounted, things might have improved.

One problem is that this is partly an international issue, and we can control the British end better than we can control the further end of the journey. I also

[BARONESS RANDERSON]

want to draw attention to the fact that airport services are remarkably fragmented: ground handling, luggage, catering, retail, security and passport control, bus transfers and the flight itself are all provided by different companies, and the co-ordination of those is a massive task. I am not trying today to reorganise the aviation industry but I wonder whether there might be a better way of co-ordinating it.

This debate has been overwhelmingly about aviation, but I suggest that a similar story could and should be told about railway services. On a weekly basis, on the trains that I travel on, I watch people in their wheelchairs—there are always people in wheelchairs on intercity services—who are worrying. You can see that they are not sure about the provision of services, and on a couple of occasions I have had to come to someone's rescue by shouting at a member of staff further down the platform to make the point that there is someone waiting to get off. There is still a long way to go.

3.36 pm

Lord Liddle (Lab): My Lords, it is a pleasure to see the noble Lord, Lord Gascoigne, in his place fulfilling his duties as a Government Whip, having so recently been introduced to the House. We look forward to seeing much more of him.

What we are talking about here is a fundamental issue of equality and we clearly have to do something about it. I shall not speak for long on the issue; we have heard moving contributions from the noble Baronesses, Lady Brinton, Lady Grey-Thompson and Lady Ludford. The question is: what are the Government doing about it?

In the case of air travel, this is obviously primarily an international issue, so there is the difficult question of how one enforces standards across the EU, with the US and across the world as a whole, but there is no excuse for the poor treatment of people with disabilities on public transport in our own country. We have to do better than we are at present. The numerous reports of problems are really unanswerable.

What are the Government doing to monitor compliance with the relevant domestic legislation? In the case of airlines, is this something that they regard as the CAA's responsibility and therefore the department does not have to do much, or is the department itself taking these questions seriously? If it is, what in the near future is it planning to do about it?

3.39 pm

The Parliamentary Under-Secretary of State, Department for Transport (Lord Davies of Gower) (Con): My Lords, I thank the noble Baroness for asking this important question and all noble Lords for their contributions to this debate. Aviation passengers' rights remain a priority and the Government are committed to ensuring that air travel is accessible for all. I am extremely sorry to hear of the experience of the noble Baroness, Lady Brinton, and the other shocking experiences that have been unfolded in Grand Committee today. For what it is worth, in my role as a Minister I am responsible for maritime accessibility, so I take this very seriously.

My responses today relate to contributions made by all noble Lords. I will start by talking about the rights of disabled passengers and the Government's position. We have been clear with industry that passengers should be provided with the best service possible, including providing services and support to disabled and less mobile passengers so that they can travel with ease and dignity. Failure in this area is totally unacceptable.

In the Civil Aviation Authority's latest aviation consumer survey, 21% of respondents identified as having a disability or health condition. Out of these people, 58% stated that they had difficulty in accessing or using airports or flying, and 70% required assistance when flying. The Government are committed to tackling the barriers affecting disabled and less mobile passengers while flying. The department has consulted formally on accessibility and regularly engages with disability experts and people with lived experience to further understand the issues. The department is committed to continuing to work collaboratively to bring about positive changes in aviation accessibility. To help bolster understanding and drive improvements, the department works closely with the government-appointed Disability and Access Ambassador for Aviation, Ann Frye OBE, and the Disabled Persons Transport Advisory Committee to ensure that disabled passengers' voices are represented.

I recognise and take on board the notion that this is a global issue and must be addressed accordingly. The noble Lord, Lord Liddle, is quite correct to point out that this is a matter of equality. The Government are working actively with other countries at a European level through the ECAC and internationally with the ICAO.

Following consultation, the Government have committed to a range of legislative reforms, when parliamentary time allows, and non-legislative measures to improve air passenger rights for all passengers, first to remove the compensation cap for damaged wheelchairs on domestic UK flights through legislation. The Government will also work with industry to encourage voluntary waiving of this cap on international flights. It is important that when industry is in breach of its obligations to consumers, there are means of addressing this. Therefore, the department will take forward legislation to give the CAA additional enforcement powers: for example, the power to issue fines. Additionally, alternative dispute resolution membership for all airlines operating to, from and within the United Kingdom will be mandatory, so that all passengers can escalate complaints no matter who they choose to fly with. The right training is vital for the sector to understand the needs of disabled and less-mobile passengers. That is why the department launched a new training module for industry on handling powered wheelchairs to help mitigate damage to these vitally important items.

On stakeholder engagement, my noble friend Lady Vere of Norbiton, the previous Aviation Minister, hosted a round table with accessibility experts in June 2023. This focused on gaining a deeper understanding of the barriers faced by disabled and less-mobile passengers and what more could be done to address these. The round table was invaluable in identifying key areas that could be reformed. The department is now taking forward discussions with industry to drive forward

improvements in the sector focusing on these key issues, including, for example, training, data sharing, complaint handling and infrastructure. The department is committed to continuing its engagement with industry and stakeholders to make air travel enjoyable and comfortable for everyone. To help drive improvements, the Government work closely with the government-appointed Disability and Access Ambassador for Aviation whom I mentioned earlier, and the Disabled Persons Transport Advisory Committee, to ensure that disabled passengers' voices are represented.

The noble Baroness, Lady Randerson, talked about the Civil Aviation Authority's role. We have a regulatory framework that sets out the rights of disabled and less mobile passengers when flying, which is enforced by the CAA. The recent public body review of the CAA looked at the efficiency, effectiveness, governance and accountability of the CAA as a whole, including the use of its current consumer protection enforcement powers. The independent review reported that the CAA is a highly effective regulator. The CAA is committed to its role to consumers, which is evident from several key initiatives, including the release of a recent airport accessibility performance report, the ongoing consultation on introducing a similar airline performance framework, the assessment of airline website accessibility and the publication of a new consumer strategy.

The noble Baroness, Lady Brinton, mentioned staff training. Training is key to ensuring that staff across the aviation sector understand the needs of disabled passengers. The ministerial round table with disability experts in June 2023 raised staff training as one of the key barriers to disabled people's confidence to fly. UK law obliges all staff to receive appropriate disability awareness training. The department will work with industry to understand what issues or gaps, if any, exist and will consider ways to address these. The department published a free online disability awareness and equality training package for all transport mode operators, including aviation, in November 2020. The REAL training programme was created to improve the sector's confidence and skills in delivering inclusive journeys for disabled passengers. The department launched a new module as part of the REAL programme in June for handling powered wheelchairs; the training focuses on the importance of careful handling and the impact that any damage has on the passenger.

The noble Baroness, Lady Brinton, also talked about seating on board aircraft. We strongly believe that everyone should have equal access to air travel. Under UK law, airlines are required to make all reasonable efforts to arrange seating to meet a disabled passenger's needs, including seating a travelling companion next to the passenger. While there is no legal requirement for airlines to offer free or discounted seats to an accompanying person, it is the CAA's view that it is best practice for airlines to do so where they require a disabled or less mobile passenger to travel with an accompanying person. Airlines are allowed to request an accompanying person only due to safety concerns: for example, if a passenger could not evacuate the aircraft in an emergency.

On non-visible disabilities, providing accessible aviation to all passengers is a government priority. As I mentioned earlier, the CAA has published guidance for both

airlines and airports on providing assistance to passengers with non-visible disabilities. In fact, the Government's Disability and Access Ambassador ran an excellent session with industry and experts on a new UK standard for the built environment and neurodiversity, called "Design for the Mind". The session considered how the airport environment can be better designed and managed to be an enjoyable environment for neurodiverse people. The Government are working with experts following this session to understand what practical steps can be taken.

On accessible toilets on board aircraft, there is already guidance on accessibility requirements under UK law that airlines are expected to follow, including guidance on accessible toilets on different aircraft types. The CAA has recently reinforced, in its consultation on an airline accessibility performance framework, that airlines must meet the requirements set out in the guidance, including providing assistance to and from the toilet via an on-board wheelchair in order to meet their legal obligations.

Airport security screening was mentioned. As I said, the Government are committed to ensuring that flying is enjoyable and accessible for everyone, and the department is engaging with industry to identify ways that this can be achieved for the entire passenger journey. All passengers must be screened effectively, and, as far as possible, disabled and less mobile passengers will be screened to the same standard and in the same way as other passengers. Where passengers are not able to be screened in the usual way, an alternative method will be used that may take slightly longer. Security officers are expected to make reasonable adjustments when screening or searching passengers with a disability.

The reports we have seen in recent years about the mistreatment of disabled and less mobile passengers travelling by air are, as I said earlier, completely unacceptable. The department is committed to making aviation accessible and enjoyable for everyone, and there are plans in place, both legislative and non-legislative, to drive this forward. There is legislation in place to protect the rights of passengers, and the CAA will take enforcement action, where necessary, to protect the rights of consumers. The industry has made some real changes over the last year to improve the service it provides to consumers, including disabled and less mobile passengers, and this is evident in the CAA's most recent report on airport accessibility performance. However, there is more to do, and the department and the CAA will continue to work collaboratively with industry to focus on improving the accessibility of aviation and the service provided to passengers.

The Government are clear that all passengers must be treated with respect and dignity while travelling by air. It is vital that government, the CAA, industry and accessibility stakeholders continue to work together to making flying an enjoyable, safe and comfortable experience. I thank noble Lords for their input on this important issue.

3.51 pm

Sitting suspended.

Educational Technology

Question for Short Debate

4 pm

Asked by **Baroness Kidron**

To ask His Majesty's Government what assessment they have made of the role of educational technology (ed tech) being used in schools in relation to (1) the educational outcomes, (2) the social development, and (3) the privacy of schoolchildren.

Baroness Kidron (CB): My Lords, I declare my interests, particularly that of chair of the Digital Futures Commission, which published the *Blueprint for Educational Data* in 2022, as chair of 5Rights Foundation and adviser to the Institute for Ethics in AI in Oxford.

School is a place of learning and an environment where children build relationships, life choices are made and futures initiated. For most children, school is compulsory, so while they are there, the school is *in loco parentis*. I welcome the use of technology, whether for learning or management, but it is uniquely important that it meets the school's multiple responsibilities for the children in its care.

The debate this afternoon asks us to consider the impact of edtech on learning, privacy and the social development of children. Each could fill a debate on its own, but in touching on all three, I wish to make the point that we need standards and oversight of all.

For more than a decade, Silicon Valley, with its ecosystem of industry-financed NGOs, academics and think tanks, has promised that edtech would transform education, claiming that personalised learning would supercharge children's achievements and learning data would empower teachers, and even that tech might in some places replace teachers or reach students who might otherwise not be taught.

Meanwhile, many teachers and academics worry that the sector has provided little evidence for these claims. A recent review by the UCL's Centre for Education Policy found that, of 25 of the most popular maths apps for children aged five, only one had been empirically evaluated for positive impacts on maths outcomes. Half of them did not include features known to support learning, such as feedback loops, and six of the 25 contained no mathematical content at all. If the UCL finding was extrapolated across the half a million apps labelled "education apps" in the app store, 480,000 would not be evaluated, a quarter of a million would provide no learning support and 120,000 would have no educational content at all. The lack of quality standards is not restricted to apps but is widely spread across all forms of edtech. Of course we should have tech in school, but it must be educationally sound.

Covid supercharged the adoption of edtech and, while we must not conflate remote learning with edtech in the classroom, the Covid moment offers two important insights. First, as forensically set out in the UNESCO publication *An Ed-Tech Tragedy*, the "unprecedented" dependence on technology worsened disparities and learning loss across the world—including in Kenya, Brazil, the United States and Britain. Unsurprisingly,

in each country the privileged children with space, connectivity, their own device and an engaged adult had better outcomes than their peers. A more surprising finding was that, where there was no remote learning at all but children were supplied with printouts or teaching via TV or radio, the majority of students did better. The exact reasons are complex but, in short, teaching prepared by teachers for students whom they know, unmediated by the values and normative engineering practices of Silicon Valley, had better outcomes. UNESCO calls on us to ensure that the promises of edtech are supported by evidence.

Secondly, Covid embedded edtech in our schools. Sixty-four per cent of schools introduced, increased or upgraded their technology with no corresponding focus on pupil privacy. In 2021, LSE Professor Sonia Livingstone and barrister Louise Hooper for the Digital Futures Commission mapped the journey of pupil data on Google Classroom and Class Dojo. Their report showed children's data leaking from school and homework assignments into the commercial world at eye-watering scale, readily available to advertisers and commercial players without children, parents or teachers even knowing.

It is worth noting that, in 2021, the Netherlands negotiated a contract that restricted the data that Google's education products could share. In 2022, Helsingør in Denmark banned Google Workspace and Chromebooks altogether—the same year the French Ministry of Education urged schools to stop using free versions of both Google and Microsoft.

Children's privacy is non-trivial. Data may include school attendance, visits to the nurse, immigration status, test results, disciplinary record, aptitude and personality tests, mental health records, biometric data, or the granular detail of how a child interacted with an educational product—whether they hesitated or misspelled. Between management platforms, multiple connected devices and programmes used for teaching, the data that can be collected on a child is almost infinite and the data protection breathtakingly poor. Pupil data has been made available to gambling firms and advertisers, and even been found to track their use of mental health services.

I turn briefly to the impact on social development. Child development is a multifaceted affair, in which not only the tech itself but the opportunity cost—that is, what the child is not doing—is of equal import. I was in Manchester last week, where a programme to bring professional dancers to nursery schools is being developed because children were arriving unable to play, look each other in the eye or move confidently. Although schools are not to blame if children come in overstimulated and undersocialised, in part because of the sedentary screen time of early years, it is absolutely crucial that school remains a place of movement, singing, playing, drawing, reading and class teaching, supported by tech but not replaced by it, not only in a handful of Manchester nurseries but throughout the school system, and, very importantly, during the teenage years. Decisions about edtech should be in the light of and in response to not simply learning but the whole child and their development needs.

In my final minutes, I will speak briefly about safety tech. Here, I record my gratitude to Ministers and

officials in the Department for Education, past and present, who have made very significant progress on this issue this year.

Frankie Thomas was 15 when she accessed a story that promoted suicide on a school iPad that had not been connected to the school filtering system. Subsequently, she took her own life exactly as she had seen online. Since that time, her parents, Judy and Andy, have campaigned tirelessly to bring the governance of safety tech to our notice. They deserve much credit for the advances that have been made. However, we still do not have standards for safety tech in schools. Schools can buy, and are buying, in good faith, systems that fail to search for self-harm or have illegal content filters switched off and so on. Secondly, while we have excellent new guidance, Ofsted inspections do not explicitly ask whether schools are reviewing and checking that their online safety systems are working, meaning that thousands of schools have not properly engaged with that guidance.

I gave the Minister notice of my questions and very much look forward to her response. Will the department introduce quality control for edtech, including peer review and certification that evidences that it is suitable to meet children's educational and development needs? Will the department use the upcoming Data Protection and Digital Information Bill to introduce a data protection regime for schools, which is so urgently needed? Will the department introduce standard procurement contracts, such as the Netherlands has, recognising that a single school cannot negotiate performance and privacy standards with global companies? Will the department bring forward a requirement for minimum standards of filtering and monitoring so that safety systems are fit for purpose, and simultaneously ensure that Ofsted's inspecting schools handbook explicitly requires an inspector to ask whether a school is regularly checking its safety tech?

I am deeply grateful to all noble Lords who have chosen to speak and look forward to their contributions. Education is an extremely precious contribution to child development and widely regarded as a public good. It must not be undermined by allowing an unregulated market to develop without regard for the learning, privacy and safety of children.

4.09 pm

Baroness Morgan of Cotes (Con): My Lords, it is a great pleasure to follow the noble Baroness, Lady Kidron, who has set out the parameters for today's short debate so powerfully and with her customary expertise. It is a great pleasure to see a number of other noble Lords in the Chamber who I have spent quite a long time debating online safety issues with so far in 2023. I mention my honorary position as a member of the political advisers panel of AI in Education. I shall come back to that in a moment.

The noble Baroness, Lady Kidron, set out a very clear case for standards and oversight of tech in education. I know that this is not a new issue; it is something that my noble friend the Minister and the Department for Education have been looking at for quite some time. When I was Secretary of State for Education, quite a long time ago now, I remember being invited to a number of edtech conferences and events, where I was

told how technology was going to revolutionise the classroom, make everybody's lives so much easier and cut workloads. I still think that all those things are possible and that we should see both the risks and opportunities of technology in education. My former constituency of Loughborough experienced, many, many years ago, the Luddites, as they came through and smashed up the cotton frames. I do not think we want to be Luddites about technology in education or say that we need to put the genie back in the bottle. I will be very interested to hear from the Minister how much the department is already doing in this particular space.

Of course, it is not just about government. As with so many other things, government Ministers, officials, and advisory groups can do so much, but there are many other organisations. The noble Baroness, Lady Kidron, talked about one; AI in Education, led by Sir Anthony Seldon, is another; the noble Lord, Lord Clement-Jones, who cannot be here today, has talked about the Institute for Ethical AI in Education. I very much hope that the department is calling on all those institutions, as well as many others in the space, to gather the best expertise, because I do not think that in this fast-moving world government can possibly be expected to solve the issues that today's short debate will highlight on its own.

As the noble Baroness, Lady Kidron, said, this issue of tech in education has been only accelerated—as so many other things relating to technology were—by the pandemic. The Covid-19 Committee that this House set up in 2020, chaired by the noble Baroness, Lady Lane-Fox, took evidence on the specific issue of technology in education during the pandemic. While, of course, there were issues—technology adopted very quickly, issues relating to privacy and other things thought about later than they should have been—I was also struck at the time by the evidence from parents and others working with, in particular, children with special needs, for whom the opportunity to learn online in a quieter environment had, for many, been something that they welcomed. I think it is fair to say that we all now live in a hybrid world. While there is no doubt that children learn best in a classroom—we all learn and communicate better face-to-face—there will still be times when the hybrid option is suitable.

The noble Baroness, Lady Kidron, talked about safety tech. The first message I urge my noble friend to take back to the department and others is that I really hope that we are not going to play catch-up on all these issues, as we have done with internet regulation. We now have the Online Safety Act, and are all now waiting for the regulator to do what it needs to do, but there is no doubt that we—and not just us but Governments around the world—have been playing catch-up with the growth of the internet. The issues relating to technology and education, and how we keep our young people safe, are not new; we need to think them through and try to keep as ahead as we possibly can of the challenges.

In the time available, I will make two points. One relates to the curriculum and the other relates to character education, my favourite subject. It seems to me that, over the course of the past nine years, since I had the fortune to become the Secretary for Education,

[BARONESS MORGAN OF COTES]

which is a fantastic role, our curriculum has slipped behind somewhat in being relevant for the 21st century. Knowledge is very important, but the world has changed, along with the way that we all access that knowledge—that genie will not go back in the bottle. As the noble Baroness said, getting young people to understand the risks of sharing their data but also being confident about broader issues relating to data analysis and the use of statistics are things that our curriculum does not accurately teach now. A lot of the rest of us, who are not in school or college, could also benefit from lessons in these things, so a programme of adult education on these matters would not go amiss either.

I used to get a lot of lobbying about the taking of exams: why do we still ask young people to sit in rooms for three hours scribbling on a piece of paper? Again, the recall of knowledge is important, but there are ways of designing the use of technology in exam settings that would stop people accessing information on the internet to help them but also reflect the fact that, when you get out into the big wide world and the workplace, people will be using technology. I say this not as somebody whose handwriting is abysmal, but the fact is that I type every day and do not write that much anymore. We have to reflect that fact.

The other point is being sceptical about what young people are finding out from artificial intelligence and the internet. Again, all of us could benefit from lessons in that. But if young people and those who are teaching them are going to use artificial intelligence in education, let us work with them to make sure that they are confident in how they use it, how they check what it is and any underlying biases in the AI that they have been using.

My final point is on character. I firmly believe that our education system is for teaching not just knowledge but characteristics—values, virtues, things such as integrity, honesty, curiosity and the desire to constantly learn. That is more relevant than ever when you have the influence of technology in our classrooms. I would really welcome my noble friend's comments on the need to update the curriculum to reflect the use of data and AI technology in the modern world, but also how schools will teach character skills to help young people to really use AI and technology in a way that benefits their education.

4.17 pm

Lord Knight of Weymouth (Lab): My Lords, it is a great pleasure to follow the noble Baronesses. I do not think that there was a word that the noble Baroness, Lady Morgan, said that I did not agree with. I declare my interests at the outset: I, too, am a political adviser to AI in Education; I chair a multi-academy trust, E-ACT; I am a director of Suklaa, whose clients include Iris Software and Goodnotes; I am a director of Macat; and I chair the boards at Century Tech and EDUCATE Ventures Research. I am very proud that the last two are headed up by two great experts around AI and education, Professor Rose Luckin and Priya Lakhani.

I am a long-term evangelist for the use of technology in education, as well as change in education and our school system, but I recognise the efficacy problem

that the noble Baronesses, Lady Kidron and Lady Morgan, talked about. I signed off, and was responsible as a Minister for, the harnessing technology grants—rather a lot of money was spent on rather a lot of whiteboards. I am not sure that they made a massive difference when we did not accompany that investment with the training of teachers to transform their pedagogy to go with it, and we need to learn from that.

It is also fair to reflect that, with the current orthodoxy of the curriculum—what we require of young people and how they take tests writing on paper with pens in large sports halls every summer—perhaps we do not need technology. It may well be that, given that that system has not really changed for the last 50 to 70 years, we know how to teach it. If we think that that is right and we should preserve the status quo for ever, then perhaps we do not need technology. But I happen to believe, particularly with the workforce crisis that we face in our schools, and the changing environment externally that the noble Baroness, Lady Morgan, talked about, that we need to change.

I am guided by the work back in the late 1990s of Professor Ruben Puentedura from Boston who talked about his SAMR model—that is, substitution, augmentation, modification and redefinition. It is only when you get to the modification or redefinition of pedagogy that you achieve proper gains with the application of technology in education.

Currently we have a curriculum problem for the reasons outlined by the noble Baroness. We have an opportunity for change enabled by technology assisting teachers, and technology is making that change inevitable and essential. In order to realise that opportunity, we have to be mindful of some of the problems of safety, data and privacy, the digital divide—the divide around access to devices and data—and the confidence of teachers and learners to be able to use technology and of parents to be able to support their children during homework using technology. We have to be mindful of all those things, but they should not be an obstacle to progress.

There are alternative visions. There is a dystopian vision where technology replaces teachers and young people are isolated, learning on screens, cramming for tests of knowledge and ultimately falling behind machines because they leave school unable to compete with highly intelligent machines and their ability to regurgitate knowledge far more accurately than humans ever could. At the same time, in that dystopian world, we would have all the problems of data privacy and privatisation that the noble Baroness, Lady Kidron, talked about.

The utopian vision is of technology as a co-pilot to teachers, keeping them informed about the differences in their class, the scaffolding gaps in the knowledge of their children and the skills that those children need as technology helps them to interpret how their children are doing. This vision includes the opportunity for flipped learning so that the instructional knowledge-based elements of the learning can be done at home using technology so that school is a human place of social interaction and group work with the application of knowledge in an exciting way that teachers at the

moment are not equipped and trained to be able to do. With the application of technology, there is an opportunity to do that and to develop a more rounded curriculum powered by novel forms of assessment with portfolios as endpoint qualifications that can deliver higher education entrance in a way that is a transformation from where we are at the moment and, to my mind, hugely exciting.

Artificial intelligence represents an opportunity. There are opportunities for tools for workload and workflow and pedagogic tools around adaptive learning, formative assessment on the fly and being able to deliver project-based learning in a way that is currently practically really hard for teachers but could be made a lot easier, thereby engaging all learners with relevant knowledge and skills in a way that is currently inconceivable.

However, we have to be mindful of the risks. I am interested in data trusts for public services and in whether we can set up trusts in statute not only for the NHS but for education so that we can own and control the use of children's data, navigate which commercial partners we might want to use and get some return on the AI that that data is being used to train so that we can use that to help to fund our education system if that intellectual property is then exploited overseas.

The Minister will not be surprised that I question why we are investing £2 million of public money in Oak National Academy without procurement for it to do AI development, rather than using the private sector and others or even going through any kind of procurement to see how we might do that. Generally, I would love to see Oak repurposed into a modern-day version of BECTA that could properly advise the system on the safety, efficacy and workload implications of technology and generate the best-value procurement possible.

Edtech is a great opportunity. The need for change is pressing. We should chase after the utopian vision, with technology for good being embedded in what we do our schools.

4.24 pm

Baroness Harding of Winscombe (Con): My Lords, it is an honour to follow the noble Lord, Lord Knight, who has just demonstrated his extraordinary depth of knowledge in both education and technology. In fact, it is rather daunting to speak after him and the two noble Baronesses. Rather than declare my interests, I feel I have to do the opposite and declare my lack of knowledge, as I am not an educationalist at all, other than being the mother of two teenage daughters. I speak solely from my experience in digital transformation and digital regulation in other sectors.

With that caveat, I will dare to say a few points. From other sectors, there are four things that we know, which I would like to pull out. The first is obvious: the huge opportunity coupled and paired with the risks that digital technology brings. The yin and the yang are visible in every single place that digital goes. The second thing we know is that you cannot stop it. As my noble friend describes, the Luddites failed, as has everyone else who has attempted to stop technology. Like water in a flood, it finds a way through. You cannot ban it; you also cannot ignore it. We know that from every other sector.

Thirdly, the problem is not the technology, but the people. In every sector, it is people who make technological change hard. While 98% of the population embrace technology in an open, whole-hearted, moral and legal way, there will always be those who use technology in other ways. Change, as the noble Lord, Lord Knight, referred to, involves people changing. We know that from every sector that digital has touched, but it is hard in every sector.

Fourthly, every sector is learning that it has to lean in itself. It is not possible to do what my parents did, which was to abdicate responsibility for the DVD or video player to the younger generation to program, because they did not know how. With technology, it is hugely tempting to want to abdicate responsibility to the “experts”, to the CTO or the technology function. Every sector is learning that you cannot do that. Educationalists, just like politicians, cannot abdicate this to other people. We have to lean in and learn ourselves.

It is here already. As I tried to mug up a little bit on the edtech sector in advance of this debate, I was really struck by some statistics from an RM Technology research pamphlet, published in June 2023. It did some research on 1,000 secondary school students this summer: 67% of them already used chatbots such as ChatGPT—67%, just six months after it launched—and 48% said that excluding it would really hold them back. However, 38% said they felt guilty about using it. Teenagers are expressing the yin and yang already: the opportunity and the threat of that new technology.

Those of us who have worked together on online safety for many years know that we were far too slow to challenge the tech exceptionalism in child online safety. We were far too slow to win the argument that self-regulation was patently not going to be fine. I worry that there is a real risk of almost a double exceptionalism here: the tech exceptionalism, of “Don't worry, self-regulation will be fine”, coupled with the “Education is different, it's all a bit too complicated; we need to leave it to the educational establishment and teachers—don't worry”. Through that double exceptionalism, I was shocked to discover that the age-appropriate design code does not apply to education technology. I do not know why. Can my noble friend the Minister say why would we not extend the age-appropriate design code to edtech? We know that safety by design is the way to build in the right checks and balances for opportunity and risk in digital. If that is not regulated, it does not happen—we have seen that time and again in social media. While it is easy for me to say, “Lean in”, we must really invest to lean in and learn about the technologies. Can my noble friend the Minister say what the Department for Education is doing to build its knowledge as these new technologies grow?

I sit on the Lords Communications and Digital Committee, which is currently doing an inquiry into large language models. We have asked a whole series of regulators how prepared they are to regulate AI. I am ashamed to say that I do not think we have asked anyone in education, so I will do so now. I am keen to understand what the department is doing to build its expertise in large language models, because we can see they are being used. How many AI experts and data scientists does the department have? Is it starting to

[BARONESS HARDING OF WINScombe]

put together a regulatory sandbox? These are all questions we are asking other regulators and I suggest that the Department for Education should look at them too.

Like the noble Lord, Lord Knight, I too want to highlight the importance of digital inclusion. It is all very well for us to discuss the opportunities and risks of all this wonderful technology, but the harsh reality is that far too many children are growing up in this country without access to it at all. According to Ofcom's 2023 media use and attitudes report, 19% of 16 to 24 year-olds use only a smartphone to go online. Imagine trying to do your homework just with a smartphone—possibly one that is shared among the whole family. That is a huge disadvantage, which serves to exacerbate all the things that I know the department is working so hard to try to improve.

The report showed that 28% of 16 to 24 year-olds are only “narrow” internet users, which Ofcom defines as those who use the internet for only one to four activities out of a defined list of 13. These are not technical—buying things, streaming videos, looking for jobs or using it for research. That is a very large proportion of our young people without a broad range of basic digital skills. What are we doing in education to ensure that all pupils have basic digital skills and access to more than just a smartphone?

The opportunities are so great—I am a tech evangelist in so many ways—but the risks are also very real. As the noble Baroness, Lady Kidron, said, standards and oversight need to be in every sector. Probably none is more important than education.

4.32 pm

Baroness Garden of Frognal (LD): My Lords, I, too, thank the noble Baroness, Lady Kidron, for initiating this relevant and highly pertinent debate. I confess that tech is not my area of expertise, but I have received so many briefings and emails and so much helpful advice that I am now well aware of the importance of edtech in schools.

I was a teacher before technology. If we needed to duplicate, we had a jelly tray on which you put one sheet at a time. I seem to remember the print came out purple, for some reason. The advent of photocopiers was a revolution to teachers—the heady days of yesteryear—but, as we have heard, educational technology is on the rise and, as the noble Baroness, Lady Harding, said, we cannot halt it. However, we need to learn how to manage it so that it is our servant and not our master. Much of what I was going to say has been said, but of course I have not said it. I shall try not to be repetitive.

There is always the danger that students are likely to be one step ahead of teachers, as the young have grown up with technology whereas many teachers have had to learn it. As others have pointed out, there are dangers for the social development of pupils if they rely too much on technology and not enough on their own learning. There is also a danger of taking the personal interaction between teacher and pupil out of the picture.

My daughter was a primary teacher during Covid, working excessive hours to ensure that her four year-old pupils continued their education, albeit in a strange

and unusual way. Her first task was always to ensure that they had access to a computer and to an adult who could use it, and then to construct relevant and interesting lessons to ensure that they did not lose out. We share concerns about the Oak National Academy, which was set up during Covid to support remote learning, which was new to pupils and teachers. Can the Minister say what the status of the Oak National Academy is now? AI was supposed to help teachers with lesson planning and other materials that would reduce their workload, but it is not at all certain that that was achieved.

We have heard from Jen Persson, the director of Defend Digital Me, who writes:

“To reduce the debate on edTech to questions of data processing or particular pros and cons of a single product is to misunderstand the socio-political and economic underpinning and goals of the edTech market”.

Jen raises concerns that

“the introduction of many common technology tools, apps and platforms into the school setting means the introduction of hundreds, often thousands, of strangers who influence a child's life through interactions with companies and their affiliates in the digital world”.

Others have pointed this out. They say these platforms are by no means secure and can

“bypass the gatekeepers within the school system to deliver EdTech directly to young people, their families and lifelong learners”.

In other words, the privacy and safety of children may be compromised by these exciting new tools. The issue of the privacy and safety of children must surely be addressed, as we heard from the noble Baroness, Lady Kidron, and others.

For teachers who are overworked and underpaid, there could be help in their workload if they are provided with a personalised AI lesson-planning assistant, but, once again, we need to know how secure these assistants will be. Schools may decide to use tools and platforms to help with management and administration, monitor the progress of students and communicate with other staff members and even with parents. There are copious uses of AI. However, we raise concerns about the cost of the equipment, such as interactive whiteboards, laptops or tablets. They do not come cheap and, as we know only too well, school budgets are stretched to the limit. So what priority will these have in the decisions of head teachers? If payment for those things means that schools go without other things, we have to address that carefully.

We are certainly well aware of the use of edtech for special educational needs. My colleague, the noble Lord, Lord Addington, who is dyslexic, has always relied heavily on devices to assist him. Many other students with different needs will find invaluable the use of adaptive technologies, such as braille machines and other pieces of equipment for blind students. Edtech can be transformational for students who otherwise would miss out on education.

Could technology also be used to ease teacher workload of lesson planning, marking and assessment? Our teachers provide an amazing service to pupils, parents and the country, and anything that helps to reduce workload has to be welcomed. However, once again, we need to be assured of confidentiality in

relation to young people. AI might tackle some of the administrative tasks that might keep teachers from investing more time with their peers or students.

There are arguments that edtech could contribute to pastoral support, mental health and pupils' well-being, but surely only up to a point. The personal touch of teachers and parents can never be sidelined. According to the Government, the UK's edtech sector is the largest in Europe. They also report that UK schools already spend an estimated £900 million a year on educational technology. If that means that it improves learner engagement and progress, this has to be money well spent. We know that during Covid edtech was invaluable, but surely machines, however sophisticated, can never replace face-to-face teaching.

I will digress slightly by saying, particularly in response to the comment by the noble Baroness, Lady Morgan, that the noble Lords, Lord Knight and Lord Aberdare, and I are on a committee looking at 11-16 education, and we have concluded that GCSEs have completely failed our young people. Our report will come out in December, and I urge noble Lords to look at it because the whole process of 11-16 education is deeply flawed at the moment.

I look forward to the Minister's reply and hope that the country's students will be able to benefit from dedicated teachers and world-class technology.

4.38 pm

Baroness Twycross (Lab): My Lords, it is a pleasure to speak in this debate. I pay tribute to the work of the noble Baroness, Lady Kidron, in promoting the interests of children in relation to AI and the need to put them at the heart of the debate on AI and online safety. Like the noble Baroness, Lady Garden, I am not an expert in technology, so I feel slightly at a loss compared to some of the greater knowledge in the Room, but I have learned a huge amount this week and in this debate.

Every part of our lives is already being affected by AI, but there is a huge divide between those who understand how it works and how it affects us, and those who do not. However, all policy areas should have a renewed focus on the risks and opportunities of AI, and this should be at the front and centre of our work here in Parliament. As the Tony Blair Institute has said, this is a technology with

"a level of impact akin to the internal combustion engine, electricity and the internet, so incrementalism will not be enough".

As the noble Baroness, Lady Harding, said, we cannot stop it.

I agree with the noble Baroness, Lady Kidron, that each part of the question could fill a debate on its own. She highlighted the global issues in inequality, which we should be concerned about. I will, however, focus on the UK in my remarks. Her examples of the need to ensure that children do not lose the opportunity to socialise and gain social development were powerful. Can the Minister provide reassurance on this and on the online safety issues and the need for safety tech? The noble Baroness, Lady Morgan, noted the advantages to some pupils with special educational needs, as did the noble Baroness, Lady Garden. This offers an immense opportunity. Is the Minister confident that this is being used effectively by schools and promoted effectively by the department?

My noble friend Lord Knight spoke about the need to redefine pedagogy to reflect tech change. This has to be a priority for all of us. I agree that we do not need to assume that we are going to have a dystopian future, but we need to have a balanced debate between this and the utopian vision. Sometimes, there is a big divide between those who see it as a dystopia and those who see it as a utopia. We need to find somewhere in the middle, otherwise we will not be able to embrace the potential, both for the children and for the country, and provide the safeguarding required.

Covid clearly fast-tracked technology in our schools. Technology clearly has the power to transform our education system. But we should not assume that technological advancements in our classrooms will automatically lead to educational advancements. Technology will not be the silver bullet that alone recruits, retains or replaces the teaching staff we desperately need. It will not rebuild our schools or bring a generation of persistently absent children back into classrooms—although there may be some ways in which it can help in terms of the administration of some of these issues.

As the pace of impact of educational technology threatens to outstrip our ability to respond to individual developments, we must work with schools, colleges, universities, employers and unions, as well as pupils and parents and others with parental responsibility to create an overriding strategy that can address the challenges, risks and opportunities that technology poses. I agree with the noble Baroness, Lady Morgan, that the curriculum needs to change. Her suggestion about education would perhaps ensure that policymakers better understand the tech as well. I would work on that.

The noble Baroness, Lady Garden, and my noble friend Lord Knight raised points around Oak Academy. The recent announcement on the new role of AI on the platform warrants additional answers from the department. Concerns have already been raised about the operation, evaluation and assurance at Oak National Academy. AI only serves to amplify this. Could the Minister tell us how much public money is being spent on this and what exactly it will provide? Will it provide exactly what teachers want and need?

Labour knows that we must better prepare our children and young people for the coming digital future. They must be able to use new, emerging and future technology. They must also understand how to shape these technologies and understand their opportunities, risks and limitations. The questioning style and the critical skills we need to teach children in this emerging area are vital. We must ensure that all young people are equipped with both literacy and numeracy skills as well as analytical, critical thinking, problem-solving, creative and collaborative skills that will enable them not only to adapt to change but to lead it and understand what their roles and opportunities are within this new technological world. In this context, I welcome the work undertaken by the organisation AI in Education and note the work done by the noble Baroness, Lady Morgan, and my noble friend Lord Knight. Could the Minister outline how the DfE is engaging with and learning from this group and ensuring its professional perspective and expertise? I was staggered

[BARONESS TWYXCROSS]

by the number of people involved when I looked through the website. It is a huge resource. How is the DfE utilising this expertise and the expertise of other groups, including those that have been mentioned in this debate?

I want to finish on the third question posed by the noble Baroness, Lady Kidron, on privacy for children and online safety and also raise questions on the potential for bias in AI algorithms, which may end up causing issues within all settings and educational settings in particular.

Can the Minister outline how the Government intend to protect the interests of children, not least in relation to privacy? Are they exploring measures from the Netherlands and Denmark, as the noble Baroness, Lady Kidron, highlighted? What advice are the Government providing to schools about the use of AI, and will they insist on safety by design, as the noble Baroness, Lady Harding, suggests? I will finish with a quote from the World Economic Forum:

“There is no doubt that artificial intelligence will change the way children interact with their surroundings including their learning, play and development environment. However, it is our responsibility to ensure that this change becomes a force for good”.

4.46 pm

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, I join other noble Lords in thanking the noble Baroness, Lady Kidron, for her work in establishing standards for online safety and privacy, and for securing this debate. Her speech highlighted many of the risks inherent in these technologies as well as some of the opportunities. My noble friend Lady Harding felt daunted after just a couple of your Lordships’ speeches, but I feel even more daunted coming at the end after such expertise and insight from your Lordships.

I am pleased to say in response to the question from the noble Baroness, Lady Twycross, about our work with AI in Education that we have been working and liaising with it, and I share the noble Baronesses’ respect. I also spent time on its website recently, and I was stunned at the range of resources that it has created. I was fortunate enough to be part of its conference yesterday, which was an incredibly vibrant event bringing together many teachers and educators from around the country.

My noble friend Lady Morgan suggested that the Government need to avoid playing catch-up; I am sure she will recognise that it feels particularly hard for government, which is perhaps not generally famed for its agility, to operate and not play catch-up in an area where the pace of change is so extraordinarily fast. The way I would try to characterise this for my noble friend is that we are looking at this through two lenses. The first is to stay very close to teachers and work closely with them to understand what their immediate needs and worries are in relation to these technologies, and make sure that we can respond to those where appropriate. However, this is also about working very hard on the medium and longer-term issues—I will touch a little more on that in my remarks, but I do not want to underestimate the scale of the task because I know my noble friend Lady Morgan does not either.

We want to create an environment where all schools and trusts can use technology to improve access to education and outcomes, reduce staff workload and run their operations more efficiently. Technology is certainly not an easy solution to all this, and the noble Baroness, Lady Kidron, raised important questions on the role of government in protecting students from the harms of technology. She asked whether we will introduce a data protection regime design for school settings; we are developing the Education Privacy Assurance Scheme—or EPAS to its friends—to work with education settings to help them understand and deliver their obligations and responsibilities in relation to data protection legislation. However, I will look more closely at the points she raised about the Data Protection and Digital Information Bill, and I will of course come back to the noble Baroness in writing with an update on that.

In relation to whether we will introduce standard procurement contracts, we are currently looking at the ways in which we can make the procurement of technology easier for schools. We have five ICT frameworks in place, which are accessible via the find a framework service, and we are looking at how we can support schools beyond the framework, such as providing support developing specifications.

In relation to the peer review of education technology, we have the same expectations for robust evidence for education technology as we do elsewhere in education. I think the House would acknowledge that we are genuinely world leading in our quality of our education research, and so only where there is robust evidence of the impact of technology will we go further in actively encouraging adoption of that technology in the classroom. We have provided £137 million to the Education Endowment Foundation. Its upcoming research trials will explore teaching approaches that use educational technology, including which features of the technology, and how they are used, may support academic attainment—or not, as the noble Baroness suggested.

In relation to filtering and monitoring, we have published standards to help schools understand their responsibilities and statutory duties to safeguard children online, and we have embedded these standards in our *Keeping Children Safe in Education* guidance. That update was launched in March of this year and the standards have had over 100,000 views, so this is clearly touching something that feels very relevant to schools. We have also provided useful links to training materials and guidance to support schools, including commissioning the UK Safer Internet Centre to create and run a series of webinars.

We have set technology standards on connectivity, cybersecurity, filtering and monitoring, use of the cloud, and servers and storage. We want all schools to meet these standards, which is one reason why we have provided £200 million of investment to upgrade schools that fall below our wifi standards. We are also piloting a digital service to help schools to benchmark their technology, identify areas of improvement and implement these recommendations. We are currently testing those in Blackpool and Portsmouth, and will open it up to more schools next year.

We know that technology evolves at pace and that adoption of generative AI is ever more widespread. We must work very closely with the whole education sector to provide support on how best to use the technology, maximising opportunity while minimising risk. My noble friend Lady Harding asked what the department is doing in relation to LLMs and some of the points she raised are certainly on our radar, or are things that we are actively working on. We began by launching a call for evidence on generative AI in education over the summer. We had 567 responses from practitioners, edtech companies and AI experts across all stages of education, and we will publish the responses this autumn.

In October, we began work with Faculty and the National Institute of Teaching to understand the possible uses of generative AI in education, in a safe setting, exploring the opportunities that this technology presents to reduce teacher workload; to improve outcomes, particularly and explicitly for children with special educational needs, as referred to by my noble friend Lady Morgan, and those from disadvantaged backgrounds; and to use the technology to run school operations more efficiently.

We have held our first hackathon, which was huge fun as well as very insightful. I hope that we can expand some of that work in the new year, and we will publish the findings in spring 2024.

I absolutely agree with the suggestion from the noble Lord, Lord Knight, about AI becoming a co-pilot with teachers. There has perhaps been a focus on using technology to substitute things that teachers already do rather than using it to enhance what they could do.

We have worked closely with Ofqual, Ofsted, the Office for Students and the Education Endowment Foundation as we develop our thinking. We are exploring the role of the Government in relation to the aggregation and curation of content, which the noble Lord, Lord Knight, referred to. We are also exploring our regulatory approach, including the role of a regulatory sandbox for looking at the behaviour of individual products, helping us understand what our regulatory approach should be and, as also picked up by the noble Lord, Lord Knight, looking at how we can maximise the value of our educational IP.

The noble Baroness, Lady Twycross, talked about the importance of children socialising. There are rightly concerns about tools that are serving children directly but, as the Committee has heard, our initial focus has been more on working with teachers and looking at some of the back-office functions. There is a tension and a need to hold on to the short-term pressures that teachers face in relation to the risk of plagiarising, for example; the medium-term issues about curation of content and regulation; and the really big-picture philosophical issues about how we think a classroom will look in five, 10 or 15 years.

My noble friend Lady Morgan and the noble Lord, Lord Knight, asked about and challenged the current curriculum. I remind the Committee that our focus on numeracy and literacy and a knowledge-rich curriculum has helped us to be ranked the highest country in the western world for the reading ability of nine and 10 year-olds. We rank fourth out of 43 countries that assessed children at the same time for the PIRLS 2021 survey. Similarly, we have seen significant improvement in maths. I am happy to write to noble Lords with more detail on the digital content in our curriculum.

My noble friend Lady Harding asked about the exception from the age-appropriate design code. There are exemptions for low-risk services, which include those managed by education providers, that are already subject to regulatory frameworks such as the Keeping Children Safe in Education framework.

Finally, in the last minute—which I do not have—I turn to the questions from the noble Baronesses, Lady Garden and Lady Twycross, about the role of Oak. Oak has been established as an arm's-length body and is working very collaboratively with the education system and with teachers across the country to develop free curriculum resources.

I end by crediting the hard work and tenacity shown by teachers and leaders up and down the country, and by reassuring the Committee that the Government remain committed not only to supporting schools and students to achieve the best possible results but to consulting and working closely with the sector as we develop our work on the technology that will touch every child and teacher.

Committee adjourned at 4.59 pm.

